

Decent work for domestic workers

Towards an ILO Convention

In 2008 the ILO importantly agreed to discuss 'standard setting' for domestic workers with a view to adopting an international convention. **Chris Bonner** outlines some of the important areas in an ILO report that will assist discussion on domestics at an International Labour Conference in 2010. She also highlights the usefulness of the preparation for this meeting in giving domestic workers a voice and strengthening their organisations.

Domestic workers across the world are mobilising to make sure that decent work for domestic workers becomes a reality. Through their developing International Network coordinated by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers (IUF), with the support of Women in Informal Employment: Globalizing and Organizing (Wiego), they are mounting a campaign to ensure that a strong ILO Convention is adopted in 2011 incorporating all their concerns and demands.

To achieve this they need the strong support of the international and national trade union movements and the opportunity to speak for themselves through their own representatives

In 2008, the Governing Body of the International Labour Organisation (ILO) agreed to start a 'standard setting' process for domestic workers and place an item on decent work for domestic workers on the agenda of the International Labour Conferences (ILC), 2010 and 2011 with a view to adopting an international ILO Convention

and/or Recommendation.

This was a victory for domestic workers. There have been a number of previous attempts to promote standards for domestic workers within the ILO, dating back to 1948. In 1965 it was agreed that there was an 'urgent need' to set minimum standards for domestics, but only now has a serious process been implemented.

In recent years the difficulties of domestic workers, who are mostly women, have been increasingly recognised and made public by unions, human rights agencies, migrant workers' organisations, NGOs and the ILO amongst others. As a result, a number of countries have recently passed legislation to protect the rights of domestic workers, or are planning to do so.

The ILO has prepared a report to assist discussions at the ILC's session in 2010 called, 'Decent work for domestic workers'. It notes that, "Domestic work... is undervalued and poorly regulated, and many domestic workers remain overworked, underpaid and unprotected. Accounts of maltreatment and abuse, especially of

live-in and migrant domestic workers, are regularly denounced in the media. In many countries, domestic work is very largely performed by child labourers." It has also observed that "In the absence of effectively enforced labour legislation, domestic workers remain dependent on their employers' sense of fairness rather than on an accepted legal norm that recognizes their dignity as human beings."

This move to set international labour standards for domestic workers marks an important step forward in the struggle of one of the largest, growing, but unrecognised and undervalued, group of workers worldwide.

DOMESTIC WORKERS WORLDWIDE

There are tens of millions of domestic workers worldwide and the vast majority are women from the poorer sections of society. According to the report, accurate and comparative figures on the numbers of domestic workers globally and in different countries are not available largely due to the under-reporting of domestic employment in official statistics and different methods of reporting.

Certainly domestic workers make up a large percentage of total employment in developing countries (4-10%) and an increasing percentage in developed countries (1-2.5%). In South Africa in 2006 domestic work as a percentage of total employment was 8.66%. It accounted for 16.13% of all women's employment with women's share of domestic employment standing at 79.7%.

A large number of domestic workers are migrants either between countries or from rural to urban areas. In Europe, the Middle East and Gulf States a majority of domestics are international migrant women. A 2006 United Nations report notes that migration of women is increasing with women making up approximately half of the estimated 191 million migrants worldwide, and outnumbering male migrants in developed countries. Women and girl domestic workers make up an important part of this number.

Child labour is rife in the domestic sector. It is estimated that more girls under 16 work in domestic service than in any other category of child labour. According to the ILO International Programme on the Elimination of Child Labour in South Africa nearly 54 000 children under 15 are working as domestics.

DOMESTICS AND THE LAW

The situation of domestic workers varies from country to country. However, some common characteristics are their isolation and invisibility, low pay and long hours, lack of protection and low or non-existent levels of organisation.

Domestic work is often not considered as real work and



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domestic workers not real workers. They are considered 'like one of the family'. Because there is a long standing perception that domestic work is 'women's work' requiring no skills or training, it is widely undervalued. There is evidence of gender discrimination even within the sphere of domestic work, where male domestic workers, often employed as gardeners, security or drivers, earn more than women domestic workers.

Countless cases of physical and psychological abuse, including sexual harassment of domestics have been reported, with live-in, migrant and child domestic workers being especially at risk.

The ILO, in preparing the report, surveyed the legal status and legislative conditions for domestic workers in 72 countries. They found that there are many countries where labour law excludes domestic workers fully or partially.

For example, domestic migrant

workers and particularly undocumented migrants, and a person who works for their family are often excluded from labour law provisions (so you can exploit your family members!). In some countries, although domestic workers are included in labour law they have lower levels of protection. Half of the countries surveyed permit domestic workers to work longer hours than other workers, and in most countries surveyed they are excluded from occupational safety and health legislation.

One of the key findings is that even where labour legislation covers domestic workers, in practice it is very often not applied or enforced. Domestic workers' unions confirm this finding over and over again. Here are

some observations from members of the International Network Steering Committee.

"We do have labour laws that extend to domestic workers; they are on beautiful gold paper but not in the language of domestic workers. We are also not yet covered by occupational safety and health laws." Myrtle Witbooi, general secretary, South African Domestic, Service and Allied Workers' Union (Sadsawu).

"We do have a minimum wage for domestic workers, but employers don't respect this," Vicky Kanyoka, Conservation, Hotels, Domestic and Allied Workers Union (Chodawu, Tanzania).

"We have a Household Assistants Order which gives provision for sick leave, paid vacations, maternity leave, and a minimum wage; but in reality domestic workers do not enjoy these rights," Ida le Blanc, General Secretary, National Union of Domestic Employees (Nude, Trinidad and Tobago).

“Legislation was passed in 2003 for household workers, but it is discriminatory. It contains very ‘wishy-washy’ rights, for example 15 days’ annual leave instead of one month. There is entitlement to social security but inaccessible in reality,” Ernestina Ochoa, Institute for the Promotion and Formation of Workers in the Home (Iprofoth) and the Sintraphogarp trade union of household workers, Peru.

The report also finds that in many countries there are positive developments concerning protection for domestic workers. It quotes a number of creative attempts to ensure that whilst extending coverage to domestic workers the specificity of their situation is also catered for in the legislation. This is an important point to emphasise.

Where general standards are supplemented by specific standards addressing the nature of domestic work, coupled with strong enforcement measures, then it is more likely that provisions are implemented and that domestic workers are able to realise their rights in practice. As the report notes, “The challenge here is to move beyond the formal – but largely invisible – inclusion of domestic workers in labour legislation and towards the specific regulation of their employment and their real visibility”.

ORGANISING AND CAMPAIGNING

Domestic workers’ unions and support organisations are using the forthcoming discussions at the ILO as an organising and mobilising tool. The International Domestic Workers’ Network, based at the IUF, is taking a leading role by insisting that domestic workers speak for



themselves through their democratic organisations, and providing them the platform to do so.

The Network has a Steering Committee made up of democratic organisations of domestic workers. It has appointed an international coordinator and regional coordinators. It has a web site and has produced leaflets and other communication tools for domestic workers. It has developed a plan of action with a view to the successful adoption of a strong convention and recommendation on domestic work in 2011.

Domestic workers are generally weakly organised, although there are some long standing trade unions, for example in Italy and Brazil. And, the Latin American and Caribbean Confederation of Household Workers (Conlactraho), made up of domestic workers’ organisations from 14 countries, recently celebrated its 30th anniversary.

Organising domestic workers is a

priority if their voice is to be strong. Without an organised voice internationally, the instrument adopted at the ILC may be weak. Without an organised voice in each country the chances of a Convention being ratified by a significant number of countries are small. Without an organised voice it will be unlikely that national laws will fully address the specific needs of domestic workers or that legislation will be enforced.

On the positive side, there are many initiatives by domestic workers to organise into unions and to form regional and international alliances. This is despite the many obstacles to organising such as their isolation and vulnerability, precarious financial situation

which make high union dues and regular payment difficult and the lack of a collective bargaining counterpart.

Importantly, the trade union movement is showing increasing solidarity with domestic workers in their efforts to organise and secure their rights. Internationally, the International Confederation of Trade Unions (ITUC) and global unions with domestic workers amongst their affiliates, the Bureau for Workers’ Activities (Actrav) and the Workers’ Group at the ILO, are fully behind the move to secure rights for domestic workers.

ROLE OF DOMESTIC’S UNIONS

Trade unions will play a critical part in determining the outcome of discussions at the ILC. Their role will determine whether it will be a strong Convention and Recommendation, or a weak instrument that will have little status or effect.

ILO processes are highly

structured, with only the tripartite partners (governments, employers and workers) formally having a role in the processes leading up to, and during, the ILC. It will be very important for the South African and other trade union movements to work closely with domestic workers' unions and other active players to gather demands towards a common platform of issues, to prepare for the Conference and at the Conference itself. This will help ensure that domestic workers can represent and speak for themselves

There are many practical ways to do this. The report is accompanied by a questionnaire which has to be completed by governments who are obliged to "consult the most representative organisations of workers and employers before finalising their replies." This is a very important stage in the process as the responses to the questionnaire will feed into a revised report, which in turn lays the basis for the discussion and the drafting of the Convention.

For domestic workers' views to be included in the questionnaire government will have to work through trade union national centres. The national centres could facilitate a participative process by assisting domestic workers' unions to hold meetings and workshops with their members, as well as helping to prepare and distribute information to domestic workers and the public. They could also support more strongly domestic workers' organising efforts.

During the ILC, union centres could make sure that domestic worker representatives are included in the country worker delegation. Whilst there is only one official worker delegate from each country, two technical advisors are permitted. These spaces could be allocated to domestic worker representatives. The IUF International Network will arrange for a delegation of domestic

workers to be present at the ILC meetings as observers. Trade union national centres could swell the numbers by funding an extra observer and collaborating with the group during the proceedings.

Trade unions can also play a very crucial role, together with domestic workers' unions, in pressurising governments and employer organisations to strongly support the Convention that domestic workers want, and afterwards in pressuring governments to ratify it.

South African unions and government are well placed to take a leading role at the ILC where they can help ensure that the rights of domestic workers are finally fully recognised and enshrined in international law.

In a number of instances the report commends the South African government for its innovative legislation and uses examples to illustrate creative approaches that others could copy. The South African government has already declared itself in favour of decent work for domestic workers and is one of the governments that has strongly supported placing this item on the ILC agenda.

CONCLUSION

A favourable ILO Convention will not provide a guarantee of decent work for domestic workers worldwide. However, it will be a significant step forward in their struggle for recognition and rights.

One important finding of the report is that domestic workers' conditions do not improve unless there is a concerted effort to improve the legal framework. Adopting a Convention will provide international legitimacy for the recognition and rights of domestic workers. It will provide a legal framework and practical guidelines for national legislation and its enforcement, and should be a spur

for a concerted effort by governments and trade unions to ensure legislative change and improved conditions for domestic workers.

As important as the Convention itself is the potential the ILC process offers, pre- and post-2011, to strengthen domestic workers' unions nationally, and to build global solidarity. It provides a focus and reason for organising and mobilising domestic workers, for solidarity by the union movement, for building alliances, for pressurising governments to act, for mobilising financial resources and for changing public opinion, including that of individual employers. LB

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ILO Reports:

Report 1V (1), Decent work for domestic workers, ILC 99th Session see

http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/99thSession/reports/lang-en/index.htm

Decent work for domestic workers, Labour Education 2007/3-4, No. 148-149, ILO Bureau for Workers' Activities

<http://www.ilo.org/public/english/dialogue/actrav/publ/148/148.pdf>

Websites:

Leaflet for Domestic Workers and other useful documents can be found at:

IUF Domestic Workers' Network: www.domesticworkersrights.org
WIEGO: www.wiego.org, especially http://wiego.org/occupational_groups/domesticWorkers/index.php