



International
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Office

Eliminating child labour in domestic work and protecting young domestic workers, of legal working age, from abusive conditions¹

International Labour Office
**Making Decent Work a Reality for Domestic Worker in Africa:
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According to the recently adopted Domestic Workers Convention, 2011 (No. 189), domestic work means work performed in or for a household or households and a domestic worker is any person engaged in domestic work within an employment relationship.

Child labour is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. It also refers to work that interferes with children's schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work.

According to ILO estimates, in 2008, at least 15.5 million children aged 5 to 17 years were engaged in domestic work in the household of a third party, i.e. under an employment relationship. Of these children 10.5 million are estimated to be in child labour either because they are below the legal minimum working age, or are working under hazardous conditions or in circumstances tantamount to slavery. Girls in domestic work far outnumber boys, although boys also feature in significant numbers. Children trapped in child labour in domestic work are among the less visible child labourers. However, domestic work performed by children (a person under the age of 18) does not always mean child labour, as many young workers under the age of 18 and above the minimum age of employment are legitimately working as domestic workers in a third party household.

Child domestic work: pull and push factors and main facts

The root causes of child domestic work are multiple and multi-faceted. Poverty and its feminisation, social exclusion, lack of education, gender and ethnic discrimination, domestic violence, displacement, rural-urban migration and loss of parents due to conflicts and diseases, are just some of the multiple “push factors” for child domestic workers worldwide. Increasing social and economic disparities, the perception that the employer is simply an extended “family” and protected environment for the child, the increasing need for the women of the household to have a “replacement” at home that will enable more and more of them to enter the labour market, and the illusion that domestic service gives the child worker an opportunity for education, are some of its “pull factors”.

By far, poverty is the most important factor in pushing children into work. A prime motivation for child domestic workers is to earn money but often they are also motivated by the desire to do what they consider it is expected from them.

The hazards and risks linked to this practice are a matter of serious concern. The ILO has identified a number of hazards to which domestic workers are particularly vulnerable. Some of the most common risks children face in domestic work are:

- long and tiring working days;
- use of toxic chemicals;
- carrying heavy loads;
- handling dangerous items, such as knives, axes and hot pans;
- insufficient or inadequate food and accommodation; and
- humiliating or degrading treatment, including physical and verbal violence, and sexual abuse.

In many instances, these hazards need to be seen in association with the denial of fundamental rights of the children such as, for example, access

to education and health care, the right to rest, leisure, play and recreation and the right to be cared for and to have regular contact with their parents and peers (UN Convention on the Rights of the Child). These factors can have an irreversible physical, psychological and moral impact on the development, health and well-being of the child.

Given the complexity of its root causes and impact, any effort to adequately and efficiently address child labour in domestic work and to provide adequate protection to young domestic workers, of legal working age, must therefore be of a multidisciplinary, multi-faceted and integrated nature. Such efforts have to be linked to the broader context of poverty reduction, elimination and prevention of the worst forms of child labour and promotion and enforcement of fundamental principles and rights at work.

Child domestic work in Africa

In Africa, domestic work is often embedded in practices of support, reciprocity and interdependence between relatives, friends or people belonging to the same community. This is one of the reasons why it is difficult to have accurate data on domestic workers in general and on child and young domestic workers more specifically. Currently available information on domestic workers in Africa stems largely from case studies and small sets of qualitative interviews.

Broad-based and reliable data, better knowledge about domestic workers and their employers are necessary in order to raise awareness, facilitate social dialogue and shape meaningful decisions on actions and policies. However, the lack of accurate and sex disaggregated data on domestic workers is a major issue, in the African region as well as in other regions. This situation does not facilitate the establishment of policies and programmes in order to properly address the challenges. Only few countries in Africa can provide accurate sex disaggregated data on

young workers in general and domestic workers in particular. South Africa and Namibia are some of them.

In West Africa, for instance, most children get involved in domestic chores in their own home from an early age; they start with small tasks that gradually increase in complexity and workload. The educational purpose is to teach them the necessary practical, economic and social skills for adult life. In particular, with regard to children below the minimum age for employment, when undertaken in their own homes, in reasonable conditions, and supervised by those closest to them, such chores can be an integral part of family life and of growing up. However, in certain situations where these workloads might interfere with the children's education or be excessive, they can be tantamount to a child labour situation.²

Parents and children, and often also employers, see child domestic work as part of a learning process. Children, in particular girls, are placed with employers or relocate to a relative's house to help out with domestic work while pursuing their education. Many of the situations of placement of children with close relatives are, de facto, employment situations, irrespective of the fact that the child might or not be paid a salary.

Child domestic work is very often exacerbated by the traditional practice of child "fostering" by parents in poor rural households. It involves the voluntary movement and relocation of children from rural settings to relatives and family friends resident in urban cities with the understanding that they would have better opportunities to receive education thereby improving their chances of attaining a good quality of life.

Example from Guinea shows that just over half the Guinean girls working in domestic service in the mid-2000s had been sent by their parents to close kin in fostering arrangements, while the rest worked with unrelated employers. Many of these girls had been recruited

by women linked with their village through kinship or trading activities. Girls also travel to the capital (Conakry) on their own and then turn to a woman from their home region that would find them a job and host them until they start working.³

Other well documented examples of child fostering, are the "confiage" (in West Africa) and the "vidomegon" (in Benin) systems, whereby children from rural areas are taken in by family members in the cities.

In Tanzania, urban middle-class women have drawn on the tradition of "undugu" (a Swahili term meaning "brotherhood") as a means of obtaining the labour of "house-girls" from rural areas while fulfilling their moral obligations to care for the extended family. These girls often have no access to education. There are a number of reported cases in Africa of exploitative conditions and child labour, under which children of relatives work for their better-off aunts and uncles.⁴

In fact, such arrangements are frequently misleading and might result with the children ending up in abusive working conditions, and in the worst case scenario, in a slavery-like situation in domestic work, i.e. a worst form of child labour under C182.

Ways forward to abolish child labour in domestic work and to protect young domestic workers

To address the issue of child labour in domestic work, special consideration should be given to the needs and vulnerabilities of children.

Many child domestic workers had already dropped out of school, or were never enrolled, due to their family's poverty. The prohibition, prevention and elimination of child labour in domestic work, the protection of young domestic workers of legal working age, and awareness raising and the provision of education or vocational training should be at the heart of the initiatives to be developed by governments, the social partners, including domestic workers' organizations, and civil society

organizations.

ILO has adopted specific instruments to abolish child labour, in particular, the worst forms of child labour and to protect those of legal working age, namely: Convention No.138 and Recommendation No.146 on minimum age (1973) and Convention No.182 and Recommendation No. 190 on the worst forms of child labour (1999).

Convention No.138 (Minimum age convention) provides that the minimum age for admission to employment or work shall not be less than the age of completion of compulsory schooling, and not lower than 15 years. However, a Member whose economy and educational facilities are insufficiently developed may initially specify a minimum age of 14 years. In addition, the ratifying countries national laws and regulations may permit children below the minimum age to carry out "light work" which should be limited in nature and duration in order to facilitate their access to the schooling system. The convention also sets at 18 years the minimum age for hazardous work, i.e. employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons.

Convention No.182 (Worst Forms of Child Labour Convention) asks ratifying countries to take immediate and effective measures, as a matter of urgency, to secure the prohibition and elimination of the worst forms of child labour, namely slavery-like practices, the sexual commercial exploitation of children, the participation of children in illicit activities and hazardous work.

In 2011, the ILO adopted Convention No. 189 and Recommendation No. 201 on domestic work. Convention No.189 asks ratifying states to set a minimum age for domestic workers consistent with the provisions of Conventions No. 138, and not lower than that established by national laws and regulations for workers generally, Article 4(1). The Convention also stipulates that "Each Member shall take measures to ensure that work performed by domestic

workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training", Article 4(2).

Recommendation No. 201, Paragraph 5(1) asks Members to identify, prohibit and eliminate types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children. In Paragraph 5(2), it also suggests specific measures, "when regulating the working and living conditions of domestic workers", to protect young domestic workers, including by:

1. Strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
2. Prohibiting night work;
3. Placing restrictions on work that is excessively demanding, whether physically or psychologically; and
4. Establishing or strengthening mechanisms to monitor their working and living conditions.

These instruments can be useful for the elaboration of policy, regulations or legal framework for prohibiting child labour in domestic work and improving the working conditions of young workers of legal working age in domestic work.

In addition, to be effective, laws and policies must be promoted through preventive measures and, where necessary be enforced by appropriate penalties. National appropriate measures should be developed to tackle child labour in domestic work and to identify and register young domestic workers when they can legally work.

Finding and developing locally adaptable methods for systematic monitoring of child labour and youth employment situations in domestic work should be emphasized, and accessible complaint mechanisms established.

States should also ensure that children in child labour situations and young workers in domestic work have access to justice and legal redress.

Legislative and regulatory action should be accompanied by safety net measures in order to make them sustainable. Experience shows that economic growth, respect for labour standards, universal education and social protection, together with a better understanding of the needs and rights of children, can bring about a significant reduction in child labour.

Many African countries have developed initiatives preventing child labour, Cote d'Ivoire, Ghana South Africa and Togo are among them.

In Cote d'Ivoire, Decision No 009 MEMEASS/CAB of 19 January 2012 prohibits the employment of children below 16 years in domestic work. According to the Decision, where domestic work is performed as part of vocational training, children may perform it as of 14 years.

In Ghana, the Children's Act of 1998 (Act No. 560) prohibits exploitative labour, including exploitative child domestic labour, thus offering protection and making it clear that child labour is exploitative when it deprives the child of health, education or development (Section 87). In addition, the new Domestic Violence Act of 2007 (Act No. 732) lists house help among the group of persons in a domestic relationship.⁵

In South Africa, the Basic Conditions of the Employment Act makes provision for Sectoral Determinations that afford protection to workers employed in vulnerable sectors. The Sectoral Determination 7: Domestic Workers establishes basic conditions of employment for workers employed in the sector to address the vulnerabilities they face. In addition, South Africa's Child Labour Action Programme and National Action Plans for the Elimination of Child Labour mainstream child labour concerns into the review of national policy and legislative frameworks. Focused areas of intervention in this regard will entail technical inputs and advisory support in the review and

drafting of policy and legislation to prohibit child labour and child domestic servitude.

Togo's Order No 1464 MTEFP/DGTL of 12 November 2007 considers as hazardous any work carried out in urban centres.

Other actions include the promotion and ratification of Conventions Nos. 138 and 182 and 189. Awareness raising campaigns and advocacy against child labour in general, and child domestic work in particular, capacity building of social partners for a better comprehension of child labour, support to domestic workers organizations, are other measures that could contribute to abolish child labour in domestic work or to improve the working conditions of young domestic workers.

In Tanzania, for instance, the Conservation Hotels Domestic and Allied Workers' Union (CHODAWU) has contributed to withdrawn more than 6000 children from child labour in domestic work with ILO support (through IPEC).

Young domestic workers: main issues and challenges

In many African countries, persons above the minimum age and below 18 are legally permitted to be engaged in employment or work, including in domestic work. However, in most African countries, young domestic workers face a lack of legislative measures protecting them, or a lack of enforcement of such measures, or still the lack of incentives facilitating their access to education and training (such as special working time arrangements facilitating access to school, and granted costs of school fees, among other). In addition, in most African countries, domestic workers, in general, and young domestic workers, in particular, suffer from not being recognised as workers - as many of them are relatives of the family where they live and work.

Legislative measures and access to education and vocational training are among the measures governments could emphasize in order to strengthen the protection of young domestic

workers in Africa. For that reason, safeguards should be put in place to ensure their protection and to guarantee their attendance at schools and in vocational training. Countries should also include in their legislation specific measures to protect young domestic workers' health and safety.

The Sectoral Determination 7 of South Africa is a good example. It provides restrictions on a child's performance on domestic work that might jeopardize their well-being. Among the provisions of the Sectoral Determination 7, punitive measures for employers that place at risk the child's and young person's well-being, education, physical or mental health, or spiritual, moral or social development.

Supervision and State oversight of young domestic workers are also important means to protecting the rights of young domestic workers. Such supervision can be guaranteed through provisions of contract requirements which will help ensure good conditions of employment and respect of workers' rights and monitoring of their employment.

Limitation of working time and restrictions on excessively demanding tasks are important measures:

Working time restrictions can play an important role in ensuring access to education and training. They also

addresse physical health issues of young domestic workers. Examples of limiting working time can be limiting the weekly and daily hours, the prohibition of night work, etc.

The same holds for the restrictions of excessively demanding tasks such as lifting heavy objects, carrying objects long distances, climbing ladders or cleaning windows in dangerous environment, or suffering exposure to dangerous and toxic products.

Questions for discussion

1. What are the main issues and challenges related to child domestic work in your country, both with regard to the elimination of child labour and the protection of young workers in domestic work?
2. How can those issues be addressed by the government, the social partners and other stakeholders in order to protect children from child labour in domestic work and to strengthen the rights of young domestic workers?
3. Do you have specific practices to share on the elimination of child labour in domestic work and on the protection of young workers of legal working age in domestic work in your country?

¹ For the purpose of this note, "child domestic work" refers to children's work in the domestic work sector in the home of a third party or employer. Where that work is performed by children below the relevant minimum age (for light work, full-time non-hazardous work and hazardous work respectively) that work is referred to as "child labour in domestic work". Where the conditions of work and the age of the child concerned meet the requirements of international labour standards, the work is referred to as "youth employment / young workers in domestic work".

² With regard to the domestic chores performed in the own home, i.e. for the direct family, the employment relationship element, required by C.189, is not present, therefore we should avoid referring to those situations, where they are tantamount to a child labour situation as child labour in domestic work.

³ Human Rights Watch (2007) Bottom of the ladder. Exploitation and abuse of girl domestic workers in Guinea. Volume 19, No. 8(A), New York.

⁴ Human Rights Watch, "Inside the home, outside the law, Abuse of child domestic workers in Morocco", Vol. 17, No.12E, December 2005; Vision Syndicale Numéro 16, Confederation syndicale internationale, Decembre 2009; Mélanie Jacquemin, « "Petites nièces" et "petites bonnes" à Abidjan. Les mutations de la domesticité juvénile », cité dans Travail, Genre et sociétés, No.22 édité par A. Michel, A. Fine, et I. Puech (Broché : 2009) ; « Au Maroc les "Petites Bonnes" se comptent par dizaines de milliers », Le Monde, Mai 11, 2010 http://www.lemonde.fr/planete/article/2010/05/11/au-maroc-les-petites-bonnes-se-comptent-encore-par-dizaines-de-milliers_1349313_3244.html ; UNICEF, "Senegalese Girls Forced to Drop out of School and Work as Domestic Help" 16th November 2010, http://www.unicef.org/education/senegal_56856.html ; Human Rights Watch, Bottom of the ladder: Exploitation and abuse of girl domestic workers in Guinea, June 2007 (Vol. 19 No.8(A)); Annamarie Kiaga & Vicky Kanyoka, Decent work for domestic workers: Opportunities and challenges for East Africa, ILO Country Office Dar Es Salaam, May 2011.

⁵ Domestic work and domestic workers in Ghana: An overview of the legal regime and practice, ILO 2009.

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