



International
Labour
Organization

Decent Work Agenda for Domestic Workers

Factsheet on **Domestic Workers in Indonesia**

Addressing the Urgent Protection Needs of Indonesian Domestic Workers

Domestic work constitutes an important and growing sector of the Indonesian economy. As Indonesian women in urban areas increasingly enter the workforce, there is a growing and high demand for domestic workers to help out with such tasks as cooking, cleaning, laundry, and taking care of children and the elderly.

Most domestic workers live in the household of the employer, which means that they work and live hidden from public view. Furthermore, many domestic workers never leave the household during the period of their employment. While this arrangement has proved beneficial for many domestic workers, who were able to send money home and/or establish some savings, many others face serious problems and abuse. The problems they frequently face range from non-payment of salary and excessive workload to mental abuse, sexual harassment and abuse and physical abuse.



Q&A - Domestic Workers in Indonesia

"I finished elementary school, but my family had no money to pay for school fees, so I started working as a domestic worker in North Sumatra. I was thirteen years old then.

The employer never hit me, but would say dirty things. The male employer would call me a "cunt" and would invite me for a walk and (to) rent a room.

That made me uncomfortable. I felt scared. The employer would give me food once a day, but if I ate more than that, she would shout at me and call me pig. I was hungry- that is why I would take a little more food. I had no day off. I was always depressed because I could not leave the house to visit my mother or sister. No one came to see me. It was not allowed."

Vina, Medan, December 15, 2004.

Source: Always on Call. Abuse and Exploitation of Child Domestic Workers in Indonesia, Human Rights Watch, June 2005.

Many domestic workers who experience serious problems during their employment find themselves isolated and do not know where to seek assistance. Their problems are compounded by the fact that domestic work is considered to be informal work, to which national labour laws and government regulations, which provide protection to workers in other sectors, do not apply. As a result, domestic workers do not only suffer from some of the lowest salaries and the hardest working conditions in Indonesia, but also continue to be highly vulnerable to exploitation and abuse in their workplace. The ILO has identified as one of its key objectives in Indonesia to stop exploitation at work, which also addresses exploitation of domestic workers. The ILO,

through its Migrant and Domestic Workers' Project, works closely with the Indonesian government and other stakeholders to combat forced labour and trafficking in Indonesia. It focuses particularly on the protection of workers vulnerable to such exploitation and abuse, among these notably domestic workers, whether working in Indonesia or abroad.

Who are Indonesia's domestic workers?

- Domestic workers are persons, mostly women, who work in a household other than their own, and carry out tasks such as cooking, cleaning, child- and elder-care in return for pay or in-kind compensation.
- More than 90% of domestic workers are female.
- Most domestic workers are from low-income families in rural areas.
- The majority of domestic workers in Indonesia are from Java; according to some surveys, over 90% of domestic workers in Jakarta are from Java.
- Mostly, domestic workers have a low educational level (not more than elementary school level).
- Domestic workers are usually young and unmarried; estimates of the average age vary, but indicate that most domestic workers are between 13 and 30 years of age.

How many domestic workers are there in Indonesia?

- It is difficult to give exact numbers, because domestic work takes place in the private household, which makes official oversight difficult. The national census does not capture the actual number of domestic workers because often, they are not registered as domestic workers in household surveys. In 2002, a study by ILO IPEC estimated that there were about 2,593,000 domestic workers in Indonesia.

Why do domestic workers face problems?

- While many domestic workers are able to carry out their tasks in a mutually beneficial way and without encountering any major difficulties in their employment relationship, others face serious problems and abuse. Domestic workers are in a vulnerable position, which is due to many factors:

- 1) Domestic work is not considered to be formal 'employment' in Indonesia, meaning that domestic workers are excluded from the national labour legislation, which provides basic rights to workers in other sectors. This means that there are no regulations with regard to minimum salary, work hours, leave, insurance, etc. for domestic workers and these issues are largely left to the employer to determine;
- 2) Domestic workers mostly live in the household of their employer, which means that their work conditions and the treatment they receive are largely hidden from the public view;
- 3) Domestic workers often work far from their home, so that they are isolated and have no friends or relatives to turn to.

What kind of problems do domestic workers face?

- Domestic workers may find themselves in exploitive and/or abusive work conditions:
 - They often have to work long hours (sometimes up to 20 hours) and are not provided adequate time to rest; in a survey among domestic workers in Java, 39% indicated that they were not allowed to have break time ;
 - Often, domestic workers do not get a day off: a survey found that 55% of respondents did not get a weekly day off ;
 - Often, the employer does not pay the promised amount of salary, or even pays no salary at all for several months;
 - Many domestic workers face inadequate living conditions and are not provided with enough food;
 - Sometimes, domestic workers are prevented from leaving the house and/ or from leaving their job;
 - Employers often confiscate their workers' identity and travel documents;
 - Some domestic workers also face serious abuse, such as mental abuse (abusive language, calling names, etc.), physical abuse (beatings, scolding water or oil, pulling hair, etc.) and sexual abuse (including inappropriate touching and even rape) by a member of the employer's family. In a survey

carried out among domestic workers in Jakarta and its outskirts, 161 out of 173 responded that they had experienced some form of physical abuse. 118 had experienced mental abuse and 73 indicated that they suffered from sexual harassment and abuse;

- Domestic workers may also find themselves in conditions of bonded or forced labour; this happens when they are forced to work in a particular household in order to repay a family or other debt.



- There continues to be a large supply of child domestic workers in Indonesia, as low-income families have to rely on an additional income. They choose domestic work because it is easy to access and requires no formal qualifications. Child domestic work is also associated with high drop-out rates in schools.

What is bonded or forced labour?

- Bonded labour refers to situations in which someone is bound to a particular employment position in order to repay a loan or debt, and is not able to leave this work of his/ her own will.
- Forced labour occurs when someone is coerced to work, which can include a threat of violence, confinement in the household or the withholding of identity and travel documents.

Why are there many child domestic workers?

- There are no exact estimates of the number of child domestic workers in Indonesia. Some figures indicate that up to 35% of domestic workers are below age 18 and at least 25% of domestic workers in Indonesia are under age 15.
- Many employers prefer very young domestic workers because they are considered to be more obedient and less apt to complain about work conditions and salary.

Is it legal to employ child domestic workers?

- The employment of children under 15 years of age is prohibited by law. This is spelled out in Indonesian law no. 20 (1999) on the ratification of the ILO Minimum Age Convention (no. 138), which includes a declaration that the minimum age for work in Indonesia is 15 years.
- Furthermore, child domestic work in many cases is counted among the Worst Forms of Child Labour and is prohibited by law, even if the child is between 15 and 18 years of age. The Indonesian government has committed to eliminate the worst forms of child labour by ratifying the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (no. 182).

Why do so many Indonesian women continue to work as domestic workers if this brings with it so many risks?

- There are supply and demand factors which lead to an increasing number of Indonesian women being employed as domestic workers. There is an increasing demand for domestic workers in urban areas, as urban women enter the workforce. At the same time, sustained rural poverty leads to a supply of women looking for low-skill wage employment; according to estimates, approximately 37 million Indonesians live below the poverty line, which amounts to 15% of the population. This means that many families are not able to sustain themselves without additional income, which pushes many young women to seek work as domestic workers. The fact that often entire families are relying on a domestic worker's income, means

that there is immense pressure on the women to keep working, even in exploitive or abusive situations.

How does the law protect domestic workers?

- There is no law in Indonesia which specifically protects domestic workers. The Manpower Act No. 13 stipulates standard rights for workers in Indonesia, who are defined as "any person who works and receives wages or other forms of remuneration". This would include domestic workers. However, the current interpretation of the law excludes domestic workers from its scope, which means that domestic workers are currently not afforded protection under the Manpower Act.

- There are a couple of other laws in Indonesia, which afford generalized rights to domestic workers. These are:

- 1) The Constitution, which provides all Indonesian citizens with basic rights and protections, including a right to receive a just and reasonable compensation from the employment relationship (28D(2));

- 2) The Criminal Code, which forbids for instance any kind of mental, physical or sexual violence;

- 3) The Anti-Domestic-Violence-Law, which forbids any act that results in suffering of a physical, sexual, or psychological nature or any act of abandonment/ neglect (penelantaran).

- 4) The Child-Protection-Law, which affords special protection to persons under the age of 18;

- 5) The Anti-Trafficking-Law, which forbids any kind of trafficking in persons.

- However, these laws do not provide sufficient protection to domestic workers in Indonesia. First, there is a lack of supervision of the work conditions and treatment of domestic workers. Second, even if a domestic worker contacts the authorities, these



laws are often not sufficiently enforced. Moreover, important areas of an employment relationship (such as work hours, leave, payment of salary, termination of employment etc.) are not regulated by these laws.

- There are international conventions, which provide basic rights and protections, and which the Indonesian government has undertaken to respect. These are, most importantly:
 - 1) The UN human rights' conventions which afford basic rights to security and liberty to every person and/ or specific categories of persons:
 - International Covenant on Civil and Political Rights;
 - International Covenant on Economic, Social and Cultural Rights;
 - Convention on the Elimination of all Forms of Discrimination against Women;
 - Convention on the Rights of the Child;
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 - 2) The fundamental ILO Conventions, which afford important rights and protections to persons in an employment relationship:
 - ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (ILO Convention No. 87);
 - ILO Right to Organize and Collective Bargaining Convention, 1949 (ILO Convention No. 98);
 - ILO Forced Labour Convention, 1930 (ILO Convention No. 29);
 - ILO Abolition of Forced Labour Convention, 1957 (ILO Convention No. 105);
 - ILO Minimum Age Convention, 1973 (ILO Convention No. 138);
 - ILO Worst Forms of Child Labour Convention, 1999 (ILO Convention No. 182);
 - ILO Equal Remuneration Convention, 1951 (ILO Convention No. 100);
 - ILO Discrimination (Employment and Occupation) Convention, 1958 (ILO Convention No. 111).

Why do domestic workers need additional protection?

- The fact that domestic work is considered to be informal work in the private household of the employer means that there is no state control over employment conditions of domestic workers.
- The few laws that afford basic protection to domestic workers are insufficiently enforced. This in turn means that domestic workers who face problems often have no one to turn to. If they go to the police, the police officers often force domestic workers to settle the dispute with their employer rather than helping them to file a complaint.

What does the ILO do to protect Indonesian domestic workers?

- At the International Labour Conference in June 2010, members of the ILO will vote on the contents of an international convention protecting the rights of domestic workers around the world. The members of the ILO will be able to vote on the adoption of this convention in June 2011,
- The ILO Jakarta Office, through the ILO Project Combating Forced Labour and Trafficking of Indonesian Migrant Workers, addresses the discrimination and exploitation of , among other, Indonesian women working as domestic workers, both abroad and in Indonesia. The Project aims to address the needs of Indonesian domestic workers for effective protection mechanisms in law and practice, addressing the pervasive forced labour and trafficking practices that many of them experience.
- The Project works on several levels: it supports advocacy, awareness-raising and research on the work conditions and treatment faced by Indonesian domestic workers in Indonesia and abroad. The Project offers support for the development of policies and regulations on domestic work. In addition, the ILO Migrant and Domestic Workers' Project builds capacity in stakeholders providing direct assistance, outreach and organizing of domestic workers in Indonesia and abroad.
- The Project supports mandated government agencies in Indonesia and abroad, as well as employers' organizations, trade unions, domestic workers' organizations, NGOs and religious organizations in addressing the needs of Indonesian domestic workers in Indonesia and abroad.

- The ILO International Programme on the Elimination of Child Labour (ILO-IPEC) supports the efforts of the Indonesian Government to eliminate the worst forms of child labour in Indonesia. The Government has identified child domestic labour as a target sector, due to the high risk of abuse and exploitation for child domestic workers. The Project furthermore supports action programmes at the local level aimed at preventing child domestic labour through monitoring activities in sending and receiving areas and the provision of education to children at risk or who have been withdrawn from child labour.

Footnote:

- 1 UNICEF and BPS survey of 1993.
- 2 Tenaga Kerja Indonesia Foundation; Atma Jaya Survey of 1995.
- 3 ILO IPEC, *Flowers on the Rock*, 2004.
- 4 Survey conducted by Rumpun Gema Perempuan, March-May 2008 (areas covered: Bekasi, Depok, Pamulang, Kemuning).
- 5 Ibid.
- 6 Study conducted by Rumpun Gema Perempuan in April – May 2005 in Kemuning Pasar Minggu, Pamulang, Parung, Depok, and Rangkapan Jaya.
- 7 ILO IPEC, *Flowers on the Rock*, 2004.
- 8 Rosenberg, *Trafficking in women and children in Indonesia*, ICMC ACILS 2004, p18.
- 9 Art. 74 of the Manpower Act no. 13 (2003) stipulates the prohibition to employ children under 18 years of age in the worst forms of work. Presidential Decree no. 89 (2002) on the Indonesian National Plan of Action for the Elimination of Child Labour identified child domestic labour as one of the worst forms of child labour in Indonesia.
- 10 PBS estimate of 2008.
- 11 See section above, "How does the law protect domestic workers?"

Case of Maryati

Maryati used to work in a luxurious house in the Bumi Serpong Damai real estate complex in the district of Tangerang, Banten.

During her employment, she experienced serious physical abuse. For months, Maryati did not receive her salary. She did not have enough money to escape from the torture she experienced.

The employment turned into bonded labour because the employer would not let her go until she finished paying off her "debt". According to the family driver, the employer and her son often hit and yelled at Maryati for petty things.

A domestic worker working in the next house said that Maryati often put out the garbage in a hurry. She looked scared because her employer would keep an eye on her. The next door domestic worker said that she often saw Maryati with bruises on her face, arms, and legs. Since her employer always kept an eye on her when she swept the front yard or when she cleaned the windows, Maryati never got a chance to talk to anybody.

One day, the family driver found out that the employer had killed Maryati and buried her body in the back yard; he reported the case to the police. Maryati's employer claimed she killed her because she had stolen bread.

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Pls. find more information on ILO standard-setting for domestic workers at:

<http://www.ilo.org/public/english/region/asro/jakarta/programs/pmw/trafficking/trafficking.htm>

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