1. Introduction

The Southern African Migration Management (SAMM) Project, funded by the European Commission, is a four-year project to improve migration management in the Southern African and Indian Ocean region. The SAMM Project is implemented by the International Labour Organization (ILO) in collaboration with the International Organisation for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the United Nations High Commissioner for Refugees (UNHCR).

The specific objectives (SO) and key results areas (KRA) of the project are as follows:

- **SO1**: Improved policy environment for labour migration across the region and improved access to legal and efficient means of labour mobility for (prospective) labour migrants.
- **KRA1.1**: Rights-based legal and efficient channels of labour migration and mobility (including appropriate protection measures for migrant workers) promoted and put in place in the Southern Africa / Indian Ocean region.
- **KRA1.2**: A Southern African and Indian Ocean migration observatory established and fully operational.
- **SO2**: Strengthened and informed decision-making as well as management of mixed migration flows, including improved protection of vulnerable migrants in the Southern African and Indian Ocean region.
- **KRA2**: Evidence-based management strategies and policies to address mixed migration challenges, including assurance of appropriate protection frameworks for vulnerable migrants, are formulated and implemented.

The project targets the following regional organizations: i) Common Market for Eastern and Southern Africa (COMESA), ii) the Southern African Development Community (SADC) and; iii) the Indian Ocean Commission (IOC). The project focuses on the Southern African Region, and targets the following 16 SADC countries: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho,
Domestic work is one of the most prominent sectors of migrant workers in Southern Africa. **Globally, one in 25 women workers is a domestic worker, and nearly one in every five domestic workers works in a country other than their own.** Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households in the framework of a work relationship through which the employed person receives remuneration, however this is often without clear terms of employment, without a work permit in the case of migrant domestic workers, and/or they work informally. Moreover, migrant domestic workers are often excluded from the scope of the labour legislation in their country of destination, and evidence indicates that the migrant population is more vulnerable than national domestic workers, often working longer hours, receiving lower wages and having more reported cases of sexual abuse and gender-based violence than their national counterparts. This has been underlined by the effects of the COVID-19 pandemic, which left many migrant domestic workers on the street when their employers lost their jobs.

In Africa, the integration of women into the labour market and an emerging middle class in urban centres have generated a greater demand for domestic workers. There are a number of issues underlying domestic work in the region, such as gender imbalances, social structures and norms, high informal employment, and migration of domestic workers, as well as trafficking of children and women into domestic work. Of all migrant workers in Sub-Saharan Africa, an estimated 9.4% of women and 5.8% of men are migrant domestic workers. Domestic work is one of the sectors driving migration in Southern Africa, especially to South Africa – the top destination for African migrants. While accurate data is hard to come by, we know that **domestic work is more common in Southern Africa than elsewhere on the continent.** Filling these data and knowledge gaps are key to design and implement evidence-based, gender-responsive policies and measures.

Against this backdrop, these Terms of Reference (ToR) define the background, purpose and outputs of this consultancy, which serves to produce a study on migrant domestic workers in the Southern Africa and Indian Ocean region. The type of contract is either Individual Contract (independent consultant) or Service Contract (research institution).

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1. ILO, n.d. *Domestic workers*
2. ILO, 2016. *Social protection for domestic workers: Key policy trends and statistics*
4. Note that Sub-Saharan Africa includes data from Central, Eastern, Southern and Western Africa. Of these, 13 of the 16 focus countries of the SAMM project are included: Botswana, Comoros, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe.
5. ILO, 2016. *Migrant Domestic Workers Across the World: global and regional estimates*
2. Background

A global snapshot

ILO estimates suggest that there are at least 67 million domestic workers worldwide, a number which is increasing steadily in both developed and developing countries. The vast majority of domestic workers are women – around 80% globally – although a substantial number of men work in the sector, often as gardeners, drivers, security guards or butlers. There are an estimated 11.5 million migrant domestic workers in the world. However, given that the work of migrant domestic workers takes place inside private homes, it is more likely to be undocumented in many countries. Therefore, this number is an underestimation, and so are the regional estimates.

Globally, the majority of domestic workers who migrate to another country do so to neighbouring countries, for example, from Lesotho, Malawi, Mozambique and Zimbabwe to South Africa. Often international movements of domestic workers within the region are the result of structural and gender changes in sub-regional employment. This is followed by migration between sub-regions and, finally, by inter-regional flows, e.g. from Africa to the Arab States, Europe and North America. The growth in the inter-regional migration of domestic workers, as seen in Africa, Asia and Latin America, is not matched by regional model competency standards (RMCS) that recognise the skills of women and men in this sector. In addition to facilitating mobility, such standards could capture and recognise their upward progression within the sector and contribute to workers’ ability to find employment in higher-complexity occupations within and outside the sector on returning in their countries of origin.

Migrants employed in the domestic work sector are essential workers in the COVID-19 response, playing vital roles in the care of children, sick and dependent people, as well as the maintenance of homes, which helps to prevent the spread of the virus. Despite their huge contribution to the functioning of households and the economy at large, they have been one of the groups most affected by the crisis, many who ended up on the street when their employers lost their jobs.

Domestic workers’ work is often undervalued and unprotected, which can and must be redressed. In many parts of the world, domestic workers face low wages, excessively long working hours, have no guaranteed weekly day of rest and are sometimes vulnerable to physical, mental and sexual abuse or restrictions on freedom of movement. Exploitation of domestic workers can partly be attributed to gaps in national labour and employment legislation, and often reflects discrimination along the lines of sex and race. 60 million of the world’s 67 million domestic workers still do not have access to any kind of

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7 This estimate is not including child domestic workers. For more, see ILO, *Child labour and domestic work*
8 In 2015, the ILO developed a comprehensive methodology for generating global and regional estimates of international migrant workers and issued the first edition of *ILO global estimates on migrant workers: Results and methodology* (ILO, 2015), including global and regional estimates of international migrant workers and international migrant domestic workers, with reference year 2013.
9 ILO, 2016. *Migrant Domestic Workers Across the World: global and regional estimates*
10 ILO, 2016. *Decent work for migrant domestic workers: Moving the agenda forward*
social security coverage. Extending labour and social protections to domestic workers, including migrant domestic workers, and eliminating the laws, policies and income differences that sustain the bad working conditions of women in this sector could significantly contribute to reducing gender inequality, poverty and social exclusion.

That said, behaviours of employers and domestic workers themselves are nested within broader social and gender structures, and the legacy of social, racial and class hierarchies that characterise the localities and generations from which they emerge. Gendered views on domestic work influence the under-valuation of this work – in other words, it is perceived to be a “women's and girls' work”, unprofessional and historically either low-paid or unpaid labour. Race and class discrimination further reinforce a depreciative view on domestic work, which perpetuates sub-standard working conditions. Socialisation processes can survive legal reforms. Whilst it is vital for domestic workers to be protected by institutional policies and adequate regulations, the importance of perceptions and the persistence of social hierarchies beyond legislative reform, highlight that it is just as important for these policies and regulations to be reflected in employers' and workers' practices. Bringing practice closer to universal standards and national legislation requires a surgical approach to awareness raising and capacity development that takes into account the diversity of these groups.

A regional snapshot

In Africa, domestic work is a significant source of employment, accounting for 2.2% of the labour force. Data from 2013 suggest that of all female paid employees in Africa, 13.6% are domestic workers. But there is more to the story: official figures should be read with some caution and are widely seen as an underestimate in a region where many say that “almost everyone has a domestic worker” and “even domestic workers in urban areas have domestic workers”. Indeed, data in Africa covers only 20 countries, accounting for 62% of the region's total employment, wherefore it is safe to assume that millions of domestic workers are invisible and currently not included in labour surveys. This points to another key issue underlying domestic work in the region, namely, statistics and data gaps and weak data collection, which hampers the design and implementation of evidence-based and gender-responsive policies and measures.

In Southern Africa, however – and notably in Botswana, Lesotho, Namibia, South Africa and Zimbabwe – domestic work is more common than in other parts of the continent. Causal factors behind this finding are likely to include the high income inequality featuring these countries, along with the widespread establishment of domestic work during the colonial period. For Sub-Saharan Africa, official data from 2013 suggest that migrant domestic workers make up around 7% of all migrant workers, as

12 ILO, 2016. Social protection for domestic workers: Key policy trends and statistics
13 ILO, 2016. Decent work for migrant domestic workers: Moving the agenda forward; UNODC, 2019. The example of domestic work in Gender and migration, Module 13: Gender Dimensions of Trafficking in Persons and Smuggling of Migrants
14 ILO, 2016. Decent work for migrant domestic workers: Moving the agenda forward
15 ILO, 2016. Ensuring protection and rights for domestic workers in Africa
17 Ibid. See also Fish, 2005, for South Africa under apartheid.
well as of all domestic workers. Of all women migrant workers in Sub-Saharan Africa, about 1 in 10 is a female migrant domestic worker, and female migrant domestic workers make up almost 5% of all women employed in this sector.\(^\text{18}\) However, as noted above, the data-collection challenges and data gaps in the region, together with the hidden nature of migrant domestic work, make it safe to say that these figures are an underestimation.

**Zimbabwe** has taken a step forward in the development of reliable statistics on migrant workers, including domestic workers. Zimbabwe’s 2014 *Labour Force and Child Labour Survey* included a module on the economic activity of Zimbabwean emigrants abroad, including those in the domestic work sector.\(^\text{19}\) This methodology is a positive contribution, not least considering the important number of SADC countries with net emigration. In **Namibia**, the domestic work sector employed 10.9% (36,000 workers) of all employed workers in 2008.\(^\text{20}\)

**South Africa** is the country with the highest number of domestic workers in Africa. Its larger economy and demand in such sectors as domestic work and other services, alongside agriculture, mining and construction, shape the migration patterns in Southern Africa.\(^\text{21}\) Indeed, South Africa is the top destination for migrants from Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe.\(^\text{22}\) In 2010, 1.1 million domestic workers worked for private households, with a majority concentrated in the provinces of Gauteng and KwaZulu-Natal and with an overrepresentation of migrant workers. More than three out of four domestic workers in South Africa are women, and the sector was the country’s third largest employer for women in 2010, employing approximately 15.5% of all women workers.\(^\text{23}\) The sector has long been an important sector of employment for Black South African women and increasingly women migrants from other African countries,\(^\text{24}\) which calls for an intersectional approach in the analysis of these trends, taking into intersecting characteristics such as gender, migration status, race, age, religion and labour status.\(^\text{25}\) Analyses show that where grounds of discrimination intersect – such as in the case of a young, undocumented migrant domestic worker in the informal economy – the risk of violence and harassment in the world of work is exacerbated.\(^\text{26}\)

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18 ILO, 2015. *ILO global estimates on migrant workers: Results and methodology*


20 ILO, 2013. *Domestic Workers Across the World: Global and regional statistics and the extent of legal protection*

21 ILO, 2019. *Labour Migration in Africa*

22 UNDESA, 2019. *International migrant stock 2019*


25 See, for example, Hurlbert, Emma Lin, 2020. *Undocumented women domestic workers in South Africa: and intersectional look at marginalisation and inequality*

26 ILO, 2019. *A quantum leap for gender equality: for a better future of work for all*
Insufficient legal coverage is another underlying contributor to the decent work deficits in the sector across the region. In Africa, 85% of domestic workers are covered in part by the general labour laws and in part by subordinate regulations or specific labour laws. A major challenge is the effective enforcement and implementation of legal frameworks. At national and sub-regional level, tripartite consultations are underway in a number of African countries and Regional Economic Communities (RECs) (e.g. SADC, EAC, IGAD, Morocco, South Africa, Zimbabwe, and Tanzania) to design rights-based and sector-specific labour migration policies. While the South African Domestic and Services Allied Workers Union (SADSAWU) has adopted a national strategy, protection remains limited in practice. For example, many migrant domestic workers have challenges in accessing healthcare services when they get sick, which is exacerbated by prevalent levels of HIV/AIDS infections amongst them. Over the last two decades, domestic workers worldwide have mobilized to defend and promote their rights to decent working conditions and full recognition of domestic work as a formal form of work.

Building on this movement, and in an effort to improve national domestic work laws and practices of ILO Member States, with a view to promoting decent work in the sector, the ILO adopted the Domestic Workers Convention (No. 189) in 2011, along with Recommendation No. 201 concerning domestic workers. These have become the most important instruments on ensuring that the basic principles and minimum labour standards for domestic workers are met. It should also be noted that Recommendation No. 202 on social protection floors recognizes the need to apply the principles of non-discrimination, gender equality and responsiveness to the special needs of certain groups, such as domestic workers.

Among the SAMM project focus countries, four have ratified the Domestic Workers Convention C189: Madagascar, Mauritius, Namibia and South Africa and alongside these, Zambia also has some legal provision for social security coverage of domestic workers. Importantly, the situation of domestic work in Africa is gaining momentum with labour market institutions’ interventions seeking to address inequalities and vulnerabilities of domestic work, and improve the working and living conditions of domestic workers. Progress has been made in promoting domestic workers’ rights in Angola, Tanzania and Zambia. In South Africa, for example, domestic workers were incorporated in the Unemployment Insurance Fund (UIF) in 2003, although with differing requirements for access to certain benefits, like working at least 24 hours per month to receive sickness benefits.

Constituents in Angola, the Committee of Unionized Women and the Domestic Workers Union were capacitated to support the rights of domestic workers, and to lobby for the ratification of C189. As a result, the Angolan Union of Domestic Workers initiated the campaign End Modern Slavery and began

27 ILO, 2016. Report of ILO’s Interregional Knowledge Sharing Forum: good practices and lessons learned on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia, (5-7, May 2016), Antananarivo, Madagascar
28 OECD and ILO, 2018. How Immigrants Contribute to South Africa’s Economy
30 UNODC, 2019. Gender and migration, Module 13: Gender Dimensions of Trafficking in Persons and Smuggling of Migrants
31 The Convention will enter into force for Namibia on 09 December 2021. For Madagascar, Mauritius and South Africa, C189 is in force.
lobbying the Government and parliamentarians to ratify C189. In Zambia, national surveys on the magnitude of domestic workers in Zambia and the patterns of employment arrangements and working conditions in domestic work in Zambia were conducted to ascertain whether domestic work was gender-responsive, and to examine the issues of maternity protection, work–life balance, and gender stereotypes within different kinds of domestic work. In Tanzania, an advocacy campaign is underway to promote awareness and knowledge of domestic workers’ rights and the training of trade unionists, with inputs from gender specialists. Additionally, Mozambique is among the countries globally that are implementing measures to strengthen legislation or to create new instruments to extend coverage.

Introduction to this assignment

This year, the ILO is celebrating the 10th anniversary of C189, and for that occasion, the ILO Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) is producing a major publication that will include new estimates on domestic workers and an update of the progress made in law and policy on domestic workers over the past 10 years. In light of this important work, and in the context of the SAMM project’s work to improve migration management in Southern Africa, the project, with technical support of the Labour Migration Branch (MIGRANT), seeks to publish a complementary brief on progress made in law and policy on migrant domestic workers in the region, where possible with new estimates.

3. Objectives and methodology

The objective of this consultancy is to produce a study on migrant domestic workers in the Southern Africa and Indian Ocean region, including on progress made in law and policy in the past 10 years and, to the extent possible, highlight existing and new statistics on this workforce based on country-level data and/or surveys on migrant domestic workers.

Labour Migration thematic areas covered:

- Summary of international labour standards on the protection of migrant domestic workers;
- Statistics/estimates of domestic workers in the region, disaggregated by gender and migrant status, where such statistics are already available or can be generated;
- Mapping of available official quantitative data and complimentary qualitative information to estimate the size of the sector and the contribution of migrant workers, at national levels;
- Policies and/or strategies related to domestic work in general and migrant domestic workers in particular, at regional (SADC, COMESA, IOC) and national levels;
- Bilateral labour migration/circular migration agreements of relevance for domestic work across the region and with third countries;
- Good practices concerning initiatives towards fair recruitment and decent employment for migrant domestic workers in the region; and
- Social protection for migrant domestic workers.

The consultant(s) will apply a mixed-methods methodology consisting of several steps to produce the brief on migrant domestic workers in the region with country-level estimates and information on progress made in law and policy in the countries covered by the project, where available. If conditions and health precautions allow, visit to selected countries are envisaged for in depth research, and follow-
up data collection and stakeholder discussions (feasibility to be assessed at a later stage). Where data is available and national figures are included in the study, coordination with INWORK is expected, with the support of SAMM supervising staff. New statistics can also be generated for selected countries based on recent census or survey information. This report is being commissioned at the same time as a second report on gender dimensions and gender gaps in decent work outcomes for migrant workers in the region. Coordination with the researcher/author of that second report is required, in order to ensure complementarity between the reports and to minimise duplication of contents, findings, and results. SAMM supervising staff will facilitate communication between consultants.

Sources of information include:
- Review of available literature, policy documents, data and other information, including from international and regional institutions and national stakeholders;
- Discussion with national stakeholders including government departments, employers' and workers' organizations, networks of migrant domestic workers, etc.

4. Outputs

The consultant is expected to deliver the following outputs:
- Detailed workplan including methodological framework, preliminary secondary sources to be used, and potential timelines.
- Draft analytical report of no more than 50 pages.
- Final analytical report, with sections on each of the thematic areas identified, of no more than 50 pages, including regional-level policy. Final report should be of publishable standard. The structure should be agreed in advance with the SAMM CTA.
- Metadata database of sources used (detailed reference lists, databases accessed and type and quality of information available in each, etc.).
- Up to 3 advocacy products based on the research findings and implications, tailored to various audiences (such as policy briefs, PowerPoint presentations, flyers, briefs, etc.).

5. Timeline, budget and payment method

The contract is for 30 non-consecutive days, over a three month calendar period. Transport and logistics costs to undertake the assignment will be assessed at a later stage, depending on feasibility of face-to-face meetings due to COVID-19 lockdown measures.

The report will be completed under the overall supervision of the ILO Chief Technical Advisor of the SAMM project and ILO Labour Migration Specialist in Pretoria, who will liaise with SAMM implementing partners.

Payments will be made upon submission of a certification of payment form, and acceptance and confirmation by the supervisor on the outputs delivered. If the quality does not meet standards or
requirements, the consultant will be asked to rewrite or revise (as necessary) the document before proceeding to payment.

Payments will be organized according to outputs achieved:

- **Output 1** – Detailed work plan including methodological framework, preliminary secondary sources to be used, and potential timelines, 20%
- **Output 2** – Draft analytical report of no more than 50 pages, following the structure agreed with the SAMM CTA, as well as metadata database of sources used, 40%
- **Output 3** – Final analytical report of publishable standard, with sections on each of the thematic areas identified, of no more than 50 pages, following the agreed structure, as well as up to 3 tailor-made advocacy products, 40%.

### 6. Qualifications

**Education:** Advanced degree in social science.

**Experience:** Demonstrated experience in the fields of migration and quantitative data analysis, including on labour and mixed migration issues, and in working with international agencies, in particular the UN agencies implementing the SAMM project as well as COMESA, IOC and SADC. Country-level experience in at least some of the countries targeted by the project. Proven experience in carrying out analytical work in public policy, in particular on labour migration policies, laws, and trends. Strong knowledge of international standards on international labour migration is required.

**Languages:** Excellent command of English; working knowledge of French and/or Portuguese is an advantage.

### 7. Expression of interest

The ILO is interested in considering proposals from both individual consultants and research institutions.

Candidates should submit:

- Updated CV and/or institutional profile;
- A technical proposal (Expression of Interest) not exceeding 4 pages in length with a description of the proposed research approach to carry out the required work;
- A detailed financial proposal expressed in daily fees to achieve expected outputs.

Please consider that:

- Transport and logistics costs to undertake the assignment will be assessed at a later stage, depending on feasibility of face-to-face meetings due to COVID-19 lockdown measures, hence they should not be included in the budget.
The ILO only contracts individuals or companies in its Suppliers Database and forms will be supplied along with acknowledgement of receipt of proposal should the individual or company not be registered with the ILO.

The technical and financial proposal submissions should reach the ILO no later than midnight South Africa Standard Time 16th May 2021 and should be sent to the following emails: samm-project@ilo.org and cc'd to ngoveni@ilo.org.

8. Preliminary list of references to be used

- ILO, 2019. Labour Migration in Africa
- ILO, 2018. ILO Global Estimates on International Migrant Workers – Results and Methodology (Second edition)
- ILO, 2016. Social protection for domestic workers: Key policy trends and statistics
- ILO, 2016. Decent work for migrant domestic workers: Moving the agenda forward
- ILO, 2016. Discussion paper: ILO’s Interregional Knowledge Sharing Forum: good practices and lessons learned on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia
- ILO, 2015. ILO Global estimates on migrant workers: Results and methodology (First edition)
- ILO, 2013. Briefing Note: An overview of domestic work in Africa
- Relevant ILO websites, such as the Domestic workers portal and the Domestic Workers Convention, 2011 (No. 189) portal
- OECD and ILO, 2018. How Immigrants Contribute to South Africa’s Economy
- UNODC, 2019. Gender and migration, Module 13: Gender Dimensions of Trafficking in Persons and Smuggling of Migrants

A more detailed desk review is to be carried out by the consultant, including but not limited to technical documents, academic studies, reports, datasheets, presentations and other online information.