

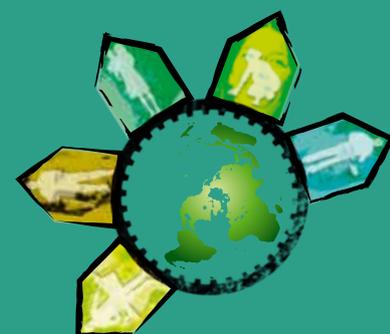


International
Labour
Office
Geneva

SNAPSHOT ILO IN ACTION

DOMESTIC WORKERS

A growing number of countries are taking measures to improve the living and working conditions of domestic workers. But the momentum needs to be stepped up to ensure that domestic workers worldwide enjoy labour rights, just like other workers.





OVERVIEW

Every day tens of millions of people throughout the world clean other people's homes, cook their meals and watch over their children. Their work contributes to national economies and labour markets by enabling others to carry out their own jobs.

Yet, domestic workers very often lack recognition as real workers, and constitute one of the most vulnerable categories of workers. Only about ten per cent of them are covered by labour legislation to the same extent as other workers, while more than 25 per cent are completely excluded. More than 80 per cent of workers in the sector are women, many of them migrants and members of disadvantaged communities.

Physical violence, child labour and forced labour are among the human rights abuses affecting

women and girls in domestic work. However, abuses also include long hours of arduous work without rest and unfair pay practices such as excessive deductions for accommodation and food. Such abusive conditions are widespread and have particularly serious consequences for domestic workers and their families. Indeed, without basic needs and material provisions being met, millions of women and girls are not able to realise their human rights and live in freedom and dignity.

In 2011, the International Labour Conference adopted the Domestic Workers' Convention No. 189, the first international standards laying down minimum labour protections for domestic workers. To date, seven countries have ratified the Convention.

Convention 189 and the accompanying Recommendation 201 have created momentum for the recognition of domestic workers as workers with rights like any other worker. A growing number of countries are reforming policies and legislation. While such reforms go a long way towards reducing inequalities and discrimination, policy and legislative reforms are not sufficient on their own. A profound change in attitude towards the profession is urgently needed.

Achieving this is not an easy task. But the ILO can contribute its expertise, helping formulate reforms, facilitating the sharing of knowledge and experiences among constituents of different countries and raising awareness of workers' and employers' rights and duties.

It is high time that the world recognized the true economic and social contribution domestic workers bring to society. It is time to finally acknowledge that domestic workers are not "members of the family" or second class workers, but employees entitled to full labour rights.

WHO ARE DOMESTIC WORKERS?

Convention No. 189 defines domestic workers as "any person engaged in domestic work within an employment relationship." Domestic work is defined as "work performed in or for a household or households."

The work may include cleaning, cooking, washing and ironing, taking care of children, elderly or sick members of a family, as well as household pets, gardening, guarding the house and driving for the family. Domestic workers include full- or part-time employees. Some live in their employers' residence, others in their own homes. They may be migrants or nationals of the country they work in.

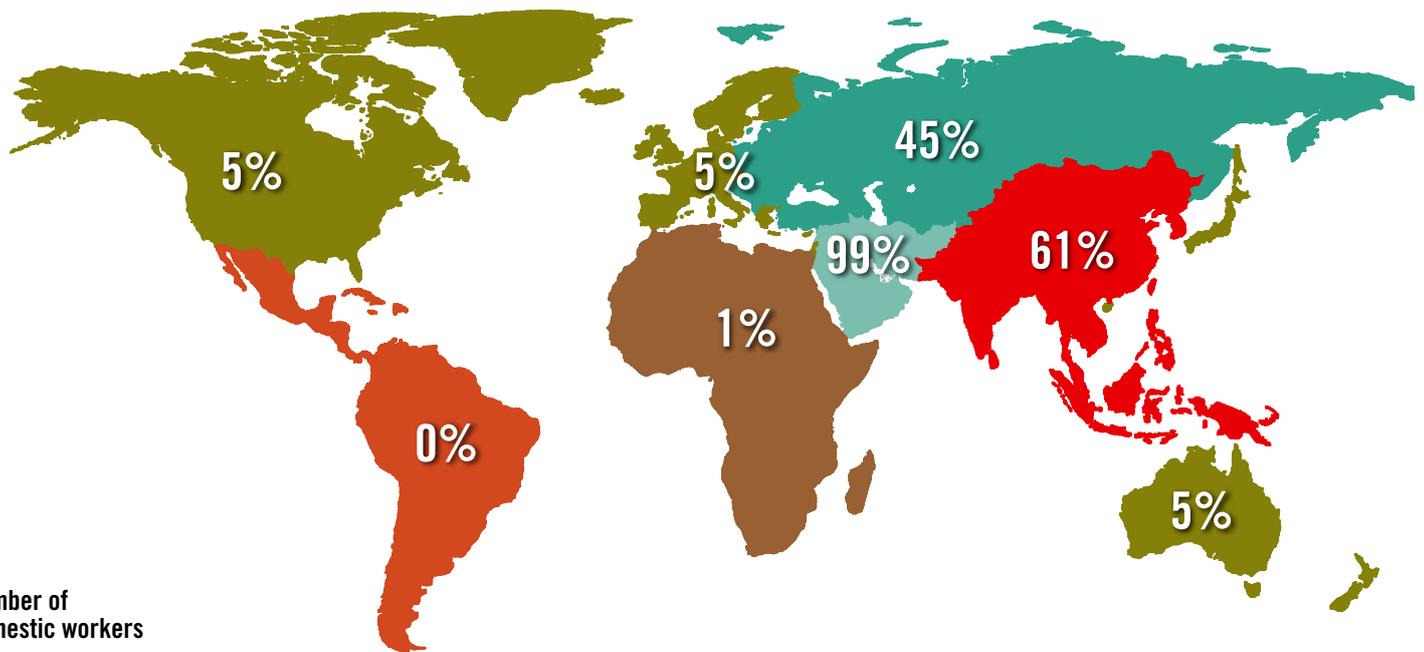
Facts and figures on domestic workers:

- 52.6 million worldwide
- 83 per cent are women
- 29.9 per cent are excluded from national labour legislation
- 45 per cent have no entitlement to weekly rest periods/paid annual leave
- More than a third of women domestic workers have no maternity protection

Philippe Marcadent

Chief, Conditions of Work and Employment Branch (TRAVAIL)

ESTIMATED NUMBER OF DOMESTIC WORKERS AND % EXCLUDED FROM LABOUR LEGISLATION



Number of domestic workers

595,000	- Eastern Europe and CIS*
2,107,000	- Middle East
3,555,000	- Developed countries
5,236,000	- Africa
19,593,000	- Latin America and the Caribbean
21,467,000	- Asia and the Pacific

*Commonwealth of Independent States

CONVENTION 189 AND RECOMMENDATION 201

Adopted by the International Labour Conference (ILC) in June 2011, the Convention sets standards for the working conditions of domestic workers. It states that they must have the same basic labour rights as other workers, including:

- Reasonable working hours
- Weekly rest of at least 24 consecutive hours
- A limit on in-kind payment
- Clear information on terms and conditions of employment
- Respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining.

The Convention, which comes into force in September 2013, is binding for countries that ratify it. As of June 2013, Uruguay, the Philippines, Mauritius, Nicaragua, Italy, Bolivia and Paraguay have ratified the Convention, and more countries have initiated the ratification process.

Recommendation 201, which provides detailed guidance on how to apply the Convention, was also adopted by an overwhelming majority of delegates at the ILC in 2011.

WHAT HAS CHANGED IN LABOUR LEGISLATION SINCE THE ADOPTION OF THE DOMESTIC WORKERS' CONVENTION 189?

- **Argentina:** A new law defined domestic workers' labour rights, including overtime pay, sick leave and maternity leave.
- **Bahrain:** The new labour code has several provisions on domestic work.
- **Brazil:** A constitutional amendment gives domestic workers the same rights as other workers.
- **India:** A Bill on sexual harassment at the work place covers domestic workers.
- **Namibia:** A wage commission has been created to set minimum wages for domestic workers.
- **Philippines:** A new law on domestic work covers minimum wages, social security, and health insurance coverage, among other topics.
- **Singapore:** A new law provides domestic workers with a weekly day of rest.
- **Spain:** A new royal decree replacing previous legislation on domestic work regulates minimum wages, working hours and severance pay.
- **Thailand:** Several labour law provisions were extended to domestic workers, including a weekly day of rest, annual leave and sick leave.
- **Venezuela:** A Labour Act gives domestic workers the same rights as other workers.
- **Vietnam:** The new Labour Code regulates domestic work.

Similar legislation or reforms are being drafted or awaiting approval in other countries.



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ILO IN ACTION

PROTECTING DOMESTIC WORKERS' RIGHTS

In Zambia, employers have taken it upon themselves to help protect domestic workers' rights. The Zambia Federation of Employers (ZFE) is actively promoting good recruitment and employment practices and has come up with a Code of Conduct for employers of domestic workers.

Because of the particularities of this long neglected category of workers, improving the rights and conditions of domestic workers sometimes requires unconventional measures. The ILO is fully aware of the need to be innovative in supporting initiatives such as the ZFE's.

Challenges range from major gaps in legal protection and lack of social security coverage

“The training sessions we are conducting with ‘maids’ centers’ are important so that the domestic workers will know their rights and the conditions under which they should be employed”

*Harrington Chibanda, executive director,
Zambia Federation of Employers*

to biases about domestic work and limited awareness of existing laws among both employers and workers.

The ILO is working hand-in-hand with governments, employers, trade unions and domestic workers' organizations to tackle these and other issues that affect domestic workers worldwide.

The ILO has already provided technical assistance to 21 countries in this respect. The nature of the assistance depends on the specific issues and needs identified by the constituents as well as the country's opportunities for change.

The assistance can address the entire legal framework for employment and working conditions, or individual policies on issues such as minimum wage, working time, health insurance and pensions. It can also target a specific category of domestic workers such as migrants, children or those in forced labour conditions.

Implementing reforms requires a thorough understanding of current legislation, the situation of domestic workers and the scope for change.

That is one of the areas where the ILO can give strong support, as it did in **the Philippines**. The ILO supplied detailed analysis of the situation in the country, while also helping step up dialogue between the government, employers and workers. Convention 189 provided guidance in the drafting of the Domestic Workers' Bill, as well as impetus for its passage. The law went into force in January 2013, setting a new yardstick for change in Asia, where 61 per cent of domestic workers are not covered by labour laws.

Because reliable data is often lacking, the ILO has developed an innovative household survey to count domestic workers and assess their

KNOWLEDGE SHARING FORUMS ON DOMESTIC WORK

Learning from success stories and understanding which challenges may arise can go a long way in helping a country promote decent work for domestic workers. That is why the ILO organizes regional knowledge sharing forums (KSFs) that bring together government, workers' and employers' representatives. The ILO conducted six regional forums in 2012-2013 – in Lisbon, Mexico City, Kuala Lumpur, Cairo, Bangkok and Dar es Salaam, each focusing on a specific dimension of domestic work. The knowledge acquired at these forums helps national constituents tackle important issues and provides a sound basis for the development of policies. The forums also deepen understanding of the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011, and support efforts towards implementation and ratification of the Convention.

working and living conditions. It is currently being tested in **Tanzania** and **Zambia**.

In **India**, where it has assisted the Labour Ministry in drafting policy on domestic workers, the ILO conducted research on minimum wage setting practices in six states and on health insurance access in another two, to help determine where improvements are needed.

The ILO has supported awareness-raising campaigns in a number of countries. In **Bolivia**, it helped organize Sunday fairs that provided information on the rights and duties of domestic workers and their employers. The events also increased recognition of the National Federation of Domestic Workers of Bolivia (FENATRAHOB), an affiliate of Central Obrera Boliviana (COB), and facilitated dialogue between the domestic workers' union and the Labour Ministry.

Boosting both workers' and employers' organizations – whose support for reforms is critical – is an important part of the ILO's assistance.

In **Hong Kong**, the ILO collaborated with the Hong Kong Confederation of Trade Unions (HKCTU) in developing the internal cohesion and organizational capacities of the Federation of Asian Domestic Workers Unions (FADWU), now an affiliate of HKCTU. This was a major challenge, partly because of the language differences among union members who come from Indonesia, Nepal, the Philippines, Sri Lanka and Thailand, in addition to local Chinese.

The ILO collaborates with the International Trade Union Confederation (ITUC) and other national trade unions, such as Trade Union Congress of Tanzania (TUCTA), Indian National Trade Union Congress (INTUC) and Federation of Free Workers (FFW) in the Philippines, in organizing domestic workers.

When **Uruguay** decided to include domestic workers in the collective bargaining process, it faced one problem: who would represent the employers? Eventually, a consumer rights

group, the Liga de Amas de Casa (League of Housewives), agreed to play that role despite its

complete lack of experience in labour relations. The ILO assisted the League in creating its communications strategy, and promoted cooperation between the League and the government on labour inspection and social security coverage.

A pioneer in recognizing domestic workers' rights, the South American country is among the few to have a legally mandated collective bargaining mechanism for this group of workers, and was the first to ratify Convention 189.

ILO assistance may be directed towards helping a country meet conditions for the ratification of Convention 189. But support is not

limited to countries that have ratified or are preparing to ratify the international set of standards adopted in 2011.

The ultimate objective is real change on the ground that will make decent work and labour rights a reality for tens of millions of people around the world.

“The first challenge for us is to raise awareness among domestic workers about their rights. Their work environment is so much scattered it has been difficult to reach them.”

Deograsia Vuluwa, focal person for domestic workers, CHODAWU (Conservation, Hotels, Domestic and Allied Workers' Union), Tanzania

“People somehow think that because domestic workers work in private homes, they're not part of public policy. We need a mind change, that's the first step.”

Guy Ryder, ILO Director-General

ILO STRATEGY: MAKING DECENT WORK A REALITY FOR DOMESTIC WORKERS

The ILO is committed to the improvement of working conditions for domestic workers. To achieve this, it is conducting actions at global and national levels in several key areas:

- Strengthening national institutions, including support for legal reforms.
- Helping strengthen domestic workers' and employers' organizations.
- Supporting ratification and implementation of Convention 189.
- Raising awareness of domestic workers' rights.
- Building the knowledge base on domestic work.

For more information on the ILO action, visit our page on domestic work:

<http://www.ilo.org/domesticworkers>



WAGES AND WORKING TIME

LONG HOURS AND LOW PAY VIOLATE DOMESTIC WORKERS' RIGHTS

Violations of the human rights of domestic workers go far beyond the shocking headlines of extreme abuses. They occur every day and around the world in the form of excessive working hours with no rest time and insufficient pay.

Domestic workers typically earn about 40 per cent of average wages, and their salaries tend to be lower than those of other workers in comparable occupations.

Most countries have some form of minimum wage legislation, but over 40 per cent of domestic workers are excluded. Furthermore, virtually all countries limit working time, but national legislation often does not extend to domestic workers.

In Malaysia, for example, domestic employees work an average of 66 hours a week (2008 survey), well above the 48-hour threshold.

In reality, working hours may be even longer, in particular for live-in domestic workers who are expected to be available at all times of the day and night but receive no overtime pay. Often, no distinction is made between working hours and non-working hours.

This constitutes a violation of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay (article 24 of the Universal Declaration of Human Rights).

Such long working hours, sometimes combined with sleep interruption, threaten domestic workers' work-family balance and negatively affect their physical and psychological health. This may result in fatigue, stress, and increased risk of accidents at the workplace.

“They didn’t pay me on Sundays, which was extra work, and I always worked 12 hours a day. In 14 years, I never had holidays.”

Felicidad Yugar, domestic worker in Bolivia

Unrecorded or undefined working time also implies hours of unpaid work, and may be a barrier to workers' access to paid leave and pension schemes.

As of 2010, almost 45 per cent of domestic workers – over 23 million – were not entitled to a weekly day off under national legislation. A similar number have no entitlement to annual leave.

The situation of domestic workers reflects just how undervalued their work is. Even though it makes a significant contribution to labour markets, domestic work is often dismissed as unproductive “women’s work” - reinforcing gender inequalities and discrimination.

While some countries have extended general labour legislation to domestic workers, many others - mainly in the Middle East and Asia - still fall short of the mark.

But interest in minimum wages for domestic workers is expanding among national policy makers. The ILO is assisting the governments of **Namibia**, the **Philippines** and **India** in the assessment and/or formulation of minimum wage policy concerning domestic workers.

On wages and working hours, Convention 189 stipulates that domestic workers are entitled to:

- Minimum wages, where such coverage exists for other workers.
- Be paid directly, at regular intervals.
- A limit on in-kind payment.
- Reasonable working hours.
- Weekly rest of at least 24 consecutive hours.
- Leave the employers' home during periods of rest.



MIGRANT DOMESTIC WORKERS

FAR FROM HOME WITH LITTLE PROTECTION

In many countries, women migrants constitute the vast majority of domestic workers. They seek economic opportunities abroad for themselves and their families. These women are often among the most resourceful and entrepreneurial persons in their home communities; but when abroad, isolated in the private home, in the absence of their social support systems, and confronted with language barriers, they often find themselves in weak bargaining positions, in many cases falling prey to unscrupulous employers or recruiters.

“When I arrived, I was undocumented. I worked from 9a.m. to 7p.m., they didn’t pay my social contributions... I worked also when I was sick.”

C., migrant domestic worker in Italy

Although they contribute positively to their host countries’ societies and economies, they nonetheless experience numerous forms of abuses and exploitative practices. Migration policies that only focus on interior or security concerns, are not based on human and labour rights, and are poorly articulated with employment policies are at the heart of the problem. Some countries, for example, apply a ‘sponsorship’ system

whereby the domestic worker enters the country under the responsibility of a sponsor, thus leaving behind her independence and placing her fate at the discretion of her employer.

The ILO has been applying its expertise in facilitating social dialogue between workers, employers and governments to ensure that non-discriminatory migration policies are developed and implemented with the involvement of all stakeholders. This dialogue aims to respond to labour market needs while promoting respect of human rights and labour standards, social and economic participation and the integration of migrant workers in destination countries.

Equally important in supporting policy and law reforms, is enhancing the knowledge base on migrant domestic workers. This is the objective of the projects Promoting Integration for Migrant Domestic Workers in Europe and Global Action Programme on Migrant Domestic Workers. The latter will provide reliable data on the numbers and situation of migrant domestic workers in some of the international migration corridors to help policy-makers design coherent and well-informed policies on migration.

The nationality and the ethnic and economic background of workers cannot be a reason to deprive them of their rights. Migrant domestic workers are workers as any other and should enjoy the same labour rights as other workers.

PUBLICATIONS ON DOMESTIC WORKERS

BOOKS

- Domestic Workers Across the World: Global and regional statistics and the extent of legal protection
- Effective Protection for Domestic Workers: A guide to designing labour laws

Available at:

<http://www.ilo.org/travail/areasofwork/domestic-workers>

POLICY BRIEFS

- Remuneration in domestic work
- Working hours in domestic work
- Measuring the economic and social value of domestic work
- Global and regional estimates on domestic workers
- Coverage of domestic workers by key working conditions laws
- «Meeting the needs of my family too»: Maternity protection and work-family measures for domestic workers

Available at http://www.ilo.org/travail/info/WCMS_155773



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MATERNITY PROTECTION

DOMESTIC WORKERS SHOULD NOT HAVE TO CHOOSE BETWEEN BEING A PARENT AND HAVING A JOB

A Q&A with Laura Addati, ILO maternity protection and work-family specialist.

Why do domestic workers need maternity protection?

We often think of domestic workers as providing care for young children or the elderly so that their employers can work. But domestic workers have families too - the majority are women, half of them are of childbearing age. Without legal protection, domestic workers who become pregnant may be forced to quit their jobs, losing income when they need it most.

What are the main issues facing domestic workers with young children or who experience pregnancy while employed?

For many domestic workers, a pregnancy means job termination with no access to maternity leave. Globally, 36 per cent are excluded from the right to maternity leave. Income insecurity is another main issue: 40 per cent of domestic workers are not legally entitled to maternity cash benefits, and in practice, an overwhelming majority have no access to such benefits. As a result, they are unable to stop working to recover from childbirth, breastfeed and take care of the baby.

Lack of adequate food and rest, exposure to toxic products, carrying heavy loads, long working hours and night work can have serious health consequences for pregnant or breastfeeding women and their children.

With no access to quality and affordable childcare, many domestic workers leave their children with relatives in rural areas or in their country of origin.

What are the barriers keeping domestic workers from enjoying their right to maternity protection?

Domestic work is generally not regarded as “real work” and the parenting needs and rights of domestic workers are often not acknowledged. In many countries, there are considerable legal gaps in maternity protection for domestic workers.

Domestic workers’ isolation from other workers and their close proximity to their employers put them in a weak bargaining position and make it difficult for them to claim their rights. This is particularly true for very young and migrant workers.

How can maternity protection for domestic workers be implemented in an effective way?

Maternity protection and work-family measures are critical ingredients of policies that advance decent work for domestic workers. They should be legally entitled to maternity leave, cash and medical benefits, employment protection and non-discrimination, health protection and breastfeeding arrangements at the workplace. Maternity benefits should be financed through social insurance or public funds. Workers should not have to choose between being a parent and providing for their families.

Thailand, for example, provides universal maternal health care, funded by taxes. In Brazil, the law prohibits dismissal of a domestic worker without just cause from the time a pregnancy is discovered until five months after delivery. Some countries are taking steps to improve affiliation of domestic workers to social insurance schemes that include maternity cash benefits.

Domestic workers have become indispensable to the functioning of societies and economies. Guaranteeing them decent work is in the interest of workers, employers and care recipients.

To learn more:

http://www.ilo.org/travail/info/WCMS_155773

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