



Migration and domestic work

An outline of international standards, regional trends and good practices

Domestic workers make up a significant proportion of the global workforce and are among the most vulnerable groups of workers. An estimated 21.5 million domestic workers – more than 40 percent of the global total – are employed in Asia. Growing demand for domestic services is one of the main triggers of the feminization of labour migration. Domestic workers are predominately low-skilled, female workers, driven to migrate by significant wage differentials between countries of origin and destination. Within South-East Asia, the main countries of destination are Thailand, Singapore and Malaysia; and the main countries of origin are Indonesia, the Philippines, Myanmar and Viet Nam.

Domestic workers often receive very low wages, work excessively long hours, have no guaranteed day of rest, and are vulnerable to physical, mental and sexual abuse or restrictions on freedom of movement. They work in private households, often without clear terms of employment, excluded from the scope of labour legislation and out of the purview of labour inspectors. Exploitation of domestic workers can partly be attributed to gaps in national labour legislation, and often reflects discrimination along the lines of sex, nationality and ethnicity. Migrant domestic workers face all these disadvantages and more, due to vulnerabilities that stem from an absence of protection and assistance mechanisms in both destination and origin countries, their legal status, and the negative implications that are associated with the informality of domestic work.

In 2013 the landmark Domestic Workers Convention, 2011 (No. 189) and the supplementary Domestic Workers Recommendation, 2011 (No. 201) came into force, establishing minimum standards for domestic workers around the globe. The Convention affirms that domestic work is work, and that there should be equal treatment between domestic workers and other workers in regard to labour rights and protections. To date the Philippines is the only country to ratify to the Domestic Workers' Convention in the Asia and Pacific region. Since the adoption of the Convention, many countries in the region have started to extend some legal and social protection to domestic workers, including Thailand, Viet Nam, Singapore and the Philippines.



Abuse of domestic workers

In 2013 the case of **Erwiana Sulistyaningsih**, an Indonesian domestic worker employed in Hong Kong, China, drew international attention to the vulnerability, working and living conditions, and abusive recruitment and employment practices experienced by some migrant domestic workers in Asia. The 23-year-old Erwiana had sustained brain injuries and broken bones as a result of seven months of abuse at the hands of her employer, and was only dismissed when she became too disabled to work. This case added fuel to the growing domestic workers' rights protest movement in Hong Kong, China and around the world. The protests drew the attention of the Hong Kong and Indonesian governments as well as the international community, and put pressure on Hong Kong over its labour immigration policies for domestic workers, including the rule that migrant domestic workers must find new employment within two weeks of their contract ending or being terminated, or they have to leave Hong Kong, and the requirement that domestic workers must live in their employer's home.



International Labour Organization instruments

The **Domestic Workers Convention, 2011 (No. 189)** seeks to promote the effective protection of the human rights of all domestic workers and to introduce measures to ensure fair terms of employment and decent working and living conditions. The Convention outlines the following:

- Decent work and equal treatment between domestic workers and workers generally, taking into account the specific characteristics of domestic work.
- Domestic workers should enjoy minimum wage coverage, and remuneration is to be established without discrimination based on sex.
- Freedom of association and the right to collective bargaining.
- Information on terms and conditions of employment, preferably through written contracts.
- A weekly rest day of at least 24 consecutive hours.

- Minimum age for domestic workers in line with the Minimum Age Convention, 1973 (No. 138) and not lower than that established by national laws and regulations for workers generally.
- Effective access to dispute settlement mechanisms.
- For domestic workers residing within the household, decent living conditions that respect privacy; no obligation to remain in the household or with household members during periods of rest or leave; and the right to keep their identity and travel documents.
- Prior to departure, migrant domestic workers must receive a written job offer/employment contract that is enforceable in the destination country.
- Member States must develop laws and regulations regarding private employment agencies, including procedures for investigation of complaints and assurances that fees are not deducted from remuneration.



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ILO Multilateral Framework on Labour Migration

Within the Multilateral Framework, guidelines on the protection of migrant workers take special account of domestic work, and stipulate that all States should adopt measures to:

- Ensure that national labour legislation and social laws and regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection, wages, occupational safety and health and other conditions of work, in accordance with relevant ILO instruments.
- Ensure that in law and practice migrant workers benefit from equality of treatment with national workers regarding safety and health protection,

Good practices

In compliance with its obligations having ratified Convention No. 189, the Philippines implemented the **Batas Kasambahay law** in January 2013. The law covers recruitment and placement, minimum wage, working hours, living conditions, conditions of termination of contracts, and social security, health insurance and national savings scheme coverage. The Philippines Department of Labor and Employment (DOLE) has also created a sample contract, pay slip and certificate of employment to assist employers in complying with the new law.

The **International Domestic Workers Federation (IDWF)** is a global membership-based organization of domestic workers. The Federation has 47 affiliates in 43 countries, comprised of trade unions, associations and workers' cooperatives. The Federation's key activities include organizing domestic workers, campaigning for ratification of Convention No. 189 and enactment of policy and legislation on domestic work, and strategic development and capacity building of affiliate organizations.

including measures to address specific risks in certain occupations, including domestic work.

Guidelines on the prevention of and protection against abusive migration practices recognize the particular vulnerability of domestic work, and urge States to:

- Intensify measures aimed at detecting and identifying abusive practices against migrant workers, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work.

Regional instruments

In July 2014, a **Civil Society Organization (CSO) Forum on Decent Work for Domestic Workers in ASEAN** was held in Manila. The Forum brought together regional CSOs to hear the Philippine experience in lobbying for the ratification of Convention No. 189; to discuss the role of CSOs in the complaints mechanism process and develop common tools for reporting; and to share experiences and good practices in the protection of migrant domestic workers. At the conclusion of the meeting, participants drafted recommendations on strategies for lobbying for ratification; commitments to pursue advocacy of the Convention; and CSOs' role in the complaints mechanism process.

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