



Common Myths and Facts About Domestic Work

There is significant interest among policymakers and stakeholders in laws, policies and practices addressing forced labour and human trafficking in domestic work. This is a list of the ten most common misperceptions among policymakers. The policy brief includes related facts and recommended laws, policies and practices, drawing on the experience of the Work in Freedom programme. This should be read together with other ILO policy briefs on anti-trafficking laws, policies and practices.



MYTH 1

Domestic workers are like family members and therefore what they do cannot be fully considered as work.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ The difference between domestic workers and family members who perform similar tasks in a household is that domestic workers are in an employment relationship under which they perform those tasks while family members usually are not. Whether or not employers of domestic workers treat their workers as family members does not alter the fact that what domestic workers do is work. 	<ul style="list-style-type: none"> ▶ Absence of laws, policies and practices enabling the formal recognition of domestic work ▶ Policies that only partly grant worker status to domestic workers (failure to notify minimum wages for domestic work, or notifications of wages below living wage levels; absence of social security and leave entitlements including maternity leave) 	<ul style="list-style-type: none"> ▶ Laws, policies and practices that recognize domestic work as work as per ILO Convention No. 189 on Domestic Workers and ILO Recommendation No. 198 on Employment Relationships ▶ Adoption and implementation of ILO Convention No. 189 on Domestic Workers

MYTH 2

Domestic work is unskilled.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Domestic work can include a variety of activities that require specialized and core competencies including but not limited to cooking, child and elderly care, inter-personal communication and even management. In most patriarchal societies, women have already acquired some of these skills from childhood in their gendered upbringing to become housewives – even though these skills may not be perceived or socialized as such. While skilling programmes for domestic workers can be useful, recognition of prior learning and qualification procedures are particularly important for women. 	<ul style="list-style-type: none"> ▶ Absence of policies and practices that enable recognition of prior learning, determination of competencies, improvement and valuation of skills and issuance of recognized qualification certificates ▶ Policies enabling compensation practices based on origin, ethnicity, gender and age rather than wages based on qualifications that are relevant to domestic work ▶ Failure of public policies to invest in the care economy or other urban services, leaving the burden of care needs entirely to the private household, where an inherent undervaluation of skills that are considered “feminine” prevails 	<ul style="list-style-type: none"> ▶ Policies and practices that develop qualification standards for domestic work, enabling recognition of prior learning (RPL) and linking certified skills to better wages ▶ Laws, policies and practices that enable upward labour mobility through certified skilling processes ▶ Policies enabling worker organizations to support skilling of domestic workers, especially in terms of labour relationships, rights, negotiation and life skills

MYTH 3

Domestic workers should not form trade unions because family employers cannot deal with unions and domestic workers can cause law and order problems.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Workers are far more likely to get trapped in asymmetrical power relationships with far more powerful employers than employers getting trapped in asymmetrical relationships with powerful workers. Workers have the right to associate, just as do employers. ILO Convention No. 189 on Domestic Work recognizes domestic workers as workers. ▶ When freedom of association and collective bargaining are repressed, tension and conflict will affect domestic worker and employer relationships. Where tension occurs, social dialogue based on freedom of association and collective bargaining is more likely to be effective. Domestic workers' collective voice is also important in addressing common grievances and demands from government and labour recruiters. 	<ul style="list-style-type: none"> ▶ Banning freedom of association, the right to organize and collective bargaining among domestic workers or migrant workers ▶ Policies and administrative practices preventing domestic workers and migrant workers from selecting their own representatives ▶ Special 'worker committees' addressing migrant worker issues within unions, government bodies or enterprises, without proper migrant worker representation adhering to principles of freedom of association and collective bargaining established by ILO's fundamental conventions 	<ul style="list-style-type: none"> ▶ Laws, policies and administrative practices enabling freedom of association and collective bargaining for domestic workers (article 3 of ILO Convention No. 189 on Domestic Workers, ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise, ILO Convention No. 98 on Right to Organize and Collective Bargaining) ▶ Policies and practices favouring social dialogue between workers, employers and governments where tensions are high

MYTH 4

The rule of law is fair in tackling domestic worker complaints.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Law enforcement works better for those who have a greater capacity to influence it. For example, law enforcement is usually less sensitive to a migrant domestic worker's complaint that her wage wasn't paid than to the counter complaint that the very same migrant domestic worker stole the influential employer's jewelry. Resources, social capital, and communication skills tend to favour employers, while domestic workers, more often than not, have neither the resources, the social capital nor the local language fluency to articulate their position to law enforcement officials and engage in litigation. 	<ul style="list-style-type: none"> ▶ Policies entrenching segregation between national and migrant workers (e.g. mobility restrictions on migrant domestic workers) ▶ Absence of special recourse and victim empowerment and protection measures for women, migrants and domestic workers, to enable them to lodge complaints, seek protection and access justice, taking into account asymmetrical power in labour relationships ▶ Legal provisions that sanction workers for employers' failure to comply with the law (e.g. registration or extension of permits) 	<ul style="list-style-type: none"> ▶ Laws, policies and administrative practices enabling access to justice for domestic workers (e.g. ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise, ILO Convention No. 98 on Right to Organize and Collective Bargaining and ILO Recommendation No. 201 on Domestic Workers) ▶ Procedure enabling domestic workers to lodge and follow up on complaints without fear of retaliation, including special women-friendly victim protection procedures

MYTH 5

Labour inspection in private homes is not possible due to concerns over protection of privacy.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While privacy of homes is important (Article 12 of Universal Declaration of Human Rights), household members are not above the law and households are not exempt from recognizing the human rights of those working in the household. Domestic workers are often in informal employment relationships, making it difficult for labour inspectors to know where to inspect. In the case of both informal and formal employment relationships, privacy laws tend to restrict labour inspection without the consent of the employer, the occupier, or a judicial authority. States should specify the conditions under which labour inspection in household premises may be conducted on a case-by-case basis with due respect for privacy. 	<ul style="list-style-type: none"> ▶ Weak labour inspection or inspection focused on disciplining domestic workers, rather than on overseeing the overall labour relationship, including the performance of both workers and employer ▶ Laws leaving it to employers to manage residency permits (e.g. sponsorship systems); rigid employment registration mechanisms ▶ Laws, policies and administrative practices that leave it to police, households and security officials monitor to labour relations ▶ Privacy laws fully barring labour inspection of domestic workers in private homes ▶ Insufficient funding that undermines the capacity to perform full labour inspection of domestic work 	<ul style="list-style-type: none"> ▶ Policies and administrative practices enabling regular and separate communication between labour inspectors and both workers and employers ▶ Policies enabling the keeping of records of working conditions (e.g. ILO Recommendation No. 201 on Domestic Workers, para. 8) ▶ Policies and administrative practices enabling labour inspection of domestic work under specific procedures ▶ Adherence to international standards related to domestic violence (CEDAW, Beijing Platform for Action)

MYTH 6

Domestic workers should be systematically registered at police stations for the sake of protecting both employers and workers.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Domestic work occurs in an employment relationship. Institutions in charge of monitoring employment relationships are better placed to monitor domestic work. It is important for labour offices and departments to register both workers and employers in order to ensure decent work. Police and security institutions are not specialized in labour governance and are mandated to focus on criminal matters. Registration with police and security-related institutions can contribute to reinforcing the challenges faced by domestic workers and concurrently feeds false public perceptions. 	<ul style="list-style-type: none"> ▶ Policies and administrative practices that segregate domestic workers for criminal liabilities and procedures (e.g. requiring registration of domestic workers in police stations regardless of whether they have committed a crime or not) ▶ Policies and administrative practices excluding employers from registration that would enable oversight of the labour relationship (e.g. registration of recruiters but not employers) 	<ul style="list-style-type: none"> ▶ Laws, policies and administrative practices that ensure that workers, employers and, where relevant, recruiters and contractors are registered in labour offices under labour law jurisdiction ▶ Policies enabling the keeping of records of working conditions (e.g. ILO Recommendation No. 201 on Domestic Workers, para. 8)

MYTH 7

Given the high and increasing numbers of domestic workers, only workers themselves can fund social security.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Domestic work is work, and as such domestic workers are entitled to social security, to which both workers and employers should contribute. Social security should be available for domestic workers regardless of whether they work for multiple employers or not, and whether they are migrant workers or not (Article 20 of ILO Recommendation No. 201 on Domestic Workers). In the case of migrant domestic workers, bilateral agreements can ensure the preservation of social security entitlements abroad as well as their portability 	<ul style="list-style-type: none"> ▶ Policies exempting employers from paying contributions to workers, social security, or requiring that workers make unrealistic contributions or proportionally high contributions ▶ Absence of policies to account for domestic workers working for multiple employers, and policies that fail to account for the monetary value of in-kind payments ▶ Bilateral agreement or memoranda of understanding that fail to ensure equality of treatment with respect to social security 	<ul style="list-style-type: none"> ▶ Article 14 of ILO Convention No. 189 on Domestic Workers ▶ Laws, policies and practices that facilitate the payment of social security contributions, including for workers working for multiple employers and accounting for the full monetary value of in-kind payments ▶ Bilateral, regional and multilateral agreements providing migrant domestic workers with equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements

MYTH 8

Children in domestic work can be considered as apprentices or members of family enterprises.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ Child domestic work is a type of child labour regardless of whether or not the worker is an adolescent or a member of a family enterprise. It frequently involves the perpetuation of traditional female roles and responsibilities, within and outside the household, as well as the perception of domestic service as part of a woman's "apprenticeship" for adulthood and marriage, which contributes to the persistence of child domestic work as a form of child labour. 	<ul style="list-style-type: none"> ▶ Laws, policies and practices considering full-time child domestic work, below the relevant minimum age, as an acceptable apprenticeship function ▶ Laws, policies and practices that consider full-time child domestic work, below the minimum age, in the home of a third party or employer, as work contributing to a family enterprise ▶ Laws, policies and practices that fail to recognize hazardous forms of child labour in domestic work 	<ul style="list-style-type: none"> ▶ Laws, policies and administrative practices especially enabling access to quality education for children in child work ▶ State investment in the care economy facilitating household tasks and care (e.g. power, education for children, health care for the elderly) ▶ Economic policies generating decent work ▶ Administrative practices listing hazardous forms of child labour in domestic work (See ILO Convention No. 138 on Minimum Age, ILO Convention No 189 on Domestic Work)

MYTH 9

Domestic work through formal recruitment and employment processes prevents forced labour.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While employment into domestic work through formal process can offer some protections (e.g. avoiding the hazards of non-documentation), formal recruitment processes and formal work relationships do not necessarily prevent abuses where an asymmetry of power between workers and employers can enable employers to get away with abuses. Moreover, formal recruitment processes can entrap workers in abusive labour relationships from which they cannot escape. 	<ul style="list-style-type: none"> ▶ Safe migration campaigns informing migrants that migrating through formal channels will prevent them from being trafficked ▶ Policies systematically criminalizing workers for seeking to leave abusive working and living conditions and being undocumented ▶ Policies sanctioning workers for employers' failures to register them or extend their permits 	<ul style="list-style-type: none"> ▶ Policies and programmes providing realistic information for migrants by involving former workers ▶ Laws, policies and practices addressing poor working and living conditions in domestic work ▶ Laws, policies and practices enabling workers to terminate employment without being criminalized

MYTH 10

Domestic work empowers women with jobs and should therefore be promoted.

FACTS	POOR LAWS, POLICIES, PRACTICES	RECOMMENDED LAWS, POLICIES, PRACTICES
<ul style="list-style-type: none"> ▶ While domestic work may offer job seekers the prospects of incomes they desperately need, working and living conditions of domestic workers are often under-regulated, making abuses more likely to occur. Domestic work may therefore be both subjugating and emancipating in different ways. Promoting employment into domestic work should not ignore the poor working and living conditions that are prevalent in the sector. 	<ul style="list-style-type: none"> ▶ Fiscal austerity policies resulting in divestment from basic rural and urban services that facilitate household tasks and care ▶ Policies promoting domestic work as an empowering employment opportunity for women ▶ Policies portraying fair recruitment as an empowering process 	<ul style="list-style-type: none"> ▶ Policies and programmes enabling thorough research on working and living conditions of domestic workers in order to introduce necessary safeguards in employment processes ▶ Policies, programmes and practices supporting training programmes for domestic work that are realistic about both the subservience and emancipation that occurs in domestic work

Resources

- ▶ Convention No. 189 on Domestic Workers, International Labour Organization, 2011
- ▶ Recommendation No. 201 on Domestic Work, International Labour Organization, 2011
- ▶ ILO Resources on Domestic Work, International Labour Organisation, 2016 and ILO webpage on domestic workers
- ▶ Publications and Resources webpage of Women in Informal Employment: Globalizing and Organizing (WIEGO)
- ▶ Decent Work for Migrant Domestic Workers: Moving the Agenda Forward, Tayah, 2011
- ▶ Resources webpage of the International Domestic Workers Federation
- ▶ Policy Brief on Practices and Regulations of Recruitment to Domestic Work, International Labour Organization, 2017
- ▶ Work in Freedom webpage, International Labour Organization

Work in Freedom

Work in Freedom is an integrated development cooperation programme aiming to reduce the vulnerability to forced labour for women migrating for garment and domestic work. The programme works along migration pathways in India, Nepal, Bangladesh, Jordan, Lebanon and the Gulf countries. It is funded by UK aid from the Department for International Development. However, the views expressed in this policy brief do not necessarily reflect the department's official policies.

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