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Labour
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REPORT

of

ILO Asian Knowledge-Sharing Forum: Realizing Decent Work for Domestic Workers

24-26 April 2013, Bangkok, Thailand

Regional Office for Asia and the Pacific, Bangkok
Conditions of Work and Employment Branch, Geneva

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1. Background

According to the latest ILO estimates in 2010, there are at least 52.6 million women and men employed as domestic workers worldwide. Asia and the Pacific is the region with the largest number of domestic workers, with 21.5 million or 41 per cent of the global total employed by private households. More than 80 per cent of Asia's domestic workers are women, and one in almost every 13 women with a paid job in Asia and the Pacific earns her living as a domestic worker.¹

At the 100th International Labour Conference (ILC) in June 2011, government, worker and employer delegates adopted the Domestic Workers Convention (No. 189) and Recommendation (No. 201). Developed and adopted with strong tripartite support, ILO Convention No. 189 and Recommendation No. 201 provide the global minimum standards and a benchmark for ensuring decent employment and social justice for domestic workers.

2. About the forum: Aims and programme

Building upon this momentum, the ILO organized an *Asian Knowledge-Sharing Forum on Realizing Decent Work for Domestic Workers* from 24-26 April 2013 in Bangkok, Thailand. This was the first regional event of its kind in Asia since the adoption of the Domestic Workers Convention and Recommendation at the International Labour Conference in 2011, bringing together governments', employers' and workers' representatives, and domestic workers' leaders from the Asian region.

The forum aimed to assist ILO constituents in improving protection for domestic workers, with special attention to remuneration and working time, by:

- Deepening understanding of the Domestic Workers Convention No. 189.
- Sharing and gaining knowledge about policies, practical measures and alliances in and between countries.
- Assessing and identifying possible solutions and new perspectives for specific situations in each country.

The participants worked together to identify key aspects of legal protection for domestic workers. They shared challenges and good practices on working time and remuneration and wage setting policies and practices in the domestic work sector. They explored employment contracts, skills training and certification, and social security for domestic workers. Finally, they discussed how to promote decent work for domestic workers through alliances among governments, employers' and workers' organizations, including domestic workers' organizations in each country. (See *Annex 1. Programme*.)²

¹ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, (Geneva, 2013), pp. 19-20.

² Before the forum a pre-event survey was conducted with prospective participants to identify their interest in discussing the various issues addressed in Convention No. 189. The following issues were rated a priority among the 40 respondents:

3. Participants

The Asian Knowledge-sharing Forum brought together around 80 persons consisting of 31 representatives from governments, employers' and workers' organizations from nine countries across Asia: Cambodia, China, India, Indonesia, Lao PDR, the Philippines, Sri Lanka, Thailand and Viet Nam. Observers (12) included the Deputy Secretary-General of the International Organisation of Employers (IOE), two representatives of the International Trade Union Confederation (ITUC), including the Policy Advisor from the ITUC Equality Department Brussels and the Senior Officer Women's Projects from ITUC Asia-Pacific, seven representatives from the International Domestic Workers Network (IDWN) and three national specialists on wages and vocational training respectively.

Several United Nations (UN) agencies, including the Economic and Social Commission for Asia and the Pacific, the International Organization for Migration, the Office of the High Commissioner for Human Rights and UN-WOMEN were represented. ILO staff included 20 resource persons and organizers, and 12 staff from related ILO supported technical cooperation projects in the region on gender equality promotion, action against child labour and forced labour or migration management. (See *Annex 2. List of participants.*)

4. Summary of the forum discussion

4.1 Realities and challenges of domestic work in Asia

The forum was opened with a welcome address by Mr Pakorn Amorchewin, Director General of the Department of Labour Protection and Welfare, Ministry of Labour, Thailand. Welcome remarks were given by Mr Roberto Suarez, Deputy Secretary General of the International Organisation of Employers (IOE), Ms Marieke Koning, Policy Advisor of the International Trade Union Confederation (ITUC), and Ms Parichat Jaroennon, Thai Migrant Workers Union, Hong Kong China. Ms Nelien Haspels, ILO Senior Specialist on Gender and Women Workers Issues gave an opening address on behalf of Ms Thetis Mangahas, Deputy Regional Director of the ILO Regional Office for Asia and the Pacific. Following an ILO video clip on *Domestic Workers' Realities in Asia*, Mr Philippe Marcadent, Chief of the Conditions of Work and Employment Branch, ILO, and Ms Elizabeth Tang, Coordinator of the International Domestic Workers Network (IDWN), presented the global and regional perspectives on decent work for domestic workers.

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- Minimum wages and regulation of working hours, and provision of regular rest periods for domestic workers (92.5 per cent)
 - Extension of legal protection to domestic workers (90 per cent)
 - Provision of written employment contracts (87.5 per cent)
 - Protection against non-payment of wages and excessive wage-deductions, and extension of social protection to domestic workers (82.5 per cent).

Key points raised by the above speakers were as follows:

- With remarkable economic achievements Asia has seen the fastest growing number of domestic workers over the past 15 years. However, the economic successes enjoyed by many countries in the region have not improved the lives of domestic workers, who remain poor and are among the least protected of all workers. The huge majority of domestic workers in Asia are excluded from national legal protection on basic workers' rights provided to other workers. Where laws exist, they are often not effectively enforced to protect domestic workers' rights.
- More than four out of every five domestic workers in Asia are women and a considerable number of domestic workers in the region are child labourers. Asia also has the largest number of migrant domestic workers, again mostly women, working outside of their home countries within Asia or in another region. Domestic workers also account for a sizeable share of 20.9 million victims of forced labour and human trafficking worldwide.
- As many tasks performed by domestic workers have traditionally been done by women and girls in their own home, domestic work is not recognized as *work* and domestic workers not as *workers* but as an extension of "family." This gives rise to undervaluation of the occupation and gender-based discrimination against many domestic workers. Lack of recognition of domestic work as work, the nature of the work "behind closed doors" and the lack of a formal employment relationship, compounded by unfamiliarity with applicable laws among both domestic workers and their employers, and lack of legal and social protection for domestic workers, expose domestic workers to risks of abuse, exploitation, and violence.
- The precarious situation of domestic workers in Asia as elsewhere is further aggravated by their lack of freedom to organize because their work is not legally recognized as work or that they are foreign migrant workers. Domestic workers organizations in Bangladesh, Cambodia, Malaysia, the Republic of South Korea, Singapore and Thailand are still unable to register as trade unions. This severely limits their ability to protect and defend their rights and opportunities through organizing and to take part in collective bargaining.

4.2 Domestic Workers Convention No. 189 and protection of domestic workers

Following a brief overview of the main content of Convention No. 189, Mr Marcadent gave an update on legal developments. So far in the region the Philippines has ratified Convention No. 189. As of April 2013, five other countries have ratified the Convention, including Uruguay, Nicaragua, Mauritius, Italy, and Bolivia.³ Ratification efforts are under way in many countries in all regions of the world, and since the adoption of the Convention

³By August 2013, Paraguay and South Africa ratified the Convention which will enter into force by 13 September 2013.

and Recommendation in 2011 new laws and policies have been adopted in many countries, including several countries in Asia. (See sections 4.3 and 4.4 below.)

Representatives of governments, workers and employers agreed that the adoption of Convention No. 189 and Recommendation No. 201 was a major step forward to realize decent work for domestic workers, as these instruments provide important tools for countries to develop measures for the protection of domestic workers.

- **Workers' perspectives** – Representatives of national and international workers' organizations considered ratification a priority and urged more governments in the region to ratify Convention No. 189 to initiate the implementation process to provide better protection to domestic workers.
 - Ms Koning noted in her welcome remarks that the ITUC was optimistic about the ratification progress around the world, and found signs in labour law reforms in Thailand, Singapore and Viet Nam encouraging. She expressed hope that Convention No. 189 would “bring ground-breaking changes for domestic workers” and help them to be “treated like other workers in the labour law.”
 - Ms Parichat Jaroennon emphasized domestic workers' struggle and right to organize. Ms Tang indicated that domestic workers “cannot wait to see positive changes” following the adoption of the Convention. Domestic workers have stepped up efforts to organize and joined hands with trade unions to develop concrete proposals on legal reforms. She underlined that ratification would need to be translated in the design and implementation of national legislation and policies in different country contexts.
- **Employers' perspectives** – Employers' organization representatives stressed that the diverse realities of domestic work and specific national contexts must be taken into account in formulating and implementing the laws to protect domestic workers. The need to organize the domestic work sector and skills development for domestic workers was also noted.
 - Mr Suarez of the IOE noted in his welcome remarks that employers of domestic workers can benefit from adequate regulation of domestic work and employers' organizations can play a vital role in ensuring that national laws and regulations on domestic work can be implemented in practice. Addressing the domestic work reality means tackling the challenges of the informal economy. A good balance is needed between job creation and creating an environment for decent work. While the Convention and Recommendation are useful tools, some provisions may be sensitive such as working time, overtime, on-call time, remuneration and wage setting, and labour inspection in private homes. He cautioned against too detailed regulations and stressed the importance of considering the national context in devising effective national policies and regulations that can be implemented in practice.

- **Governments' perspectives** –Government representatives from India and Sri Lanka took the floor and agreed that domestic workers need legal protection. They also noted that further discussion is needed with employers' and workers' organizations on the legal provisions and how to implement them.

4.3 Mapping legal protection of domestic workers in participating countries

In Session 2, participants formed nine working groups by country to discuss protection of fundamental principles and rights at work, coverage of domestic workers by labour laws, provisions on working time and remuneration and wage setting, and policy initiatives in their respective countries. The country groups were asked to write their findings on a large wall chart. The group work results are summarized as follows:

- **Coverage by labour laws** – There are varying scopes and degrees of coverage by labour laws in participating countries. In Indonesia and Lao PDR domestic workers are entirely excluded from labour laws. In Cambodia, China and Thailand domestic workers are largely excluded but some special provisions are provided in the labour law or other laws. In Hong Kong China, Sri Lanka and Viet Nam domestic workers are covered by general labour laws. In India domestic workers are excluded from the labour law at the national level, but some states have legal protection for domestic workers. The Philippines has the most comprehensive labour law to protect domestic workers (see section 4.4.).
- **Working time** – In many participating countries national labour laws have no provisions at all for normal weekly hours and weekly rest that apply to domestic workers, including Cambodia, India, Indonesia, Lao PDR, and Viet Nam. In other countries there are partial provisions.
- **Remuneration and wage setting** – Only the Philippines and Hong Kong China have minimum wages coverage and regulation for in-kind payments for domestic workers. In India, some states cover domestic workers under the Minimum Wages Act of 1948, which prohibits in-kind payments (which still exist despite the law). While China has no minimum wage provision, wages for domestic workers in China are reportedly higher than the standard minimum wage.
- **Current policy initiatives** – Many participating countries have ongoing initiatives (see Annex 3. Wall chart – Legal coverage by country and the discussion below.)

4.4 Extension of legal protection to domestic workers at the country level: Exchange with the Philippines, Thailand, Viet Nam, and China

In Session 3 Mr Rodrigo Cantindig, Workers' Representative from the **Philippines** and Session Chairperson introduced the panelists. Mr Tim de Meyer, ILO Senior Specialist on

International Labour Standards and Labour Law, covered the scope and key elements of legal protection at the country level:

- Key elements of legal protection include: recognition of domestic work as work in the labour law; minimum standards in legislation on wages, working time, rest, leave, occupational safety and health, social security; employment contracts formalizing the employment relationship; regulation of recruitment agencies; access to law enforcement; access to dispute settlement; and empowerment of domestic workers and their employers through collective representation, collective bargaining, collective agreements and peaceful collective action.
- Legal protection of domestic workers is necessary because the worker is vulnerable in the *unequal power relationship*, and often too weak to negotiate fair value for his or her work. Legal protection can be incremental, but access to enabling fundamental rights at work should be immediate. In the domestic work sector in Asia, respect for all four fundamental principles and rights at work required legal enforcement. Elimination of discrimination and the abolition of forced labour and child labour were priorities in the domestic work sector and domestic workers should have the right to organize, and to join and form organizations of their choice to defend their rights and interests.

Philippines – Atty. Jamie Lyn D. Jamias, Chief Labour and Employment Officer, Department of Labour and Employment (DOLE), shared the legislative process and contents of the *Batas Kasambahay*, Republic Act No. 10316, which passed into law in November 2012 and was enacted in January 2013. She noted that consultation with stakeholders was key in the process of developing the law.

- Republic Act 10361 is comprehensive. It provides protection of rights and privileges of domestic workers (e.g., board, lodging and medical attendance, guarantee of privacy, access to outside communication, right to education and training), and protection before, during and after the period of employment. Provisions cover a number of key aspects of protection, from employment contracts and prohibition of debt bondage in the pre-employment stage, to employment terms and conditions (e.g., wages and payments, rest periods, safety, benefits), skill certification and employment termination. The Act also has provisions that regulate private employment agencies and the settlement of disputes. Under the Act, the employment contract can be terminated by either the employer or the employee. The DOLE is currently formulating complaint mechanisms and moving forward with the implementation of the Act and a review of other regulations.

Thailand – Mr Pakorn Amornchewin, Director General of the Department of Labour Protection and Welfare, presented Thailand's Ministerial Regulation No. 14 (B.E. 2555) issued under the Labour Protection Act B.E. 2541 (1998), the first piece of legislation that extends some basic protection to domestic workers in the country.

- Under the Ministerial Regulation, which came into effect in November 2012, domestic workers are entitled to one day rest per week, 13 paid holidays, six days of annual leave after one year of service, and up to 30 days of paid sick leave per year. The Regulation prescribes that domestic workers' wages must be paid at least once a month, although the interval and amount of payment can be agreed upon by the domestic worker and the employer. The Regulation prohibits employment of a child under 15 and the government has stopped issuing work permits to migrant workers under 16. It also includes provisions on protection against sexual harassment, equal treatment between men and women, termination of employment, and complaints and enforcement.

Viet Nam – Ms Dao Thi Huyen, Deputy Head of Division, Department of Labour-Salary, Ministry of Labour, Invalids and Social Affairs (MOLISA) explained the regulations on domestic workers under Viet Nam's new Labor Code. Section 5 of Chapter XI in the 2012 Labor Code applies to domestic workers working for one household or more, but does not apply to those performing domestic work in the form of piecework. It explicitly prohibits sexual harassment and violence against domestic workers. The provisions on employment contract, wages, working hours and rest periods apply to domestic workers, but most conditions and terms are up to negotiation between the domestic worker and the employer.

- Under the Section 5 provisions, daily working hours are to be specified in the contract, which can be terminated by either the worker or the employer with an advance notice of 15 days. Obligations of employers include providing clean and hygienic accommodation and dining places for the domestic worker (where there is an agreement), and cover the travel cost at the end of service (unless the worker terminates the contract before the expiry date). The employer is also obliged to pay for the worker's social and health insurance premiums and to offer education or vocational training opportunities. The domestic worker must promptly notify the employer about risks of accident or dangers to his or her own health and life, and to the health, life or property of the employers' family.

China – Mr Ying San Yu, Director of the Home Service Industry Division, Ministry of Human Resources and Social Security (MOHRSS) explained the home service industry and the situation of domestic workers in China. According to a survey by the Chinese Home Services Association, there are more than half a million home service businesses and agencies with 20 million employees, more than half of whom provide services to households. Domestic service agencies tend to have small-scale operations.

- Due to labour shortage and workers under 40 having moved to other industries, domestic workers in China tend to be between 40-50 years old. Despite the high demand for domestic workers and the relatively high average wage for domestic work in urban areas (RMB 2,000 to 3,000 or around USD320 to 480), domestic workers in rural areas still earn low wages and some do not participate in the basic pension or health insurance schemes. Many get fewer than four days off a month and occupational hazards are a problem.

- An Interministerial Joint Committee on the Development of Domestic Service Industry had been set up in 2009 to coordinate the work of eight ministries and mass organizations on efforts to improve legislation, skills training for domestic workers and channels of legal protection (e.g., labour law enforcement, labour dispute settlement, legal literacy). The Ministry supports skills training for domestic workers through relevant mass organizations. There remain questions about the applicability of the Labour Contract Law to domestic work and whether families can be recognized as employers. The Chinese Government is actively creating conditions to ratify Convention No. 189.

Mr Cantindig concluded that all countries should ratify Convention No. 189 and develop specific laws to address the problems of domestic workers.

4.5 Working time

The second day started with a summary of the first day's discussion by Mr Marcadent and a video clip on *Working hours and wages for domestic workers in Asia*, the two key themes for the second day. Ms Claire Hobden, ILO Expert on domestic work gave an introduction to working time provisions in Convention No. 189. There has been recent progress in terms of protection of domestic workers' working time, particularly on the weekly rest day and annual leave in some Asian countries, but challenges remain in extending protection to the majority of domestic workers.

- While most countries have working time protections for workers in national labour laws, domestic workers in the region are generally excluded from these laws. *Weekly working hours* of domestic workers in Asia are still very long (over 50-60 hours in Indonesia, Philippines, Thailand and Malaysia), and live-in workers are often on call 24 hours a day. In Asia and the Pacific, as in the Middle East, statutory limits on normal weekly working time are virtually absent, whereas the majority (55 – 81 per cent) of domestic workers in other regions of the world are protected by some forms of limitations on normal weekly hours.
- On *weekly rest* and *annual leave*, the overwhelming majority (97 per cent) of domestic workers in Asia and the Pacific are not given entitlements enjoyed by other workers under national legislation, while the majority (55 – 98 per cent) of their counterparts in other regions (except the Middle East) enjoy the same or more favourable weekly rest and annual leave terms than other workers.
- The regulation of working time is in general a sensitive issue for many ILO constituents. However, Convention No. 189 provides guidance to member States for taking measures towards ensuring equality of treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, daily and weekly rest, paid annual leave, while also taking into account the specific characteristics of

domestic work. As a first step, domestic workers should enjoy *a minimum of 24 consecutive hours of weekly rest*.

Participants then formed working groups to discuss the challenges and good practices on (1) limitation of normal weekly hours and regulation of overtime, (2) entitlement to weekly rest days, and (3) provision for paid annual leave. Challenges were noted especially for domestic workers who work part-time or for multiple employers and lack of distinction between traditional holidays and annual leave. The results of the group work presentations are summarized in *Annex 4. Working time – Session 4 Group work*.

4.6 Remuneration and wage setting

Remuneration and wage setting was discussed in plenary in two sessions chaired by Mr Vajira Ellepola, Employers' Representative from *Sri Lanka* (Session 5), and Mr Suriyakant Bagal, Workers' Representative from *India* (Session 6). Following the introduction by Mr Ellepola, Mr Malte Luebker, ILO Regional Senior Wage Specialist, gave an overview of coverage and practices on minimum wages and regulation of in-kind payments.

- The rationale for minimum wages is the protection against “unduly low wages”. There are three models practiced by countries with respect to *minimum wages* for domestic workers: (1) including domestic workers in the general minimum wage (often in countries with a national minimum wage); (2) setting a separate rate for domestic workers (often in countries with sectorial minimum wages); and (3) excluding domestic workers from an existing minimum wage. The current trend is to abandon the sectorial approach and to adopt the general minimum wage approach.
- Arguments are often made about the negative impact and affordability of minimum wages for domestic workers. However, experiences have shown that these concerns may not be born out. For example, in South Africa, which has adopted a relatively high minimum wage for domestic workers since 2002, studies have shown that minimum wages have little or no negative impact on the employment opportunities of domestic workers who continue to be employed with higher earnings while working shorter hours. Also in Brazil, without full compliance of minimum wage, domestic workers' income has increased since 2004. Data from the Philippines also show that households that employ domestic workers have much higher than average income.
- Domestic workers often receive *in-kind payments* such as boarding and food, which raises the question whether employers can make deductions for in-kind benefits. There are two models to regulate in-kind payments: (1) limit deductions and put safeguards in place in line with Article 2 of Convention No. 189, and Paragraph 14 of Recommendation No. 201; and (2) allow no deductions and specify a package with a minimum wage and in-kind payments (e.g., Philippines, Hong Kong China).

- Convention No. 189 sets cash payment as the norm and payment in kind must be a “limited proportion of the remuneration.” The new standards in Convention No. 189 stipulate that written contracts should include information on remuneration and there should be no deduction of job placement fees.

Philippines – Atty Jamie Lyn D. Jamias shared the Philippine practice on minimum wages. The Philippines has had three different minimum wage rates for domestic workers employed in 1) the capital region, 2) chartered cities and first class municipalities, and 3) other municipalities. The law prohibits in-kind payments and requires that wage payment be paid at least once a month with a pay slip and the employer is prohibited from making deductions and withholding wages.

- Minimum wages are determined by the Regional Tripartite Wages and Productivity Boards which balance the needs of workers with their employer families’ capacity to pay and the overall economic and social development conditions. With the new reform the Philippines now has a two-tier wage system: a mandatory minimum wage (Tier 1, which falls between the poverty threshold and the average wage), and a competency-based wage (Tier 2, voluntary). The DOLE is also coordinating with the Technical Education and Skills Development Authority (TESDA) to professionalize domestic work through skills development, training and certification to improve their wages.

India – Dr Neetha Nayayana Pillai, Senior Fellow, Centre for Women’s Development Studies, New Delhi, presented an ILO study conducted in five of the seven Indian states that have minimum wages for domestic workers, including Karnataka, Andhra Pradesh, Kerala, Bihar and Rajasthan, which have fixed minimum wages in the past ten years. In India, most domestic workers work part-time for multiple households. The social hierarchy in the caste system is reflected in dividing up the nature of domestic work and the tasks of domestic workers depending on the caste division.

- The minimum wages boards are tripartite and include the trade union federations at the state-levels, which may or may not represent the domestic workers’ unions. By law the boards revise minimum wages every five years. There are no explicit rules on the type of payment (cash or in-kind). Payment deductions are explicitly prohibited only in Kerala. However, the minimum wage rules and regulations are not always enforced. In all states, laws prevent home inspection implicitly or explicitly. In three states, employers are allowed to not register their workers.
- Despite certain limitations, the positive aspects in the minimum wage rules are that: (1) they change the status of workers, whose power and right to negotiate have been recognized despite the caste system; and (2) they have influenced domestic workers associations to turn into trade unions and affiliate to trade union federations to tackle the issue of domestic work.

Indonesia – Dr Poppy Ismalia, Wage Expert, Faculty of Economics and Business, Universitas Gadjah Mada, Indonesia discussed the proposal for minimum wages in Indonesia.

She noted several challenges to providing minimum wages to up to 10 million domestic workers in Indonesian society. Cultural “myths”⁴ that reinforce the lack of recognition of domestic work as work are still prevalent in Indonesian society. Economic challenges are high unemployment, poor quality of labour and a high degree of informality in the labour force. The existing general minimum wage policy also has very low compliance due to weak law enforcement and most small-scale businesses rarely refer to the national minimum wage.

- Despite low compliance, the existing minimum wage policy in Indonesia has increased the average wage. Companies do not immediately lay off workers, but rather work on wage adjustment towards the minimum wage. Dr Ismalia proposed a “transition period” before including domestic workers in the national minimum wage coverage in Indonesia. During this period, specific minimum wages should be fixed for domestic workers as the “wage floor”. Meanwhile, an economic valuation of domestic work should be conducted based on the minimum subsistence needs for a decent livelihood and the opportunity costs of households in the absence of employment of a domestic worker (loss of potential working-income, childcare costs, etc.).

After the presentations in Sessions 5 and 6 the discussion focused on the issues of enforcement, the complaints management system, inspection, and the valuation of domestic work. The key points from the discussion were:

- Enforcement is based on complaints in both India and the Philippines:
 - In India, a domestic worker can make a complaint with the labour department or a particular labour officer, although this rarely happens. There have been very few cases based on this mode of complaint from relevant states. In practice, domestic workers’ complaints of violations in India are made with the police, and domestic workers (often migrants) face difficulties as the police do not consider abuses and violence as labour law infractions. Also, in the absence of domestic worker registration at the local, state or national level, it is difficult to prove the complaints.
 - In the Philippines, complaints go through the regional offices of the Department of Labour and Employment. If the complaints are validated, the employers may be subject to fines or formal charges. Employers are required to register their employees with the Barangay (local district), and the Barangay, the Department of Interior and Local Government or the police will give an immediate response to domestic workers’ complaints.

⁴The common myths are: (1) domestic workers are “helpers” not workers; (2) domestic work cannot be monitored; (3) employers’ ability to hire a domestic worker is more important than the domestic workers’ rights; (4) domestic workers do not need written contracts; (5) housework is not a 9-5 hours job; and (6) domestic workers are treated like family.

- The Philippines is improving the labour inspection system, with the hiring of 372 new labour compliance officers underway. Laws accommodate inter-agency interventions in case of abuse. Social workers monitor child labour and working conditions of domestic workers and intervene as necessary. The service contracts contain details for domestic workers and employers on where to go in cases of conflict (template available on the web). If there is a simple misunderstanding, they go to the local district (Barangay) office. The labour inspectorate will usually not come to the house but coordinate a home visit with the Barangay office.
- In the debate on the valuation of domestic work, the practicality of estimating the potential income of the employer was questioned. Several participants indicated that the “price” of domestic work can be calculated and the value of domestic workers should not be based on affordability, or the employers’ ability to pay. Dr Ismalia emphasized that economic valuation is a solution when market prices of goods or services do not exist.

In concluding Session 5, the chairperson Mr Ellepolanderlined the importance of keeping minimum wage fixing “simple and easy to understand” to ensure effective implementation. Mr Bagal concluded Session 6 by emphasizing the importance of considering the needs of domestic workers in the valuation of domestic work.

In Session 7, participants formed mixed groups to discuss the issues of (1) minimum wages for domestic workers, (2) treatment of in-kind payments, and (3) protection against non-payment of wages. Their group work results are summarized in *Annex 5. Remuneration and wage setting – Session 7 Group work*. The key messages from the discussion were:

- The establishment and enforcement of a minimum wage system generally form a challenge in many countries, although countries are now starting to address minimum wagesetting for domestic workers. In countries where an adequate minimum wage system for all workers is not yet established, it is more challenging to cover domestic workers in the system. Many countries in the region have been making strides in developing minimum wage systems and experiences from countries outside the region have shown that extension of coverage to domestic workers is possible.
- In implementing a minimum wage for domestic workers, it is important to keep it simple and up to date. Enforcement can be facilitated by formalizing the employment relationship through an employment contract and providing for an enforcement mechanism. A proper cash wage is clearly important, while in-kind benefits are justified in some cases when the safeguards of Convention No. 189 are met. The use of pay slips is a good tool to prevent non-payment of wages.

4.7 Formalizing the employment relationship

At the start of the third day, Ms Nelien Haspels summarized the outcome of the earlier discussions. Forum participants generally agreed that domestic workers should be treated

like any other workers but when it comes to actual implementation on working time, wages and weekly rest, there are still disagreements and challenges. Some representatives indicated that government and employers can support workers' movements but that workers can only empower themselves. Workers' representatives including domestic workers leaders commented that domestic workers do stand up for their rights but need support from the ILOs tripartite constituents. Ms Haspels emphasized that this pointed to the need for multi-stakeholder action and alliances between domestic workers and their employers, workers' and employers' organizations, and governments to create a facilitating environment for extending legal protection to domestic workers.

Mr H. Hasanuddin Rachman, Employers' Representative from **Indonesia** and Session Chairperson introduced the topic of formalizing the employment relationship by pointing to the important role that employers' organizations have played in preparing for and adopting the new international labour instruments on decent work for domestic workers. It was equally important that employers' organizations participate in national discussions on the ratification and implementation of Convention No. 189. He quoted Mirtle Witbooi, IDWN Chairperson who upon the adoption of the Convention stated: "On 16 June 2011, our dream became a reality, and we are free – slave no more, but workers ... we have work to do, and we will be united as never before". He proceeded with introducing the panelists.

Indonesia – Ms Lita Anggraini, Coordinator of JALA PRT (Indonesia National Network for Domestic Workers Advocacy), shared the Indonesia experience in implementing employment contracts for domestic workers. The employment contract model experimented in Yogyakarta since 2004 was the initiative of a women's organization (RUMPUN), JALA PRT and Tunas Mulia, a Domestic Workers Union.

- The key contents of the model employment contract includes clauses on wages and remuneration (e.g., wage at 70-75 per cent of regional/provincial minimum wage, overtime, payment date and method, raise, special bonus for holiday), weekly and daily rest, leave, provision of food and accommodation, health and safety benefits, the right to join organizations, to self development, and to dispute settlement.
- The initiative started with 65 domestic workers in 2004. By 2008, 407 employers and workers have joined. The process of implementation involved extensive meetings, advocacy and lobbying with employers, the local government, trade unions and other civil society actors. Despite some difficulties during the trial period experienced by both employers and domestic workers (e.g., domestic workers' unplanned return home, or being given tasks not specified in the contract), employment contracts have changed the perception about domestic workers among the employers and the government. The contract model has been used as a template in the content of the draft Local Ordinance in Yogyakarta and the draft National Law now in parliament.

Ms Maria Elena Valenzuela, ILO Senior Specialist on Gender and Women Workers, shared the experience of legal coverage for domestic workers in Latin America. Following a video clip *Uruguay takes the lead to protect domestic workers*, she indicated that 17-19 million

domestic workers (90 per cent women) are covered by some form of labour protection in Latin America and the Caribbean, and most countries in this region are in the process to grant them the same rights as other workers.

- **Uruguay** was the first country to ratify Convention No. 189 and give domestic workers the same rights as other wage workers. The new law has brought about many positive changes for domestic workers in the country, the majority (70-90 per cent) of whom now live outside of the households by which they are employed. The law has provisions on working time limits and minimum rest time. It sets the minimum wage according to the national standard and allows up to 10 per cent deduction for meals and up to 20 per cent for meals and housing (the only provision that is different from other workers). There are provisions on overtime, labour inspection, social security, including paid sick leave, maternity protection, and severance for unjustified dismissal.
- The law recognizes domestic workers' right to be part of the national collective bargaining system and grant migrant workers the same rights as nationals. The national collective bargaining process has yielded three major collective agreements on minimum wage increases, occupational safety and health and other social security benefits in 2008, 2011 and 2013. Positive changes from the law are reflected in a slight increase in the number of domestic workers, and an increased proportion of domestic workers covered by social security (from 30 to almost 50 per cent). Collective bargaining agreements have benefited domestic workers as well as their employers whose membership in the League of Housewives has also increased.

In conclusion, the Session Chairperson, Mr Rahman, stated that "labour rights are human rights for both men and women and are not negotiable." Substantial progress had been made in Uruguay to realize decent work for domestic workers and such efforts were also underway in Indonesia. However, considerable challenges still existed in many Asian countries.

4.8 Skills training and certification for better wages for domestic workers

Mr Velayudam Karuppiah, Workers' Representative from **Sri Lanka** introduced the video clip *Skills training and certification for domestic workers* and highlighted skills development as a precondition to achieve decent work for domestic workers. He stated that domestic workers should be trained to use new technologies and machineries and to improve their relation with their employers. He also noted, "Promoting women and men to engage in migration for decent and productive employment under the condition of freedom, equality, security and human dignity is of primary importance."

Ms Akiko Sakamoto, ILO Vocational Skills Training Specialist for South East Asia, shared the conclusions drawn from a pilot skills training initiative for domestic workers in New Delhi aimed at improving the productivity and quality of domestic work, as well as the working conditions, particularly with respect to wages and the status of domestic work as a skilled profession.

- Following a survey among 700 domestic workers in the city, the first official skills training initiative for domestic workers in New Delhi (2008-2011) had been developed and jointly managed by a Stakeholders Implementation Committee, composed of representatives from the Ministry of Labour and Employment, Delhi Government, employers' and workers' organizations, civil society groups, training institutions and the ILO. Different skill sets had been identified for different types of domestic work and quality training had been provided including assessment and certification by the Ministry of Labour and Employment at three levels: Level 1: General household help; Level 2: Household keeper, Childcare, Elderly care, Cook; Level 3: Household manager, Infant care and Infirm adult care. The pilot initiative had resulted in certification for 500 domestic workers at Levels 1 and 2. Skills cards had been issued to those who had successfully completed the training to improve their employability which was verifiable online. However, the expansion of the initiative had been hampered due to lack of funds.
- Following India's experience, an ILO assessment in the region found that domestic workers face challenges due to the lack of clear, standardized skill sets in domestic work, and limited training opportunities for domestic workers. The ILO was in the process of developing a Regional Model Competency Standards (RMCS) on domestic work with a view to raising awareness on domestic work as a skilled profession, which should be remunerated according to skill levels.

Thailand – Mr Nakorn Silapa-archa, Director General, Department of Skill Development (DSD), Ministry of Labour, shared Thailand's skills development programme relevant for domestic workers. Basic training is provided to workers aged 18 to 35 years through a 70-hour course on personal and environmental hygiene, house cleaning and housekeeping, laundry and cooking. A National Skills Standard (NSS) on Domestic Work Level 1 had been set up and skill testing and certification are provided by the DSD. To pass NSS Level 1, trainees must achieve 70 per cent in the test.

China – Ms Zuo Wang of the Social Security Department, All China Federation of Trade Unions (ACFTU), shared some skill development initiatives in China. Generally there is a high demand for domestic workers in China and a domestic service training programme had been established since 2009. There are now over 2,000 training agencies in 31 provinces. In 2012, around 320,000 domestic workers had been trained by the ACFTU and 80 per cent had obtained employment. Some municipalities and provinces including Beijing, Tianjin, Shanghai, Xi An, and Hubei, have established collective agreements to protect domestic workers' rights, and promote employment in collaboration with the ACFTU. Training agencies for domestic workers supported by the ACFTU provide funds and facilities for training, as well as assistance in wage negotiations. Strategies to motivate domestic workers to improve their skills are skills competitions from the local to the national levels and yearly selections of "model domestic workers."

Philippines – Ms Loreta D. Banario, Director of PO-Leyte, Region VIII, Technical Education and Skills Development Authority (TESDA), explained the training system for overseas domestic workers in the Philippines. A training regulation under Republic Act 10361 provides the basis for competency assessment and certification, and TESDA assures quality through registration and accreditation of the training programmes, competency assessment and certification, including ISO 9001 certification.

- There are currently 92 accredited assessment centers in the country. Since 2008, over half a million of household service workers have been assessed and certified (with a certification rate of 92.67 per cent). The Household Service Worker (HSW) qualification includes 10 basic, common and core competencies. The training aims to promote skills development both vertically and horizontally to enable career shifts to non-household work. A number of 216-hour training courses are provided in the following competencies: (infant and elderly) caregiving, animal health care and management, cookery, bread and pastry production, beauty care services, bookkeeping, consumer electronics, food processing, housekeeping, food and beverage services, steward and catering services, landscape installation and maintenance, and driving and car maintenance.

After the presentations, questions were raised about the costs and access to skills training, including for migrant domestic workers in Thailand and in the Philippines. Mr Silapa-archa indicated that the Thai Government was looking into providing further training opportunities for domestic workers. Ms Banario noted that the costs of training in the Philippines are actually low, and that there are scholarship programmes and free online courses. Also, overseas domestic workers are given priority for training during their home visits. Other participants noted the need to involve trade unions in the development of the training and to include the gender dimension in the training contents.

In closing, Mr Karupiah stated that trade unions have a major stake in the training of domestic workers. Training should not only be geared at vocational skills development but include education about fundamental human and workers' rights, and rights under national laws in both sending and destination countries. Such training as well as the provision of mobile phones to migrant domestic workers had proven to be vital tools to ensure that Sri Lankan domestic workers are better able to protect themselves when working in other countries. Countries should also provide for legal provisions to accommodate the organization of domestic workers to enable them to access collective bargaining.

4.9 Social security for domestic workers

Atty Jamie Lyn D. Jamias, Government Representative from the **Philippines** and Chairperson of Session 10 introduced the speakers and facilitated discussion on current practices of social security and maternity leave in participating countries.

Ms Celine Peyron Bista, Chief Technical Advisor, ASEAN Unemployment Insurance Project, ILO, gave an introduction to social security for domestic workers. At present domestic

workers face difficulties in exercising their right to social security. For example, in Asia and the Pacific, 76 per cent of domestic workers lack entitlement to maternity cash benefits.

- The lack of access to social security among domestic workers is generally due to: exclusion of domestic workers from social security laws, lack of a contractual relationship, and lack of social security schemes for informal economy workers. Even when a legislative framework is in place, implementation and enforcement is low. Three Asian countries provide three different examples of extending social security coverage to domestic workers.
 - The Philippines was the first country in Asia to recognize social security benefits to domestic workers. Section 30 of the Republic Act 10361 requires the employer to declare the domestic worker to the social security system, PhilHealth and other schemes after one month of service. If the domestic worker's wage is under P5,000, only the employer will pay the contribution. If the wage is over P5,000 both the domestic worker and the employer make the necessary contributions.
 - In Thailand, social security has been extended to informal economy workers, but domestic workers are not eligible. The November 2012 Ministerial Regulation does not provide social security benefits either. However, domestic workers in Thailand have access to the universal health coverage system and the universal minimum pension (Baht500 a month).
 - In Viet Nam, the Social Insurance Law (2006) covers all employers, while the unemployment insurance provisions cover only employers with ten or more employees. The government has proposed to extend the coverage of the unemployment insurance law to all employers. However, even if legal coverage would be extended to domestic workers, employer compliance would remain to be a major challenge .
- A contractual employment relationship between the employer and the domestic worker is important in enabling access to social security for domestic workers, as it will register domestic workers in the social security system, determine wages, contributions and benefits levels, as well as keep a record of employment. Like other workers, domestic workers face contingencies in their lives ranging from maternity, children, sickness, unemployment, work injuries, invalidity, death of breadwinner, and old age. Laws should provide access to an integrated package of social security benefits to cope with these contingencies and ensure equality of treatment for domestic workers.

Ms Bista underlined that access to *social security is a human right*. However, social protection and security of domestic workers is not well-regulated in Asia and further challenges exist in implementation and enforcement as the employment relationship between employers and domestic workers is not always clearly stated. In conclusion, Atty Jamias indicated that it would be “a big step forward in extending social security coverage to domestic workers is made if domestic workers are recognized as workers.”

4.10 Alliances to realize decent work for domestic workers

Mr Zhiqiang Niu, Employers Representative from **China** and the Session Chairperson introduced Session 11, noting that realizing decent work for domestic workers is not the responsibility of any one party alone but needs to be addressed by all parties. Ms Christine Nathan, ILO Regional Specialist on Workers' Education and Ms Jae-Hee Chang, ILO Specialist on Employers' Activities, introduced the final group work session. Ms Nathan noted that there has been a noticeable shift in the region in engagement and planning for dialogue and action concerning domestic workers. It is important for parties forging alliances to keep in mind what decent work encompasses, and what kind of change and results we aim to achieve.

Reaping the benefits of the intensive three-day discussion, participants formed tripartite groups by country in the last session to discuss the building of alliances and developing appropriate strategies to support the establishment of strong trade unions and associations of domestic workers and their employers. The results of the country group work are summarized in *Annex 6. Alliances to realize decent work for domestic workers - Session 11 Group work*.

After the group work presentations, Ms Nathan summarized the key points, mentioned by all country working groups: the importance of collective action, the value of strong alliances and tripartite consensus to generate change and establish country timeframes to ratify Convention No. 189. She also underlined the importance of ratifying and implementing fundamental Conventions No's 87 and 98 on freedom of association and the right to collective bargaining.

5 Conclusions and the way forward

In the closing ceremony, Ms Haspels, ILO, thanked the participants for their valuable and lively contributions to the forum and listed some of the outcomes of the forum discussions as follows:

- Domestic workers make a significant economic contribution to their societies. Asia is a dynamic economic region and skilled, decent domestic work is in demand both within and beyond the region. A diversity of needs, challenges and initiatives exists in the region with many countries facing supply shortages, and others faced with an abundant supply of domestic workers. The domestic service sector has considerable job creation potential and this fuels efforts to realize decent work for domestic workers. It was encouraging to note the progress made in many countries in extending protection to this large group of workers, and to exchange experiences between countries and regions.

- A common challenge remains on how to value this occupation, which is typically considered as a women's job. In virtually all countries domestic workers still face many stereotypes, inequalities and discrimination on the grounds of their sex and gender, social or national origin, ethnicity and because of their migrant status for those not working in their own country. Large scale awareness raising is needed so that the general public understands that domestic workers are actually workers, not "servants, helpers or family members." As such they need to be treated with respect and have a right to decent work.
- It was a positive sign that domestic workers in the region are mostly paid in cash, but wages remain to be generally low, often well below the general minimum wage in countries where a minimum wage system exists. In countries with credible minimum wage systems, domestic workers should be paid up to the minimum wage level, but this is still considered a challenge in many countries. The discussions on wages also affirmed that the provision of proper wages can improve the status and value of domestic work.
- On working time, improvements in legal provisions for a weekly day-off and regular leave days had been noted in some countries, but these are far from universal. Other key working time issues such as normal hours of work and regulation of over-time payment remain a challenge to be faced in all countries.
- It would be important to ensure respect for the fundamental rights of domestic workers and to progressively extend adequate labour and social protection to them. Effective implementation and enforcement of laws and regulations is another common challenge in many countries that needs to be addressed. Progress requires political will, dialogue and multi-stakeholder action by the parties present at the Forum. The ILO hoped that participants had benefited from the discussions and would share the knowledge, promising initiatives and good practices in their home countries.

As the way forward, Mr Philippe Marcadent shared the ILO plans to organize similar forums in Africa and Latin America, and to consider the issue of economic valuation of domestic work more deeply. Overall, experience from other regions, for example, in European countries where a "social package" is provided to domestic workers, shows that it is possible to extend protection to domestic workers. To support these initiatives the ILO is developing tools in several areas of concern to its constituents, among others, on wages, working time, social security, legal compliance and organizing domestic workers. It is hoped that these tools will benefit and enrich policymaking in all regions, and the ILO is available to support and provide assistance.

The closing address was given by Mr Yoshiteru Uramoto, Regional Director, ILO Regional Office for Asia and the Pacific.

- Noting the crucial contribution of domestic workers in countries' national economic growth and human development, it is high time to take action to protect domestic

workers, value and respect their work as a profession, and accord them the same rights and working conditions like other workers.

- New initiatives and progress made in several countries in the region are a welcome change, but firm steps are needed towards establishing national laws that covers domestic workers in the region where a high demand for skilled domestic workers is witnessed. Another important regional change to be aware of is the fact that ASEAN will allow free flow of skilled workers by 2015.
- It is hoped that the insights and new perspectives gained in the forum will benefit participants in their work in their respective countries and help find new ways to accelerate the improvements in the employment of domestic workers in Asia and beyond.

Mr Suriyakant Bagal then presented Mr Uramoto with a plaque of appreciation from trade union federations in Maharashtra, India. Finally, Ms Wilaiwan Koykaewpring, Chief of Human Trafficking on Labour, Labour Protection Bureau, Ministry of Labour, Thailand, gave a closing remark, thanking the ILO for organizing the forum on behalf of all participants.

Annex 1. Programme

Wednesday, 24 April 2013 – Day 1

Time	Content	Speaker/Remarks
8:00-8:30	Group meetings (optional)	
8.30-9.00	Registration <ul style="list-style-type: none"> Venue: Room C@7 	
9.00-10.00	Opening Ceremony <ul style="list-style-type: none"> Welcome address by Mr Pakorn Amornchewin, Director General, Department of Labour Protection and Welfare, Ministry of Labour, Thailand Welcome remarks by Mr Roberto Suarez, Deputy Secretary General, International Organisation of Employers Welcome remarks by Ms Marieke Koning, Policy Advisor, Equality Department, International Trade Union Confederation Welcome remarks by Ms Parichat Jaroennon, Thai Migrant Workers Union, Hong Kong, China Opening address by Ms Nelien Haspels for Ms Thetis Mangahas, Deputy Regional Director, Regional Office for Asia and the Pacific Introduction to the Forum aims and programme by Ms Nelien Haspels, Senior Specialist, Gender and Women Workers, DWT Bangkok Introduction of participants 	<p>MC for event: Rakawin Leechanavanichpan</p> <p>Reporter for event: Busakorn Suriyasarn</p> <p>Speakers:</p> <ol style="list-style-type: none"> Thai MoL Official: 5m DDG, IOE: 5m TU: 5m DW: 5m ILO: 15m ILO: 5m Introductions: 20m <p>Note-taker: Mathilde Baranger</p>
Break 10.00-10.30		
10.30-12.00	<p>Session 1. Domestic worker realities and Convention No. 189</p> <p><i>Objective: Set the motivation for the forum and the overall framework on legal protection.</i></p> <p><i>Chairperson: Jae-Hee Chang</i></p> <ul style="list-style-type: none"> Video 1. Domestic workers' realities in Asia Domestic workers across the globe and introduction to Convention No. 189: Key concepts and means of implementation by Philippe Marcadent, Chief, Conditions of Work and Employment Branch Regional perspective by Elizabeth Tang, Coordinator, International Domestic Workers Network (IDWN) Reflections on Convention No. 189: Government, employers' and workers' perspectives Discussion, questions and answers 	<p>Chair: ILO</p> <p>Video: 5m</p> <p>Keynote speakers: Philippe Marcadent: 15m and Elizabeth Tang: 10m</p> <p>Panel discussion: G, E, W: 5m each Q&A: 30m</p> <p>Note-taker: Celia Goovaerts</p>
Lunch 12.00-13.30		

<p>13.30-15.00</p>	<p>Session 2. Mapping legal protection of domestic workers in participating countries <i>Objective: To assess the respective situations within countries and share country concerns, issues and perspectives.</i> <i>Chairperson: Rakawin Leechanavannichpan</i></p> <ul style="list-style-type: none"> • Introduction to group work by Malte Luebker, Senior Regional Wage Specialist, Bangkok • Tripartite working groups by country to discuss protection of fundamental principles and rights at work; coverage of domestic workers by labour laws; provisions on working time and wages; and policy directions • Groups record their main findings on a wall chart • Brief presentations (x9) on country situations and policy directions – 5 minutes per country • Round-up comments by the facilitator and chairperson 	<p>Chair: ILO-ROAP Facilitator: Malte Luebker: 5-10m Groupwork: Tripartite working groups by country: 45m Reporting of group work: 30m Round-up: 10m</p> <p>WorldCafe style: Report highlights while standing in front of the chart</p> <p>Note-taker: Marko Sternsek</p>
<p>Break 15.00-15.30</p>		
<p>15.30-17.00</p>	<p>Session 3. Extension of legal protection to domestic workers at country level: Exchange with the Philippines, Viet Nam and China <i>Objective: To obtain practical information from countries that have taken concrete steps towards strengthening legal protection (legal, technical and political aspects)</i> <i>Chairperson: Rodrigo Cantindig, Philippines</i></p> <ul style="list-style-type: none"> • Legal protection of domestic workers in Asia: by Tim De Meyer, Senior Specialist International labour Standards and Labour Law • Batas Kasambahay, Republic Act No. 10361 by Atty Jamie Lyn D. Jamias, Chief Labour and Employment Officer, DOLE, Philippines • Ministerial Regulation No 14 (BE 2555) by Mr Pakorn Amornchewin, Director General, Department of Labour Protection and Welfare, MOL, Thailand • 2012 Revision of the Labor Code, Viet Nam by Ms Dao Thi, Deputy Head of Division, Department of Labour-Salary, MOLISA, Viet Nam • Mr Ying San Yu, Director, Home Service Industry Division, MHRSS, China • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Worker Panel: Tim De Meyer: 5m Phil: 10m TH: 10m VN: 10m China: 10m Q&A: 35m Round-up: 10m</p> <p>Note-taker: Mariette Sabatrer</p>

Thursday, 25 April 2013 – Day 2

Time	Content	Speaker/Remarks
8:00-8:30	Group meetings	
8.30-09.00	Opening. Recap of previous day and brainstorming on main issues to be discussed on Day 2	Philippe Marcadent
9.00-10.30	<p>Session 4. Working time <i>Objective: To have a clear understanding of working time of domestic workers and share experiences on (a) Normal hours; (b) Overtime and stand-by; (c) Weekly and daily rest periods; and (d) Recording of working time.</i></p> <ul style="list-style-type: none"> • Video 2. Working hours and wages for Asian domestic workers • Introduction on working time provisions of Convention No. 189 by Claire Hobden, Technical Officer, Working Conditions, ILO Geneva • Groupwork • Round-up comments by ILO and chairperson 	<p>MC:Rakawin Leechanavanichpan Video: 5m Facilitator: Claire Hobden: 15m Panel: Thailand: 10m Others: 10m in total Q&A: 40m Round-up: 10m Note-taker: Celia Goovaerts</p>
Break 10.30-11.00		
11.00-12.30	<p>Session 5. Remuneration and wage setting Part 1: Current practices on minimum wages and in-kind payment <i>Objective: To examine and gain better understanding of most common questions and issues regarding remuneration of domestic workers, with a focus on minimum wage setting and wage protection.</i> <i>Topics: (a) Minimum wage coverage for domestic workers; (b) Impact of minimum wages on wage levels and employment; and (c) limitation of payments in kind and deductions</i> Chairperson: Mr Vajira Ellepola, Sri Lanka</p> <ul style="list-style-type: none"> • Main provisions of Convention No 189 on minimum wage and on in-kind payments; Overview of coverage and practices across countries by Malte Luebker, ILO Bangkok • Minimum wages for domestic workers in the Philippines by Atty Jamie Lyn D, Jamias, DOLE Philippines wage expert on minimum wage for domestic workers • Wages for domestic workers in Indian States by Dr Neetha Narayana Pillai, Senior Fellow, Centre for Women's Development Studies, New Delhi, India • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Employer Facilitator: Malte Luebker : 15m Wage experts (2): 10m each Q&A: 45m Round-up: 10m Note-taker: Mathilde Baranger</p>
Lunch 12.30-14.00		

<p>14.00-15.00</p>	<p>Session 6. Remuneration and wage setting Part 2: Way forward Panel continues: <i>Chairperson: Mr Suriyakant Bagal, India</i></p> <ul style="list-style-type: none"> • Indonesia wage expert on Proposal for minimum wage in Indonesia by Ms Poppy Ismalina, Wage expert, Faculty of Economics and Business, Universitas Gadjah Mada, Indonesia • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Worker Facilitator: Malte Luebker Wage expert: 10m Q&A: 40m Round-up: 10m</p> <p>Note-taker: Mariette Sabatrer</p>
<p>Break 15.00-15.30</p>		
<p>15.30-17.00</p>	<p>Session 7. Minimum wages and working time (Group Work) <i>Objective: To identify challenges and good practices on working time and wages policies and practices in the domestic work sector.</i> <i>Chairperson: Government</i></p> <ul style="list-style-type: none"> • Group work on specific topics (for example, overtime pay, recording of hours) • Report back to plenary • Comments by ILO and chair 	<p>Chair: Constituent G Facilitator: Neliën Haspels Groupwork: Tripartite working groups by country: 45m Reporting of group work: 30m Round-up: 10m</p> <p>Note-taker: Marko Stermsek</p>

Friday, 26 April 2013 – Day 3

Time	Content	Speaker/Remarks
8:00-8:30	Group meetings	
8:30-8.45	Opening. Recap of previous day and brief on agenda for day 3	Nelien Haspels
8.45-10.00	<p>Session 8. Formalizing the employment relationship <i>Objective: To compare regional and country experiences and identify viable means and mechanism for the promotion of model or standard employment contracts.</i> <i>Topics: Employment contracts; methods of wage payments.</i> <i>Chairperson: Mr Hasanuddin Rachman, Indonesia</i></p> <ul style="list-style-type: none"> • Employment contracts – Domestic workers’ experiences by Ms Lita Anggraini, Coordinator Jala PRT, Indonesia • Sharing the experience from Latin America by Maria Elena Valenzuela, Senior Specialist on Gender and Women Workers • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Employer Facilitators: Nelien Haspels: 10m Maria Elena Valenzuela: 15 Q&A: 45m Round-up: 10m</p> <p>Note-taker: Mariette Sabatrer</p>
Break 10.00-10.30		
10.30-12.00	<p>Session 9. Skills training and certification for better wages for domestic workers <i>Objective: To identify ways of professionalizing the domestic work industry and meet the demand for high-skilled and decent domestic jobs.</i> <i>Chairperson: Mr Velayudam Karuppiah, Sri Lanka</i></p> <ul style="list-style-type: none"> • Video 3. Skills training and certification for Asian domestic workers • Skills training for domestic workers in Delhi State and Regional model for competency standards on domestic work by Akiko Sakamoto, Vocational Skills Training Specialist, DWT Bangkok • Skills training on domestic work: A government and employers’ initiative by Mr Nakorn Silapa-archa, Director General, Department of Skill Development, MOL Thailand • Ms Zuo Wang, Programme officer, Social Security Department, ACFTU China • Ms Loreta D Banario, Director, PO-Leyte, Region VIII, TESDA, Philippines • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Worker Video: 5m Facilitator: Akiko Sakamoto: 10m Panel: Thailand: 10m China: 10m Philippines: 10m Q&A: 35m Round-up: 10m</p> <p>Note-taker: Mathilde Baranger</p>
Lunch 12.00-13.30		
13.30-14.30	<p>Session 10. Social Security <i>Chairperson: Atty. Jamie Lyn D. Jamias</i></p> <ul style="list-style-type: none"> • Introduction by Celine Peyron Bista • Plenary discussion: Brainstorming on social security for domestic workers 	<p>Chair: Constituent Government Facilitator: Celine Peyron Bista: 5m</p> <p>Plenary discussion: 55m</p> <p>Note-taker: Celia Goovaerts</p>

<p>14.30-16.00</p>	<p>Session 11. Alliances to realize decent work for domestic workers <i>Chairperson: Mr Zhiqiang Niu</i></p> <ul style="list-style-type: none"> • Introduction by Christine Nathan • Group work (groups by country) • Discussion, questions and answers • Round-up comments by ILO and chairperson 	<p>Chair: Constituent Employer Facilitators: Christine Nathan and Jae-Hee Chang Group work</p> <p>Note-taker: Marko Stermsek</p>
<p>16.00-16.30</p>	<p>Closing ceremony</p> <ul style="list-style-type: none"> • Summary of Forum and the way forward • Closing address by Mr Yoshiteru Uramoto, Regional Director, ILO Regional Office for Asia and the Pacific • Closing remarks by Ms Wilaiwan Koykaewpring, Chief, Bureau of Anti-Trafficking in Women and Children (BATWC), Department of Labour Protection and Social Welfare, Ministry of Labour, Thailand • Farewells 	<p>MC: Rakawin Leechanavanichpan Nelien Haspels Philippe Marcadent Yoshiteru Uramoto</p> <p>Note-taker: Celia Goovaerts</p>
<p>Break 16:30-17:00</p>		

Annex 2. List of Participants

	Country	Title	First Name	Surname	Position, Organization	Telephone& Email
AKF2DW Participants : GOVERNMENT - EMPLOYER - WORKER						
1	Cambodia	Mr	Ath	Sopisal	Officer, Department of Employment and Manpower, Ministry of Labour and Vocational Training (MOLVT)	(855 23) 884 376 athsopisal@yahoo.com
2	Cambodia	Mr	Soum	Chamrong	Legal and Compliance Manager, Cambodian Federation of Employers & Business Associations (CAMFEBA)	(855 77) 777073, (855 23) 222 186 soum_chamrong@camfeba.com
3	Cambodia	Ms	Sovatha	Neang	Gender Coordinator, Cambodian Labour Confederation (CLC)	(855 92) 882 914, 663 062 sovatha_yac@yahoo.com ; sovatha@clccambodia.org
4	China	Mr	Ying	San Yu	Director, Home Service Industry Division, Ministry of Human Resources and Social Security	(86 10) 3811 827 345 yingsanyu@mohrss.gov.cn
5	China	Mr	Zhiqiang	Niu	Division Director, China Enterprise Confederation	(86 10) 687 25437 ZQNIU@126.COM
6	China	Ms	Zuo	Wang	Programme Officer, Social Security Department, All China Federation of Trade Unions (ACFTU)	(86 10) 6859 1804 wangzuo@acftu.org.cn
7	India	Mr	Anjan Kumar	Jena	Deputy Director General, Ministry of Labour & Employment	(91 11) 2371 0265, 2347 3112 anjan.jena@nic.in
8	India	Mr	Shitangshu	Taye	Assistant Director, All India Organization of Employers (AIOE)	(91 11) 23487230 shitangshu.taye@ficci.com
9	India	Mr	Suryakant	Bagal	General Secretary, Hind Mazdoor Sabha (HMS) State Council of Maharashtra	(91 22) 23759702, MOB. 09987577522 suryakantbagal@gmail.com
10	Indonesia	Ms	Bondet	Yudaswarin	Ministry of Manpower and Transmigration	(62 21) 522 9285 bondetyudaswarin@yahoo.com
11	Indonesia	Mr	Arjuna Gempar Eko	Kurniawan	Ministry of Manpower and Transmigration	(62 21) 522 9285 arjunagempar@gmail.com

12	Indonesia	Mr	Hasanuddin	Rachman	Member of APINDO Governor/Advisory Council, Employers' Association of Indonesia (APINDO)	(62 21) 8378 0824 dianamsavitri@apindo.or.id
13	Indonesia	Mr	Edward	Pakpahan	Coordinator Regional KSBSI of North Sumatra Province, Confederation of Indonesian Prosperity Trade Union (KSBSI)	(62 21) 7098 4671 sbsi@pacific.net.id ; infolsd@yahoo.com
14	Lao PDR	Mr	Phetsavang	Sounnalath	Deputy Director General, Labour Management Department, Ministry of Labour and Social Welfare	(856 21) 213 247 t_vks@hotmail.com
15	Lao PDR	Ms.	Daovading	Phirasayphithak	Chief of Employer's Bureau Activities, Lao National Chamber of Commerce and Industry (LNCCI)	(856 21) 453 311-4, 452 579 daotop_s9@hotmail.com ; lncci@laopdr.com
16	Lao PDR	Mr	Inpeng	Meunviseth	Head, OSH Division, Lao Federation of Trade Unions	(856 20) 56512 662 inpeng_tu@yahoo.com
17	Philippines	Atty.	Jamie Lyn D.	Jamias	Chief Labour and Employment Officer, Department of Labor and Employment (DOLE/NWPC)	(63 2) 529 8011 attyjamie@yahoo.com.ph
18	Philippines	Ms	Margarita Amaris	Javillonar	Research Assistant, Research & Advocacy Department, Employers' Confederation of the Philippines (ECOP)	(63 2) 890 4847 secretariat@ecop.org.ph
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Annex 3. Wall chart – Legal coverage by country (Session 2 Group work)

Country	Implementation of fundamental principles and rights at work (FPRW)	Coverage by labour laws	Working time			Remuneration and Wage Setting		Current Policy Initiatives
			Normal weekly hours	Weekly Rest	Annual leave	Coverage minimum wages	Regulation of in-kind payments	
 Cambodia	No principles for FPRW.	Art. 249, 15, 122.	No	No	No	No	No	FPRW, National working group of employee, employer, government and community service organizations (CSOs).
 China	Constitution, civil law and labour laws cover domestic workers.	Partial coverage.	Yes, for those with a labour contract.	Industrial guidance: - 24 hours per week - 4 days per month	Partially, yes.	Generally higher than the minimum wage.	No	Regulation on domestic work (process of drafting).
 Hong Kong (China SAR)	Domestic workers can form unions.	Some provisions apply (though protection is weaker for live-in domestic workers).	No limit.	Yes, one day per week.	Yes, seven days after one year.	Minimum allowable wage (MAW) HK\$3,920 per month (US\$490) for migrants but excluded from the standard minimum wage.	Free food must be provided or an allowance of HK\$875 (US\$110) per month.	- Trade union campaign (against recruitment fees) - Occupational safety and health (OSH) - Visa extension after termination of a contract
 India	The Constitutional Law protects the rights of citizens, including domestic workers but there are generally state-specific laws and differences in: 1. Implementation (labour inspection); 2. Multiple employers; 3. Lack of organizational initiatives... there are no national policy networks.	1. Inter-State Migrant Workers Act; 2. Minimum Wages Act (some states only); 3. Social Security Act, 2008; 4. Sexual Harassment Bill, 2010 (likely to be passed); 5. Child Labour (Regulation and Prohibition) Act, 1984; 6. Extension of social security schemes; 7. There are Welfare Boards for domestic workers in some states.	No uniform policy, though some states limit daily work to eight hours.	Where Minimum Wages Acts are in force, there are provisions for weekly rest.	No	Some states cover domestic workers under Minimum Wages Acts but there is no national policy.	In-kind payments exist in some states, despite the provisions of Minimum Wages Acts that prohibit them.	Draft national policy on domestic workers was formulated in 2010 by a taskforce on domestic workers inside the Ministry of Labour and Employment but it is still pending approval.

 Indonesia	Challenges include prevailing norms, cultures and mind-set as well as high unemployment and there is no regulation of domestic workers in labour law.	No	No	Common decision of two ministries in 2002 – but not binding.	No	No	No	Three main CTUs (KSPI, KSPSI, KSBSI) and nine FTUs; JALA PRT – CSO to submit the national law; Draft of domestic workers national law is still being debated in the Parliament (3 rd stage of six) so this depends on the government.
 Lao PDR	No labour rights. No right to organize.	Only civil rights and constitutional rights.	No	No	No	No	No	Protection of migrant domestic workers by a network with contacts in receiving countries.
 Philippines	Ratified ILO Convention No. 189 in the passage of RA.10361.	Yes	Yes (with an employment contract)	Yes, 24 hours per week	Yes, five days after one year of service	Yes	Yes	<ul style="list-style-type: none"> - Implementing rules and regulations - Empirical framework and guidelines for minimum wages fixing - Review of training regulations
 Sri Lanka	Freedom of association. Ratified core conventions	Employment of Women, Young Persons and Children's Act; ETF (voluntary contribution); Industrial Disputes Act (following termination of an employment contract); Bureau of Foreign Employment Act (for migrant workers); Service Contracts Ordinance; Registration of Domestic Servants Ordinance.	Yes, but only for young workers (14-18 years); none for others.	Yes, but only for young workers.	Yes, but only for young workers.	No	No	<ul style="list-style-type: none"> - National policy on migrant workers (finalised) - National domestic workers (discussion at the labour ministry) - Suggesting improvements for future statistics on migrant workers
 Thailand	Domestic workers are seen as workers and covered by labour laws. Laws are in force.	Partial	No	Yes	Yes	No	No	<ul style="list-style-type: none"> - Proposed new policy for social security - Skills training - Registration and better data
 Viet Nam	Ratified five Core Conventions (but still considering C.87, C.98 and C.105).	Yes, there are five articles in the Labour Law 2012.	Not specified (required to be based on Labour Code).	Not specified (required to be based on Labour Code).	Not specified (required to be based on Labour Code).	Not specified (based on Labour Code).	Not specified (based on Labour Code).	Issue effective Decrees and Regulations for the implementation of the Labour Code, 2012. Skills training. Advocacy required for both employers and social awareness. Improving the mechanism of monitoring and supervising the implementation of the Labour Code for domestic workers.

Annex 4. Working time (Session 4 Group work)

Participants were divided into six mixed groups to discuss one of the three topics, including (1) limitation of normal weekly hours and regulation of overtime, (2) entitlement to weekly rest days, and (3) provision of paid annual leave (a set of two groups discussed the same topic). The discussion was guided by the following questions.

- *What are the provisions already contained in C189 and R201, regarding your topic?*
- *What is the current situation in Asia – and what has to change?*
- *What challenges and best practices are there for improving the situation that other countries should note and consider?*
- *What needs to be done and how to do it?*

Summary of group work presentations

(1) Limitation of normal weekly hours and regulation of overtime (C189, Art. 10; R201, Para. 8 and 12)	
Group 1	Group 2
<p>Current Practices:</p> <ul style="list-style-type: none"> • Philippines: 52hours • Indonesia: 40hours • India: 48 - 60 hours • Cambodia: 60 hours • Hong Kong (China SAR), Thailand: 54 - 70 hours <p>Challenges:</p> <ul style="list-style-type: none"> • No specific law in each country to guarantee standards on working hours • No countries have ratified C189 except Philippines <p>Good practices:</p> <ul style="list-style-type: none"> • Republic Act in Philippines (hour rests) • Domestic workers protection initiatives in India and Thailand <p>Recommendations:</p> <ul style="list-style-type: none"> • Ratify C189 in order to establish common national law • Ratify C87 and C98 → organizations of domestic workers and their employers for the purpose of negotiation 	<p>Current situation:</p> <ul style="list-style-type: none"> • Not covered under legal provisions, therefore there is no normally stipulated working hours • No concept of stand-by <p>Change:</p> <ul style="list-style-type: none"> • Should be brought under legal provision • Identify the working hours with mutual consent between employers and workers, what would be mentioned in the contract <p>Challenges:</p> <ul style="list-style-type: none"> • How to measure and monitor the working hours? • How to ensure real freedom for the live-in workers? • The problems of the workers cannot be generalized as treatments differ from households to other households. <p>Recommendation:</p> <ul style="list-style-type: none"> • Trade unions are very important for the workers, as they can talk with the government.

(2) Entitlement to weekly rest days (C189, Art. 10; R201, Para. 11)	
Group 3	Group 4
<p>Provisions:</p> <ul style="list-style-type: none"> • C189 (art. 10, para. 1, 2, 3); R201 (art. 5 (2)a, art.11, art. 12: prohibition to work at night time, compensation) <p>Current situation:</p> <ul style="list-style-type: none"> • No specific rest day in most Asian countries <p>Change:</p> <ul style="list-style-type: none"> • Need protection for weekly rest and improved mechanisms for implementation and monitor, but also protection of privacy of households • Some Indian states are already implementing the Minimum Wage Act which covers DWs and provide weekly rest <p>Challenges:</p> <ul style="list-style-type: none"> • Effective implementation of the weekly rest • Monitoring by the authority <p>Best practices:</p> <ul style="list-style-type: none"> • In India, there is contract between employee and employers, trade union organization to monitor. • In Philippines: possible trade unions, homeworkers associations 	<p>Current practices:</p> <ul style="list-style-type: none"> • Philippines – 24 hours/week covered by law; usually on Sunday but can be any another day depending the need of domestic worker • Vietnam – One day/week; to be implemented • Laos – Some one day/week, some half day; no law, depending on the negotiation • Sri Lanka – No law for weekly rest; unless DWs are 14-18 year old, who are entitled to one day off and are not allowed to work at night • China – No law; one day for DWs who have employment contract (but practice is that without contract, DWs usually get one day leave/week) • Indonesia – No law, no weekly rest day (in 2002, there was an agreement between the manpower and women ministries, but implemented because it is not binding) <p>Challenges:</p> <ul style="list-style-type: none"> • To enact laws on DWs indicating the weekly rest day <p>Recommendations:</p> <ul style="list-style-type: none"> • Conduct advocacy through the media on the right of DWs: TV, radio, newspaper, flyers, and social media (FB, twitter, etc.) • Conduct general assembly for all DWsto raise awareness on their rights and collective bargaining

(3) Provision of paid annual leave (C189, Art. 10; R201, Para. 13)	
Group 5	Group 6
<p>Current situation:</p> <ul style="list-style-type: none"> • Varies among countries but all countries cope with implementation issues. • No legal protection except Thailand and the Philippines. <p>Challenges:</p> <ul style="list-style-type: none"> • Part-time workers/ multiple employers → difference of paid leave! • If difference of annual paid leave is increased, the costs to employers increased too. 	<p>Provisions:</p> <ul style="list-style-type: none"> • C189, Art. 10: equal treatment regarding annual leave in accordance with national legislation or collective agreements • R201, para. 13: holidays with employers should not be considered as annual leave <p>Current situation:</p> <ul style="list-style-type: none"> • Informal voluntary agreements but no legal provisions except Thailand and Philippines • Disparity between workers entered into employment relation by themselves or and others entered by third party such as placement agencies <p>Country situation:</p> <ul style="list-style-type: none"> • Philippines – 5 days after one year of service (29 Republic ACT 10361) • China – 5-7 days paid (for DWs employed under a labour contract) • India – national draft policy on DWs which refers to paid annual leave • Indonesia – no law, but in practice most employers give 6 days annual leave (negotiable) • Thailand – 6 days of annual leave paid after one year, and 13 traditional holidays <p>Challenges:</p> <ul style="list-style-type: none"> • Lack of clarification between traditional holidays, paid and unpaid annual leave • Lack of awareness among various stakeholders on rights and entitlements of DWs • Stereotypes about accepting domestic work as work like any other sector

Annex 5. Remuneration and wage setting (Session 7 Group work)

Participants were divided into six mixed groups to discuss one of three topics, including (1) minimum wages, (2) treatments for in-kind payments, and (3) protection against non-payment of wages (a set of two groups discussed the same topic). The discussion was guided by the following questions.

- *What are the provisions already contained in C189 and R201, regarding your topic?*
- *What is the current situation in Asia – and what has to change?*
- *What challenges and best practices are there for improving the situation that other countries should note and consider?*
- *What needs to be done and how to do it?*

Summary of group work presentations

(1) Minimum wages for domestic workers (C.189, Art. 11)	
Group 1	Group 2
<ul style="list-style-type: none"> • Strong enforcement and constant monitoring are needed on the ground. • Migrant workers sometimes depress the wages of local workers, so there should be bilateral agreements between receiving and sending countries to monitor and regulate wage rates (there is seldom any communication of this sort). Migrant workers often move for better pay but still obtain much less than local workers in the receiving country. There is often excess supply. • Domestic workers should first be integrated into the definitions of existing laws and rights. Then there should be a minimum wage set up and fixed for them. However, there is scope and a real need for domestic workers to empower themselves in their fight for better conditions. <p><i>Comments from the floor</i></p> <ul style="list-style-type: none"> • Domestic workers can and wish to improve but need legal protection and support from government, employers' and workers' organizations. 	<ul style="list-style-type: none"> • It can be difficult to create laws for the many different types of domestic workers – e.g. live-in /live-out – but this is no reason not to do it. As the experiences of the Philippines (where the wage depends on training), Hong Kong (though it is very low), and certain states of India show, it is possible to make such legislation a reality. • Beyond this, social security provisions must also be ensured. • Currently, there are often no proper employee-employer relationships. Once this relationship is developed, only then can countries establish minimum wages and social protection for domestic workers. It is a level of interpersonal formality that needs to be in place. • Domestic workers' lack of bargaining power often comes from a lack of unions/organization. • A valuable best practice would be to produce a survey of domestic workers (in order to have the most basic data at hand for making better policies); enable and promote registration; and harness private employment agencies to ensure decent conditions and monitor activities. <p><i>Comment from the floor</i></p> <ul style="list-style-type: none"> • Regarding the possible benefits of private placement agencies, the experience from India proved that these are actually exploiting the workers more than the actual employers of domestic workers.

(2) Treatment of in-kind payments (C.189, Art. 12; R.201, Para. 14)	
Group 3	Group 4
<ul style="list-style-type: none"> • There is an obvious need to ratifying Convention No. 189. • One main ongoing challenge is how to quantify the value of in-kind payments. Employers often add value in providing food and other things while workers see these as basic requirements fundamental to their work and their living condition – so there will always be a conflict here. • One best practice in this respect is the ‘Hong-Kong model’ – ensuring a basic wage is inclusive of in-kind payment – although the issue remains on how to decide what this should be worth / what the relevant threshold is? This can be achieved (perhaps most appropriately) through tripartite discussions. 	<ul style="list-style-type: none"> • Lao PDR has no law for in-kind payments. Usually, payments are made in cash and there are no relevant regulations. In Sri Lanka, live-in domestic workers are entitled to food, by law. However, one relevant consideration is the difficulty of sharing food between Hindus and Muslims. • One best practice is to support bonus payments on religious festivals and holidays.

(3) Protection against non-payment of wages (C.189, Art. 7, 12, 16, 17; R.201, Para. 15 and 18)	
Group 5	Group 6
<ul style="list-style-type: none"> • Existing legal structures can be used to solve the problem of non-payment. Indonesia takes a bipartite approach to solving such disputes. In the Philippines, non-payment carries a penalty for employers, provided a conclusive case can be made and there is proof of misconduct. • The key challenge is often that procedures for redress can be time-consuming. It can be difficult to make a case in the absence of evidence (such as payslips or a contract) to settle the case. • One best practice is thus to clearly state the periodicity of payments and provide pay slips. Third parties should then become involved only if the dispute cannot be resolved bilaterally. 	<ul style="list-style-type: none"> • Non-payment provisions are not explicitly mentioned but just referred to in C189 and R201. • In China, those hired under a labour contract can use several complaints procedures: those without an employment contract typically go through civil law; those employed under an employment contract can go through labour contract law. In Thailand, labour inspectors and courts can receive domestic workers’ complaints. India has no specific complaints mechanism but is currently drafting laws to address this. In other words, there is something in every country, although only in the Philippines it is stated explicitly in the law. • One ongoing challenge is that domestic workers are still not considered as workers so their payment is still not seen in the context of the law. Many are also unaware of the rights that they do have. • For the way forward, since most countries have some sort of labour inspectorates at the local level, they are recommended to use these in addressing relevant disputes, although there may be an issue with accessibility.

Annex 6. Alliances to realize decent work for domestic workers (Session 11 Group work)

Participants were divided into six groups by country to discuss two main questions: (1) why we need alliances and how to build them; and (2) strategies to support the establishment of strong and independent trade unions for domestic workers and appropriate employers structures, with consideration to the respective roles of government, workers' and employers' organizations, ratification of ILO Convention No. 189, and Conventions no. 87 and 98.

Summary of group work presentations

CAMBODIA

1) Building alliances

- *Why:* There is minimal participation, so good industrial relations need to be promoted.
- *How:* Social dialogue. Form a national working group.
- *Who:* Employers, Trade Unions, Government, ILO, CSOs
- *Role of Government:*
 - o Create specific national working group.
 - o Disseminate information; develop law and policy on decent work.
 - o Recognize C189.
 - o Develop action plan *and* implementation for legal protection of DWs.
- *Role of Trade unions:*
 - o Disseminate information and organize workshop on the importance of alliances through social media and workshops.
 - o Create helpline phone system and means to contact DWs.
 - o Conduct advocacy campaign on development of legal protection for DWs and ratification of C189.
 - o Promote active tripartite participation.
- *Role of Employers:*
 - o Disseminate information and raise awareness on C189 and R201.
 - o Adopt best practices of other countries, and conduct study visits.
 - o Involve relevant members in development and implementation of national law and policy on decent work.

2) Strategies

- *Role of Government:*
 - o Ensure effective implementation of the law and allow more freedom of association.
 - o Recognize freedom to organize for Trade Unions.
 - o Register DWs.
 - o Register the unions and employers' organizations with the Ministry of Labour.
 - o Involve local employer organizations or individual employers in promoting decent work for domestic workers based on laws and policies.
 - o Provide training.
- *Role of Employers:*
 - o Involve local employers' organizations and individual employers.
 - o Conduct training for employers on government policy.
- *Role of Trade Unions:*
 - o Conduct advocacy for law and regulation (decent work)
 - o Conduct social media training on C189 after this workshop.

**Has already ratified C87 and C98. Need to work towards ratification of C189. There should be a study on domestic workers' situation in Cambodia.*

CHINA

1) Building alliances

- *How:* Inter-Ministerial Mechanisms (involving eight ministries, particularly for home service industry and communities)
- *Role of Government:* Organize, coordinate and promote collective bargaining (encourage employers to enter in collective agreement)
- *Role of Trade unions:* Collective consultation
- *Role of Employers* (China Home Service Industry Association): Provide industrial guidance, requirements, rights and responsibilities of DWs.

2) Strategies: Complete and improve the legal system in China

- *Government:*
 - o Improve legal system and adopt regulations for DWs; improve legal protection environment and promote collective consultation system at the industry level.
- *Employers:*
 - o Organize and guide represented enterprises.
 - o Participate in collective consultation.
- *Trade unions:*
 - o Encourage domestic workers to join unions at company, industry and prefecture levels.
 - o Guide DWs in their participation in the collective consultation process, represent them; and sign collective agreements

**Will improve the legal system and address obstacles towards the ratification of C189.*

INDIA

1) Building alliances

- *Who and how:* Tripartite partners of ILO include the Ministry of Labour and Employment; central trade unions; employers' organizations; placement agencies; Community Service Organizations (CSOs); resident welfare associations; academic institutions; and state-level tripartite structures.

2) Strategies – support and encourage:

- Indian Labour Conference discussions
- Setting up of issue-based task forces
- Advisory bodies to recommend government to develop Domestic Workers Act
- Monitoring private placement agencies
- Ratify core conventions
- National policy on domestic workers
- Trade unions' registrations
- Government is proactive in this degree
- Promote rights of workers
- Organize, help in identification, certification, assisting in domestic workers' access to social security

**C189, C87 & C98 need to be ratified. Trade unions are in support of the ratification.*

INDONESIA

1) Building alliances

- *Who:* Tripartite plus CSOs and DWOs
- *Role of Government:*
 - o Socialization of decent work for DWs
 - o Facilitate coordination and communication among Government, Workers and Employers
 - o Arrange program for alliance; facilitate meetings; arrange policies for DW for DWs

- *Role of TUs/DWOs/Unions:*
 - o Capacity building in unionization
 - o Expand membership and affiliation to trade unions
 - o Strengthen collective bargaining
 - o Organizing
- *Role of Employers:*
 - o Socialization of the members of Employers network
 - o Arrange program for awareness raising

2) Strategies

- *Legislative framework:*
 - o Register DWs organizations/unions and support their capacity building.
 - o Develop a program of local-national government (there is national law for unionizing which DWOs and employers' organizations can adopt).
- Capacity building program to form regulations or national law
- *Role of Employers:*
 - o Awareness raising among employers
- *Role of Trade Unions:*
 - o Organizing, capacity-building on organizing and advocacy, and socialization

LAO PDR

1) Building alliances

- *Who and how:* Government + LWU, MPS, MLSW, LFTU, LNCCI (Tripartite mechanism)
 - o Domestic work must be realized as work (which is not easy in Lao context).
- *Role of Government:*
 - o Government organizations must play a key role in shaping social perception – find the evidence and show that domestic work has economic and social value.
- *Role of Trade Unions:*
 - o Build a network with individuals and organizations in domestic work.
 - o Realize decent work.
- *Role of Employers:*
 - o Promote decent work.
 - o Raise awareness on value of domestic work to help improve legal protection for DWs.
 - o Identify DW skills and provide training on skills in workplaces.

2) Strategies

- Trade union law: Lao PDR has one trade union under which there are several associations, so the role of associations is important.
- Make society realize decent work for DWs (but there have been no studies in the country on the situation of DWs to support this. There are a lot of Lao DWs in Thailand but there are also no data about them either). A country study on DWs is needed.
- Ratification of C189

**Ratification of C87 & C98 is an ongoing process.*

PHILIPPINES

1) Building alliances

- *Who:* Philippines' Domestic Work Technical Working Group (TWG)
 - o Established in 2009 (adoption campaign)
 - o Members: DOLE, ECOP, trade unions (TUCP, FFW and APL), SUMAPI (domestic workers), Visayan Forum, Migrant Forum in Asia, and the ILO (as an observer and for technical support).

- National Tripartite Industrial Peace Council
 - o Regular TIPCs
 - o Tripartite in nature and composition
- ECOP with MOAs with local chambers of commerce (Industrial Relations (IR) Committees)
- DOLE created internal TWG for ratification of ILO C.189 and lobbying for RA.10361.

2) Strategies

- *Organizing workers:*
 - o All workers planning in organizing domestic workers
 - o Concept note developed on strategic initiatives of trade unions in organizing domestic workers
 - o Trade unions' close coordination with CSOs and domestic workers
- *Organizing employers:*
 - o ECOP to organize training orientations on RA.10361 with members, TIPC representatives from employers
 - o Initial plans to touch base with organized HomeOwners Associations for possible organizing initiatives
 - o ECOP developed ethical guidelines in employing domestic workers

SRI LANKA

1) Building alliances

- *Who:* Tripartite constituents and Ministry of Women's Affairs; women's organizations; Women's Chambers
- *Role of Government:*
 - o Create a conducive environment [for the promotion of decent work for DWs].
 - o Create awareness among the general public and constituents.
 - o Conduct a national labour survey with the collaboration with stakeholders and create a database on DWs.
 - o Promote collective bargaining among Employers.
- *Role of Trade Unions:*
 - o Recruit new members.
 - o Expand membership in the rural and unorganized areas.
- *Role of Employers:*
 - o Collect information, and strengthen training and dissemination of information among employers [of DWs].

2) Strategies

- *Legislative framework:* Legislative provisions for unionization (provided in the constitution)
- Create an environment for the stakeholders to engage alliances and enlighten the benefit (through the structure of the MoL and media)
- Encourage employers to engage and participate in establishing structures to form associations (household associations, women's associations and women's chambers)
- Encourage domestic workers to join trade unions and build alliances with domestic workers' associations in the rural as well as urban areas.

**C87 & C98 have already been ratified. On the ratification of C189, preliminary groundwork is to be carried out and the outcome to be submitted to NLAC for further consideration.*

THAILAND

1) Building alliances

- *Why:* Government has limited access to reach out to domestic workers
- *Who and how:* Tripartite + CSOs & DWs

- *Government*: all departments
- *Employers*: ECOT
- *Workers*: domestic workers' associations, trade unions (CSOs, NGOs, communities)

2) Strategies

- Provide and promote knowledge on rights and laws on domestic workers for employers and domestic workers.
- Include domestic workers in social security system
- *Role of Government*:
 - Propose and develop policies and regulations on DWs to achieve decent work.
- *Role of Employers*:
 - Promote CSR and raise awareness among employers.
- *Role of Trade Unions*:
 - Educate DWs and involve DWs as members of trade unions.

**All stakeholders consider to ratify C189, C87 & C98, and propose this issue to Government on May Day.*

VIET NAM

1) Building alliances

- *Who*: (Government) MoLISA; (Employers) VCCI, VCA; (Workers) VGCL; (Others) Vietnam Women Union (VNU), Vietnam Youth Union, NGOs and especially the ILO

2) Strategies – Tripartite Consultation

- *Role of Government*:
 - Create a legal framework.
 - Put DWs in priority group for national action plan (skills training, job creation, access to employment services).
- *Role of Trade Unions (VGCL)*:
 - Encourage DWs to join Trade Unions.
 - Advocate decent work.
 - Protect legitimate and legal rights and interests of female workers.
- *Role of Employers*:
 - Improve awareness of employers to recognize DWs as workers.

3) Legislative environment: Tripartite consultation on the Labour code; Trade Union Law; Social Insurance Law; Law on Vocational training

- *Role of Government*:
 - Provide regulations and guidelines.
 - Advocate, monitor and supervise implementation of labour law.
- *Role of Employers*:
 - Implement the labour law.
 - Offer opportunity for DWs to participate in education and vocational training.
- *Role of Trade Unions*:
 - Advocate DWs as trade union members
 - Participate in the IR Committee to monitor, supervise and inspect the implementation.

**Ratification of C189, C87 and C98 is under discussion and may take time.*