

Protecting labour rights of domestic workers: ILO instruments



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Who are domestic workers?

- ❖ **Workers who perform work in or for a private household or households.**
- ❖ They provide care services: cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening.
- ❖ A domestic worker may work on full-time or part-time basis; may be employed by a single household or through or by a service provider.
- ❖ A domestic worker may be working in a country of which she/he is not a national, thus referred to as a migrant domestic worker.

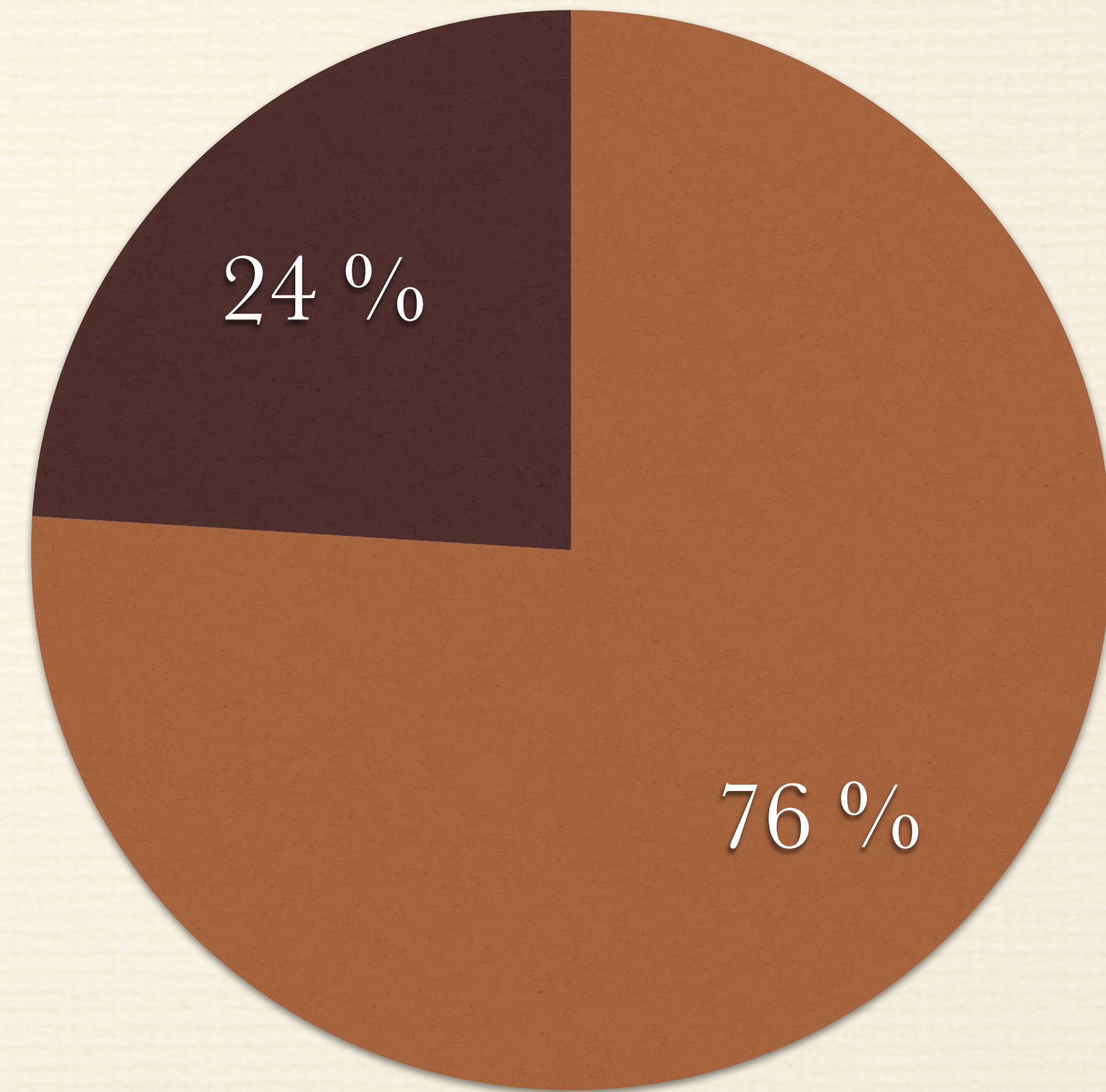


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Who are domestic workers?

● Women ● Man

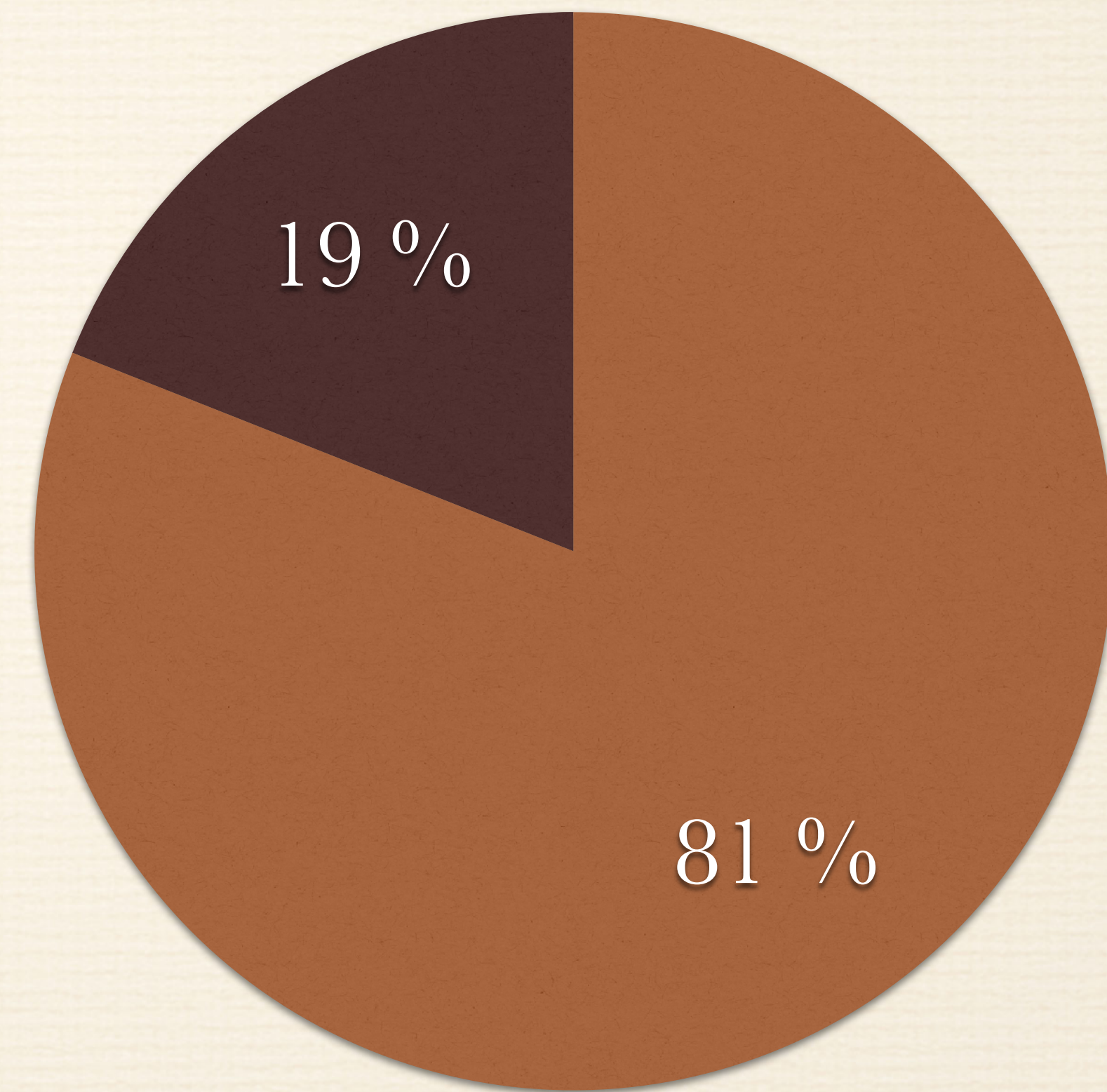
- ❖ **75.6 million domestic workers worldwide**
- ❖ 76.2% are women
- ❖ Around 81% are in informal employment



Who are domestic workers?

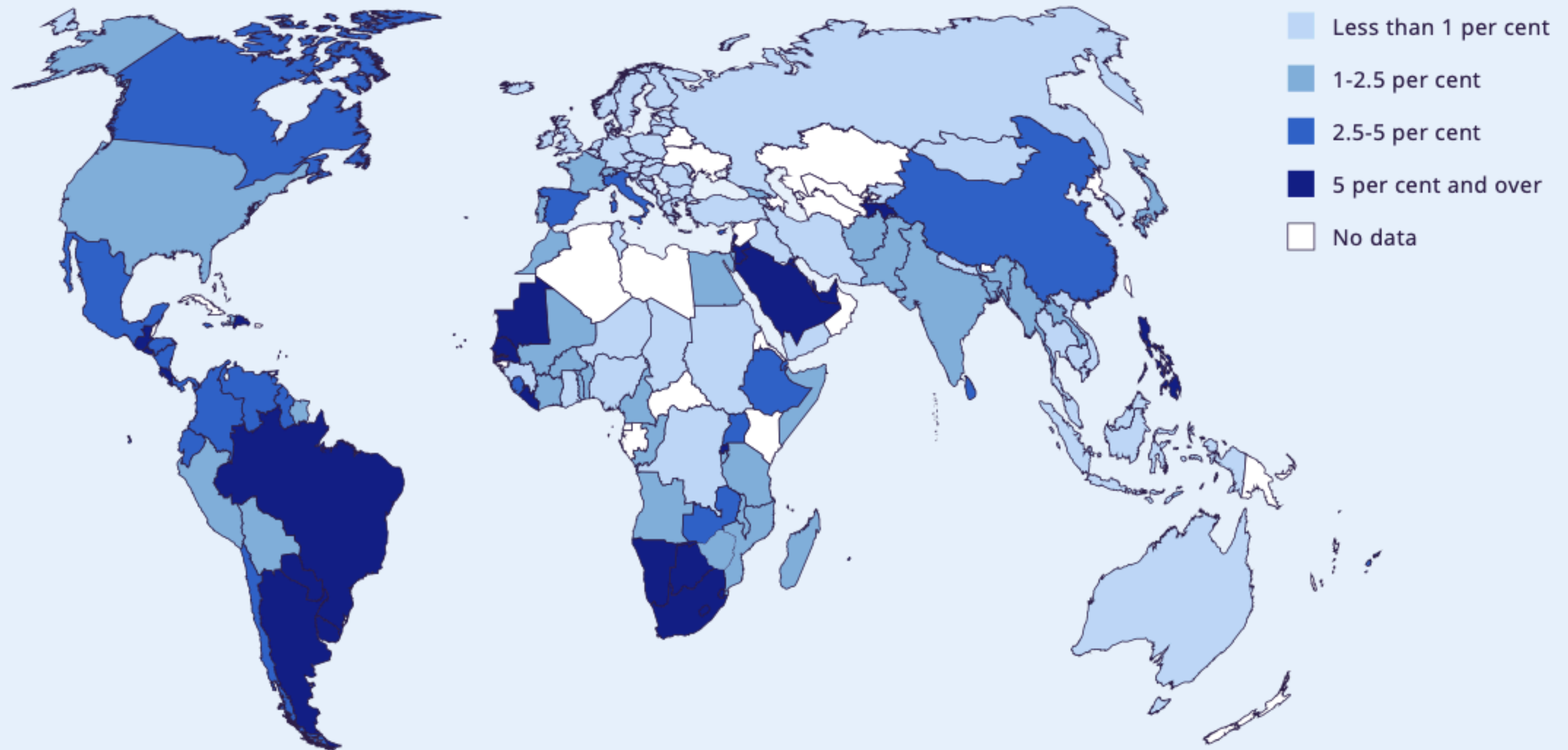
- Informal employment
- Formal employment

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► **Figure 1.1 Percentage of domestic workers in total employment and as a percentage of employees, 2019**

Panel A.
Percentage of domestic workers in total employment



What challenges do household workers face?

- ❖ Lower wages.
- ❖ No legal and social protection: informal employment, no maternity leave, health care and pension benefits.
- ❖ Live-in workers usually are economically and personally dependant on their employers.
- ❖ A wrong perception that labour standards are not applicable in households.



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The involvement of third-party agencies

- ❖ In some cases, domestic workers are employed by third-party agencies.
- ❖ The agencies acting de facto as employers might not wish to establish official labour relations with domestic workers.
- ❖ Thus, if they do not fulfil their obligations with regard to labour and social security law.
- ❖ The most vulnerable category of domestic workers are migrants. The agencies might promise them legal occupation and social protection which may never happen.



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International Labour Organisation

- ❖ The International Labour Organisation (ILO) is the UN agency that sets internationally recognised labour standards to protect the rights of workers.
- ❖ The ILO is made up of a social partnership of (1) governments, (2) employers and (3) trade unions.
- ❖ The ILO was established 1919 under the League of Nations (Paris Peace Conference).
- ❖ Main functions: setting labour standards, technical co-operation, research, and monitoring.



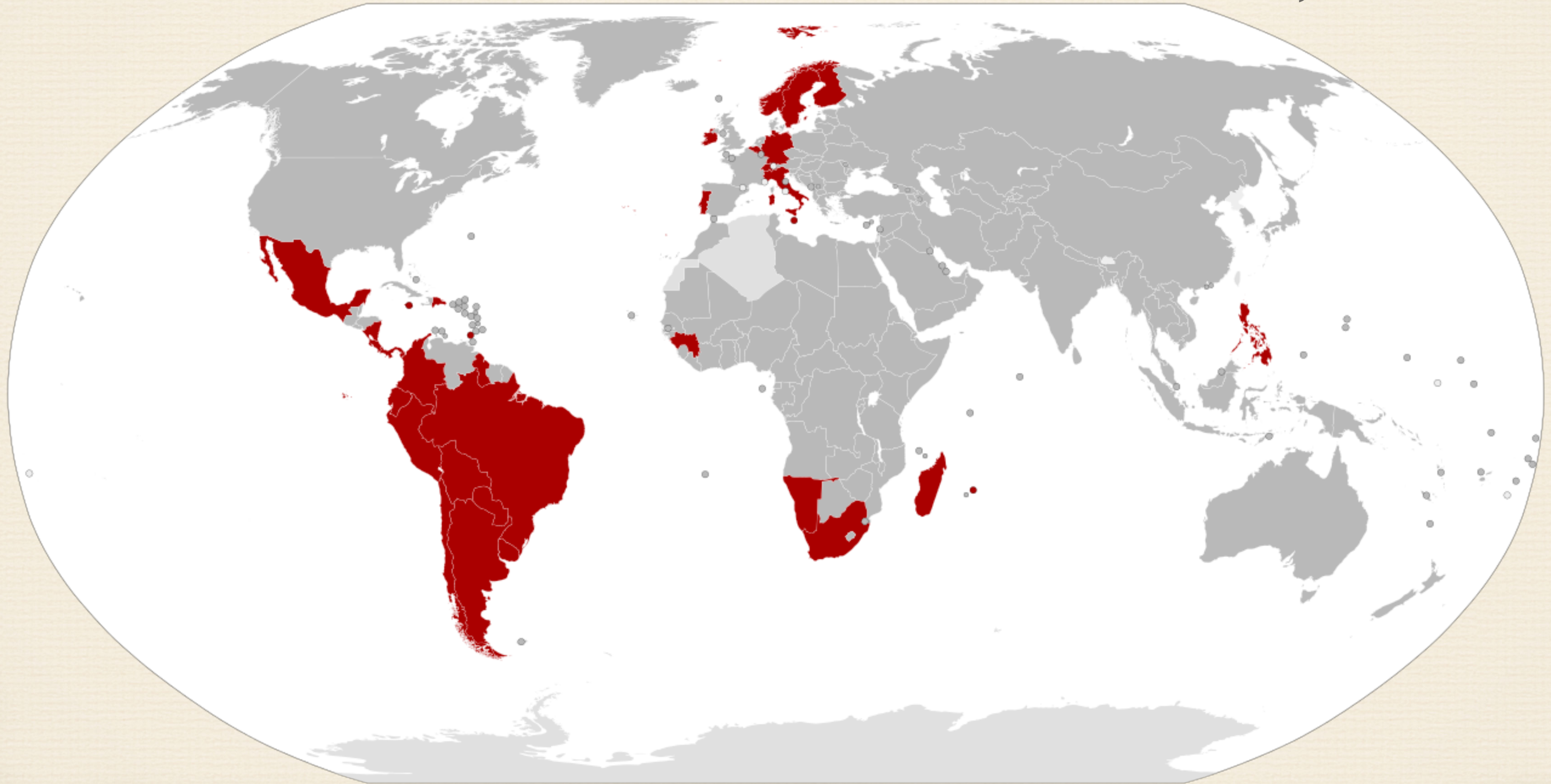
C189 - Domestic Workers Convention, 2011

- ❖ Sets labour standards for domestic workers. It was adopted during the 100th session of the International Labour Organisation, in 16 June 2011.
- ❖ 35 Parties to the Convention.
- ❖ Supplemented by the non-binding Recommendation R201, 2011.



Adoption of the Convention is a success of the International Domestic Workers' Federation, IDWF

C189 - Domestic Workers Convention, 2011



What basic rights are guaranteed by the Convention?

| Convention | Recommendation (for the state) |
|---|---|
| No domestic worker should be discriminated against at work (Art. 3(2)(d)) | Provide complaints mechanisms and health care to help domestic workers who have been abused, harassed or ill-treated. |
| An employer should give a domestic worker clear terms and conditions of work (Art. 7) | Member countries must develop a model contract of employment and make it available to the public. |
| Domestic workers have a right to pensions for old age and disability. (Art. 14(1)). | Make it easy to pay social security contributions. |

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| Convention | Recommendation (for the state) |
|--|--|
| Make sure that their employers comply with these laws <u>by inspecting workplaces</u> (Art. 17). | There should be rules to allow inspectors to enter the domestic workplace while respecting the employer's privacy. |
| They have a written contract or a written job offer before they travel to the country where they are going to work (Art. 8(1)) | Before leaving, workers should be educated about their rights and remedies in the host country. |
| Domestic workers have a right to a safe and healthy workplace (Art. 13) | Advise and share information on safety and health at work for domestic workers. |

What is the process of implementation and monitoring?

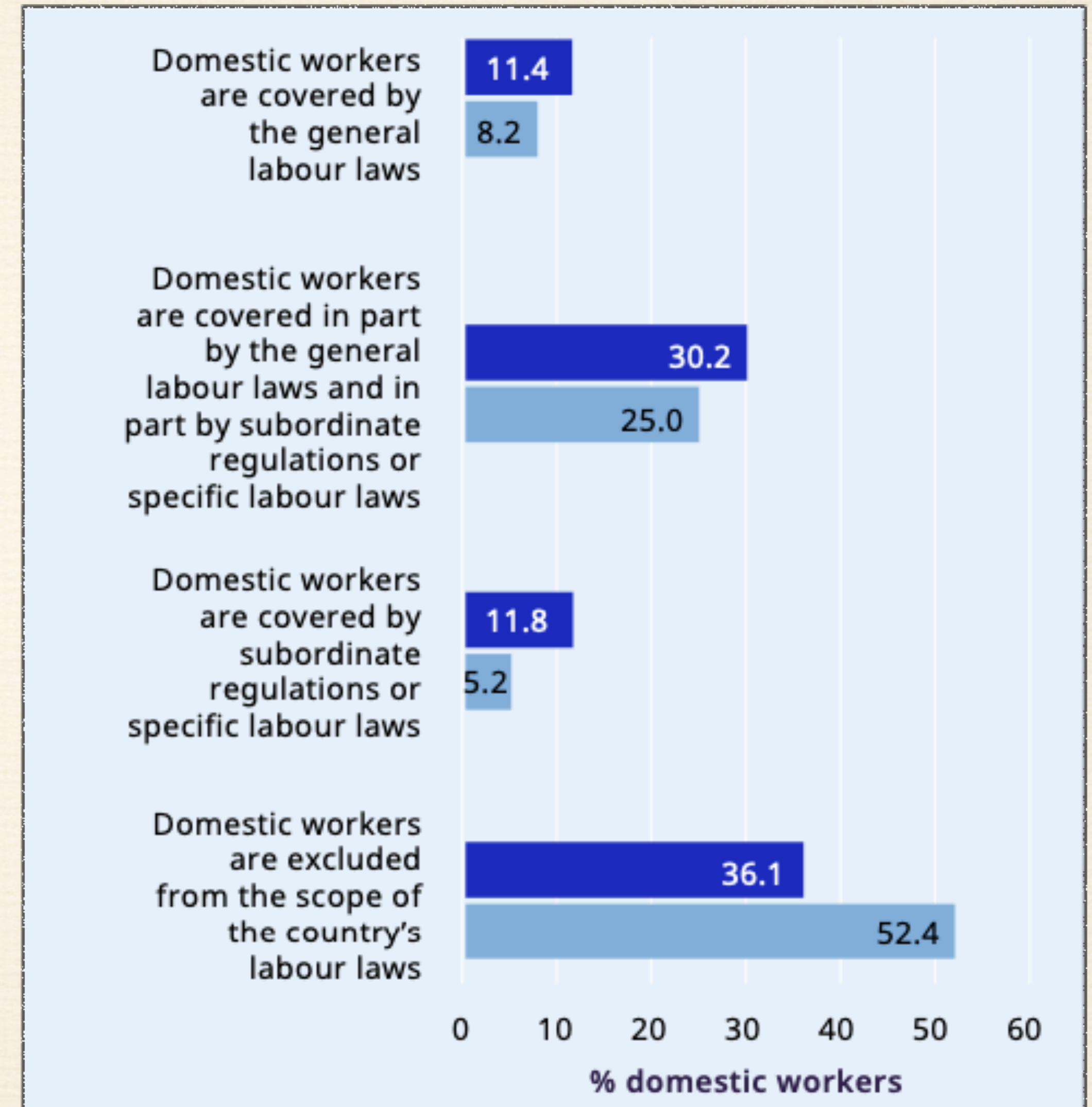
- ❖ The state has to guarantee that domestic workers are treated the same or not less favourably than other workers.
- ❖ Within two years of ratifying the convention, a member country must report to the ILO on its progress in doing what the convention says. After that, it must report every five years.
- ❖ The government must share its report to workers' organisations before sending it to the ILO. Workers' organisations may comment on the report and point out any areas where it does not agree or any gaps in the report.
- ❖ A registered domestic workers' union can also submit its own report directly to the ILO.



The cycle of 'continual improvement'

What progress has been achieved so far?

- ❖ Since 2010, there has been **a decrease of 16.3 percentage** points in the number of domestic workers who are wholly excluded from the scope of labour laws and regulations.
- ❖ There has been only a small increase in the number of domestic workers who are entitled to a minimum wage equal to that of other workers (2.9 percentage points).
- ❖ Globally, almost half of all domestic workers are legally covered by at least one branch of social security. The most common branch of social security to be provided by law for domestic workers is pension coverage.
- ❖ Thanks to legal reforms in a number of countries, there has been an increase in the number of women domestic workers who have maternity leave entitlements (4.7 percentage points). However, **only 6 per cent of domestic workers are covered by all social security branches.**



What ILO is doing to achieve better results?

- ❖ Building and strengthening national institutions and, when required, adopting effective policy and legislative reforms and/or programmes;
- ❖ Facilitating the organisation and representation of domestic workers and their employers;
- ❖ Support in respect of ratification and implementation of Convention 189 and the implementation of Recommendation 201;
- ❖ Awareness-raising and advocacy on domestic workers' rights;
- ❖ Building the knowledge base on domestic work and exchange of experiences between countries to enhance actions and impact at country level.



UN Sustainable Development Goals

Conclusion

- ❖ The adoption of Convention No. 189 marked a key turning point for domestic workers as it recognised them as workers with rights for the first time.
- ❖ Some progress has been achieved but it is definitely still not enough.
- ❖ The situation can be improved by more ratifications of the Convention, and governments' adherence to the Recommendation and ILO monitoring process.



Members of India's National Domestic Workers Movement rally to demand the ratification of the Convention

Sources

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- ❖ Decent Work for Domestic Workers. Convention 189 & Recommendation 201 at a glance. ILO, 2011.