

The Domestic Workers Convention: Interview with ILO's Manuela Tomei

The landmark treaty setting standards for the treatment of domestic workers that was adopted at the International Labour Conference in Geneva has been widely hailed as a milestone. The Convention and accompanying Recommendation on decent work for domestic workers aim at protecting and improving the working and living conditions of domestic workers worldwide -estimated to number anywhere between 53 million and 100 million. ILO Online spoke to Manuela Tomei, Director of the ILO's Conditions of Work and Employment Programme.

6/21/2011

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Why is this Convention needed?

Decent work deficits among domestic workers are huge. For over 56 per cent of domestic workers the law does not establish a limit on how long a working week can be. About 45 per cent of all domestic workers are not entitled to at least one day off per week. About 36 per cent of female domestic workers have no legal entitlement to maternity leave. Domestic workers are amongst the most vulnerable categories of workers, those who are already at the margin and least equipped to face the consequences of economic upturns. They comprise mainly women and girls who, to a large extent, work informally. Decent work for domestic workers means affording them respect and dignity and contributing towards their transition from informality to formality.

How does the Convention impact the status of domestic workers?

This instrument sends a very strong political signal. It constitutes an international commitment to work on improving the living and working conditions of a very large segment of the work force which has been historically excluded, either totally or in part, from the protection of labour law. When it ratifies the Convention, a country opens itself to international scrutiny and this puts pressure on member States to ensure that their laws and policies are in conformity with the Convention. The accompanying Recommendation, which is a non-binding instrument, provides practical and useful guidance on how to give effect to the obligations embedded in the Convention. The new standards on domestic workers are both robust and flexible. They guarantee minimum protections to domestic workers, while allowing for considerable flexibility and wide ratification and continuous improvement of their working and living conditions.

What concrete changes will it bring for domestic workers?

The very first one is that they are recognized as workers and are entitled to the minimum protections that all other categories of workers enjoy, at least legally. The Convention establishes the right of domestic workers to be informed, in a manner they could understand, of what the terms and conditions of their employment are: what is the work they need to carry out, how long they are expected to work, and how much, when and in what manner will they be paid. It also establishes limits to the proportion of remuneration that can be paid in kind, and provides for a weekly rest of at least 24 consecutive hours. The Convention also provides for special measures to address the vulnerability of particular groups of domestic workers: young domestic workers – those above the minimum age of employment and below 18 years of age – live-in domestic workers, as well as migrant domestic workers. For live-in workers, it sets minimum requirements in terms of accommodation and privacy. It requires member States to set a minimum age of employment for admission to domestic work, and to adopt measures so that child domestic workers can finish compulsory schooling, if they have not been able to do so because they engaged in domestic work at a very young age, and to facilitate their further education and vocational training.

For migrant domestic workers the Convention requires that they be provided with a written job offer or contract of employment before crossing the boundaries to take up the new job in the country of employment. Member States are also requested to take measures geared towards affording progressively domestic workers with minimum protections in respect of social security, including maternity benefits, on par with other categories of workers. Another important provision relates to private employment agencies, which play a very important role in the domestic work labour market. The Convention requires states to have clear rules

and procedures to prevent the type of fraudulent or abusive practices that unfortunately some unscrupulous private employment agencies have engaged in. The Convention recognizes the specific context in which domestic work takes place, namely the home, and strikes a balance between the right to workers' protection and the right to privacy of household members.

What is the impact on gender equality?

The impact is tremendous. The mere fact of stating unambiguously that domestic work is work is a very important step toward gender equality in the world of work, because domestic work mainly employs women. Everywhere in the world, regardless of the degree of socio-economic development, the vast majority of domestic workers are women: 90 to 92 per cent of the domestic work force comprises women and girls. The new instruments, by establishing the principle that domestic workers, like any other workers, are entitled to a minimum set of protections under the labour law, re-dress the historic undervaluation of domestic work. The mere fact of regulating this form of work is an acknowledgment of the crucial social and economic contribution of care work.

What are the next steps before the Convention comes into force?

There must be two ratifications. Before they can ratify, governments have to verify to what extent their current legislation and practices are in conformity with the obligations laid down in the Convention, and if this is not the case, to work to align them with the Convention. We have received encouraging signals from some member States that have expressed willingness to study very carefully the possibility of ratifying. Brazil, for instance, has indicated that it would like to be the first country to ratify this important Convention.

Will it have an impact on those that don't ratify it?

I definitely think the reply is yes. The impact of any ILO Convention goes beyond ratification. It becomes a framework of reference that can help member states lay the ground for ratification in cases where socio-economic conditions and realities might not be ripe for an immediate ratification. The impact also will be significant because the standard-setting process has been followed very closely beyond the ILO constituency. There has been a very strong mobilization from human rights activists, NGOs, domestic workers associations and women activists, so this instrument will be a very lively document that will lend legitimacy to the vindication of domestic workers.

How much work has the ILO put into bringing about this Convention?

It was the ILO that embarked on this standard-setting project. There had been a lot of research in order to get a more accurate picture of the numbers and profiles of domestic workers around the world, of the extent of legal protection they are afforded in different countries and of the type of legal protection that would help make a difference in their lives. ILO colleagues in the field have also played an important role in bringing this standard-setting process to the attention of the ILO's constituents and assisting them in contributing to it.

ILO concern about domestic workers dates back to the early 1930s. In the thirties there was recognition that domestic workers were a category of workers subject to considerable abuse, but there was the belief that this category of workers was doomed to disappear as a result of socio-economic progress and technological innovation; that vacuum cleaners, washing machines would replace them. History has proven this assumption wrong. Not only are there large numbers of domestic workers across the world, but they have been growing very significantly in the past decade.