

# **Decent work for domestic workers**

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## Editorial

Clearly, the decision taken by the Governing Body of the International Labour Office (ILO), at its March 2008 Session,\* to put the promotion of decent work for domestic workers on the agenda of the 2010 International Labour Conference is an historic one. For one thing, it follows up on a resolution adopted unanimously by delegates to the International Labour Conference in 1948! Also, it aims to pull millions of workers (an estimated 100 million), mainly women or girls, out of the invisibility to which they have been consigned by labour legislation and international Conventions. That includes, to some extent, the ILO's international labour standards. Invisibility means more than these workers' absence from labour statistics. It places them beyond even minimum protection of their basic rights. The proposal submitted to the Governing Body by the International Labour Office aims at the adoption of an international Convention on decent work for domestic workers, and an accompanying Recommendation. It gained the unanimous support of the workers' group, was backed by many governments and also had an impact on the employers' group, who said they were ready for a general discussion on this issue. It is worth emphasizing the role played by the trade union movement, at the national and international levels, in defending the domestic workers' cause at the ILO. We should also recognize the contribution of the civil society organizations in calling attention to the conditions of exploitation, or even slavery, suffered by many of these workers. But this is not the moment to be handing out medals. What matters now is to prepare the 2010 Conference and, looking beyond that, to ready the follow-up for the decision which, it is to be hoped, will be taken in 2011.

Starting in January 2009, the ILO will send Member States a report analysing the current worldwide legislation and practice on domestic work. Together with this report, a questionnaire will go out, to which the constituents including the trade union organizations will be asked to reply. Care should be taken that these replies (which must reach the ILO before the end of August 2009) give the Conference committee charged with preparing the standard-setting action a clear idea of the problems facing domestic workers, of the existing legislation where it exists, and of good and bad practice relating to these workers. Maximum support must also be mobilized for the Office's proposal to draw up a Convention and an accompanying Recommendation. The first discussion in 2010 will be the moment when the Conference will have to decide the

\* While this edition was initially meant for publication in Autumn 2007, the imminence of a decision by the Governing Body concerning domestic workers led us to postpone printing until after March 2008, enabling us to report on the outcome of the discussion on this issue.

type of instrument or instruments to be developed for adoption in 2011, following the second Conference discussion. And now is the time when we should be thinking about the content of the instruments. This issue of *Labour Education* feeds into those reflections. It sets out to analyse domestic workers' situation in various parts of the world, while highlighting some trade union initiatives and lending an ear to those who earn their living from the drudgery that helps others to improve their living standards. We also draw attention to the legal vacuum, both national and international, surrounding this issue. Many ILO Conventions allow domestic workers to be excluded from their provisions. It is to fill this legal gap that standard-setting is needed. But of course, the discussion will be tripartite, and it will be a matter of getting the International Labour Conference to adopt instruments based on the highest common denominator of the various interests represented there. So proper preparation of the Worker delegates will be vital. They will have to get on top of what is a complex dossier, as regards both the problems and the solutions. This edition of *Labour Education* looks at the issues surrounding the rights and basic principles that should apply to all workers, including domestic ones, as well as the particular needs of domestic workers, given the specificities of their trade.

The adoption of instruments by the International Labour Conference is no easy task. It calls for special mobilization of the worker delegates in order to obtain a two-thirds majority of the votes cast. And they will need strong powers of persuasion if the calls for flexibility which will certainly arise (in some cases legitimately, to take account of different national situations and legal systems) are not to sap the determination to draw up standards that really do protect the workers while being applicable in all ILO Member States. Nor is the adoption of a Convention by the Conference an end in itself. Vigorous promotion will also be needed, in order to secure the greatest possible number of ratifications. The ILO will have to take on some responsibility for promoting these standards, and its Bureau for Workers' Activities will be there to ensure that it does so, but the role and contribution of the trade union movement will be decisive for these efforts. Equally decisive, when it comes to monitoring the application of the instruments adopted and ratified, will be the unions' ability to boost the organizing of domestic workers, build their specific concerns into bargaining demands, and promote their rights – including the right to speak for themselves.

So the decision taken by the Governing Body in March 2008 is just the first step. An historic one, certainly. But now the real spadework must begin.

Dan Cunniah  
Director  
Bureau for Workers' Activities  
ILO

## Decent work for domestic workers – International Convention on the way

*At its 301st Session in March 2008, the Governing Body of the International Labour Office (ILO) decided to place the promotion of decent work for domestic workers on the agenda of the 2010 International Labour Conference, so as to develop appropriate instruments, such as a Convention and accompanying Recommendation, and give this group of workers the protection they so desperately need. According to the ILO, the many problems facing domestic workers are due to the particular nature of their occupation as well as the inadequate attention paid to their situation in international and national law. Relevant international labour standards would be a big step forward in promoting decent work for all and would provide the ILO constituents with appropriate, timely guidance on policy and practice in this field.*

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**Luc Demaret**  
Bureau for Workers' Activities  
ILO

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Back in 1948, at its 31st Session, the International Labour Conference adopted a resolution on the conditions of employment of domestic workers. It requested the Governing Body to “consider the advisability of placing on the agenda of an early session of the Conference the question of the status and employment of domestic workers”.

Since that time, the issue of domestic workers' employment conditions has not been put on the agenda of an International Labour Conference, but most of the concerns expressed in 1948 by the International Labour Conference are still topical, as the problems facing domestic workers appear to have got worse and the number of such workers is constantly growing.

In a report<sup>1</sup> prepared for the general discussion on migrant workers, which took place during the 92nd Session of the

International Labour Conference (2004), the International Labour Office stressed that migrant women domestic workers are among the world's most vulnerable workers. Domestic workers, particularly in-house workers, often have to work long or even excessive hours (on average, 15–16 hours per day), with no rest days or compensation for overtime; they generally receive low wages, and have inadequate health insurance coverage, are also exposed to physical and sexual harassment and violence and abuse, and are in some cases trapped in situations in which they are physically or legally restrained from leaving the employer's home by means of threats or actual violence, or by the withholding of pay or identity documents. In many countries, labour, safety, and other laws do not cover domestic workers, so that there are no legal norms applicable to them or no offices and inspectors to enforce any standards that do exist.

Even if they are protected by legislation, it can be very difficult for domestic workers to learn about or benefit from

Note: This article draws on the documents presented to the ILO Governing Body at its 300th and 301st Sessions (November 2007 and March 2008).

available protections, the result being widespread violations of protective labour laws.

The conclusions adopted by the 2004 International Labour Conference note that “temporary workers and migrant domestic workers often have limited legal rights, may be excluded from social security benefits and may face multiple disadvantages”.<sup>2</sup>

## **Child labour**

The incidence of child labour is also high and was noted in the ILO Global Report of 2006. The report says “girls predominate in domestic work, while boys are heavily represented in mining and quarrying”, and adds, “the situation is made worse when, as for domestic work in many countries, the kind of work is excluded from regulation in a large proportion of countries”.<sup>3</sup> The 2004 Global Report on freedom of association stressed that labour law’s silence on domestic work is often excused by invoking the principle of non-intervention by the State in the private sphere.<sup>4</sup> Consequently, domestic work has ended up “occupying some twilight zone between market and non-market relations”.<sup>5</sup>

Comparative legal research produced by the ILO reveals that, quite frequently, labour laws refer to domestic workers either in order to exclude them completely from the laws’ scope or to grant them lower levels of protection by depriving them of many of the rights accorded to other categories of worker.<sup>6</sup> It is true that some aspects of fundamental rights at work for domestic workers, their human rights and conditions of work have not been dealt with adequately in existing international standards by the ILO or other international organizations, so standard-setting action is essential. Indeed, even though the instruments dealing with the fundamental principles and rights at work apply to all workers, including domestic workers, the Decent Work deficits for this segment of the working population are clear. Even

when a Convention applies to all workers and employers “without any distinction whatsoever”, such as the Convention, 1948, (No. 87) on freedom of association and protection of the right to organize, a certain number of provisions in the national legislation are generally incompatible with the instrument, as they specifically deny domestic workers the right to form or join trade unions.<sup>7</sup> In many countries, domestic workers are trapped in situations of forced labour and very often they are prevented from leaving the employers’ home by the use of threats or violence.<sup>8</sup> Many migrant domestic workers labour under precarious and difficult conditions and are particularly vulnerable to abuses of their fundamental rights.<sup>9</sup>

## **Exclusion**

Moreover, as was pointed out in a document submitted to the 300th Session of the Governing Body (November 2007), a considerable number of ILO Conventions allow for the exclusion of certain categories of worker.<sup>10</sup> For example, as confirmed by the ILO Committee of Experts on the Application of Conventions and Recommendations,<sup>11</sup> the objective of the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) is “to extend the hours of work standards prescribed by the Hours of Work (Industry) Convention, 1919 (No. 1) to all those persons not covered by Convention No. 1, with the exception of those employed in agriculture, maritime or inland navigation, fisheries and domestic service”. Similarly, Article 2 of the Protection of Wages Convention, 1949 (No. 95) allows ratifying States to exclude certain categories of worker, including explicitly those employed in domestic service, from its scope of application.<sup>12</sup> While the Maternity Protection Convention, 2000 (No. 183), is meant to apply to all employed women, including those in atypical forms of dependent work, ratifying States may, after consulting the representative organizations of employers and workers concerned,



exclude wholly or partly from the scope of the Convention limited categories of workers.<sup>13</sup> In this respect, the CEACR noted in 2004 that the maternity protection of women engaged in agriculture or working at home or as domestic workers “continues to lag behind”.<sup>14</sup> Similar concerns have been expressed by the CEACR concerning, among others, the application for the protection of domestic workers of health and safety Conventions,<sup>15</sup> the Termination of Employment Convention, 1982 (No. 158) and the Labour Inspection Convention, 1947 (No. 81). With regard to the latter, the CEACR noted in 2006 that “many national provisions authorizing workplace visits leave excluded from labour protection by inspectors the many people who are carrying out domestic work, or who are homeworkers, the majority of whom are women”.<sup>16</sup>

Indeed, domestic workers lack protection under both international and national laws. Yet they represent an important and growing segment of the labour force and their work is enabling others to improve their living standards – those who employ them and as a result can take on paid work outside the home. While estimates, facts and figures are hard to come by, mainly because of the inaccuracy or unavailability of data (domestic employment is also often excluded from labour statistics) or the irregular nature of the employment relationship involved, research suggests that domestic workers number tens of millions.<sup>17</sup> The great majority of them are women<sup>18</sup> and the sector is experiencing strong growth everywhere. According to the European Trade Union Confederation (ETUC), “it is one of the fastest growing economic sectors in Europe”.<sup>19</sup> ILO research confirms that domestic work is mainly performed by women, that the use of child labour is widespread and that a large part of domestic labour is performed by migrant workers.<sup>20</sup> The main issues identified by the ILO are hours of work; wages; workload and rest periods; social security coverage; physical and sexual abuse; and abuses by recruitment agencies and contractual conditions. As

well as the risk of bad working conditions and possible abuse, domestic workers are, as mentioned, often denied the right to form trade unions.

## Union campaigns

The situation of this category of workers has driven many organizations to undertake work to organize and protect the interests of domestic workers at national level. At international level, the International Trade Union Confederation (ITUC) and Global Union Federations (GUFs) collaborate actively, including through regional organizations. A series of regional and international meetings of domestic workers have been held recently and one of the key demands by workers’ organizations is to invite the ILO to consider taking normative action concerning domestic workers and to place the item on the agenda of the International Labour Conference for standard setting in line with the 1965 resolution.

Following national campaigns to promote organizing among domestic workers, and despite the many obstacles facing them, some countries have made progress on labour legislation. As far as domestic workers are concerned, this progress, together with more detailed research, could serve as a basis for the elaboration of new standards.

The fact that domestic workers are subject to poor working conditions, and that their isolation by and large prevents unions from reaching and organizing them in order to improve those conditions, is a very powerful argument in favour of the adoption of an international standard. That standard could serve to improve their legal status through labour legislation, thus giving them access to a full range of protections and rights linked to decent work, including the right to organize.

At its 301st Session (Geneva, March 2008), the Governing Body proposed that the promotion of decent work for domestic workers should be placed on the ILC’s

agenda in 2010, in order to prepare new ILO instruments, possibly in the form of a Convention and an accompanying Recommendation, so as to provide the constituents with appropriate guidelines for policies and practice concerning domestic workers.

However, a certain number of existing instruments as well as the legislation and practice developed in various countries could serve as building blocks for the construction of specific standards.

Many of the problems facing domestic workers are attributable to the nature and specificities of their occupation, as well as to the insufficient attention paid by international and national law to the most important aspects of these workers' situation. Their particular vulnerability with regard to violations of basic human rights, including fundamental principles and rights at work, together with the different arrangements concerning employment, remuneration methods, hours of work and other aspects of their working conditions, justify special examination and standards that match the realities facing domestic workers.

One way forward would be a Convention establishing a certain number of general principles, including the general application to domestic workers of the international labour standards, as they relate to decent work, respect for their basic human rights and the extension to them of the protection given to workers covered by national labour legislation, as well as provisions for an inspection system to enforce the legislation and regulations applying to them. This Convention could call upon the ratifying States to adopt, implement and periodically re-examine a national policy on domestic work, aimed at improving the situation of this category of workers, encouraging consultations with the representative organizations of employers and workers in this field (including organizations directly concerned with domestic workers) and tackling issues linked to the particular characteristics and conditions of this category of workers (work – and often accommodation

– in private houses, unregulated hours of work and rest times, multiple employers etc.) The particular measures to be taken and guidance on the possible content of national policy could be embodied in a Recommendation that would accompany the Convention and would propose a policy on the equal treatment of domestic workers and other wage-earners. It would contain general provisions on freedom of association, the minimum wage, wage protection, maternity protection, hours of work, rest periods, leave, occupational health and safety, and social security coverage for these workers, as well as their inclusion in labour statistics, etc.

### **Unanimous support**

During the discussion at the March 2008 Governing Body, considerable support was expressed for standard setting on domestic work. The Workers' Group declared its unreserved support for this proposal, emphasizing that the adoption of a Convention accompanied by a Recommendation would be the group's priority when setting the agenda for the 2010 Session of the International Labour Conference. A large number of governments also felt that the situation of domestic workers justified a standard-setting approach, in order to ensure that all workers, including domestic workers, are appropriately protected and that employment rights and other rights are indeed respected for these categories of workers. The Employers' Group also showed awareness of this issue, although they would have preferred a simple general discussion of it rather than standard-setting action.

### **Standard-setting calls down the years**

The issue of domestic work is not new to the ILO and has been debated over the years at the Conference and in the Governing Body of the ILO. The need for normative action has repeatedly been reasserted.

In 1936, the International Labour Conference, considering that the International Draft Convention on annual holidays with pay (later Convention No. 52) did not apply to domestic workers, requested the Governing Body to inscribe the question on the agenda of one of its future sessions. It was also decided that the Conference would consider at the same time whether other conditions of employment of domestic workers could form the subject of international regulation.<sup>21</sup>

In 1945, the Conference adopted a resolution concerning the protection of children and young workers, considering that "attention should be given to regulating the admission of a child to domestic service outside his family in the same way as to other non-industrial occupations". It also called for "special efforts ... to eliminate forms of employment involving the placing of children in, or their transfer on a basis of quasi-adoption, to the family of an employer where they work for maintenance".<sup>22</sup>

In 1948, the Conference adopted a resolution concerning the conditions of employment of domestic workers. The Conference expressed the view that "the time has now arrived for a full discussion on this important subject". Consequently, it requested "the Governing Body to consider the advisability of placing on the agenda of an early session of the Conference ... the whole question of the status and employment of domestic workers".<sup>23</sup>

In 1965, the Conference adopted a new resolution concerning the conditions of employment of domestic workers.<sup>24</sup> This resolution drew attention to the urgent need to provide domestic workers with the basic elements of protection which would assure them a minimum standard of living, compatible with the self-respect and dignity essential to social justice. Among other things, the Conference invited the Governing Body to consider placing on the agenda of an early session of the Conference, the question of conditions of employment of domestic workers with a view to the adoption of an international instrument.

In 2003, ILO research confirmed that domestic work is mainly performed by women, that the use of child labour is widespread and that a large part of domestic labour is made up of migrant workers.<sup>25</sup> Some of the main issues the ILO has identified are: hours of work; wages; workload and rest periods; social security coverage; physical and sexual abuse; abuses by recruitment agencies and contractual conditions. In addition to poor and exploitative working conditions, domestic workers are often denied the right to organize in trade unions.

More recently, the need for protection of migrant domestic workers has again been endorsed by the Conference in adopting the conclusions of the general discussion on migrant workers held during the Conference in 2004. Two of the principles enumerated in the non-binding Multilateral Framework on Migration adopted by the Governing Body at its March 2006 Session (as a follow-up to the Conference 2004) make specific reference to domestic workers.

The need for a special international instrument on domestic work has long been voiced by workers' and non-governmental organizations. The International Trade Union Confederation (ITUC) reiterated this call last year.

Other research, conducted and published since the 300th Session, confirms that "the non-recognition and lack of social protection that is characteristic of domestic work is a major obstacle to achieving the ILO goal of decent work for all men and women".<sup>26</sup> The document recognizes that while domestic workers should obviously be the first to benefit from greater protection there is a direct interest in promoting the issue for all ILO constituents.

Indeed, state institutions have to deal with thousands of complaints from domestic workers or their employers, and regulation and monitoring of domestic work would help prevent such situations. In addition, there is anecdotal evidence that regulating domestic work can help address issues related to informal and

unprotected work and potentially increase the tax base for funds earmarked for social protection.<sup>27</sup>

The potential for employers' organizations to engage with their members on this issue is also great. Informal recruitment processes and the absence of written contracts may have adverse effects on employers. Informal groups of employers organized on a neighbourhood basis have already been active on the issue. In the context of the ILO programme in South-East Asia on protecting domestic workers from forced labour and trafficking, the Employers' Federation of the Philippines drafted a code of conduct for employers of domestic workers that could also help inspire global normative action. In the context of a discussion on the application of the Employment Policy Convention, 1964 (No. 122), by the Conference Committee on the Application of Conventions and Recommendations (June 1998), the Employers' group noted that "In view of the shortage of jobs and the lack of skills among the unemployed, it was no longer possible to exclude low-quality jobs. Such jobs were available in the fields of personal and domestic services, manual work, trade and agriculture." For the Employers' group, "the employment potential of these sectors needed to be harnessed. Although pay was low in these sectors because of the low level of productivity, the resulting social hardship could be avoided through supplementary transfer systems."<sup>28</sup>

Obviously, workers' organizations have a keen interest in reaching out to domestic workers and offering them the protection of their rights. A legal framework, based on internationally recognized standards, would facilitate trade union access to domestic workers and would also help overcome the fears which often prevent domestic workers from demanding respect for their basic rights. This is all the more true as limitation to freedom of association for domestic workers is still prevalent in a number of countries.

Everybody recognizes that the situation of domestic workers, which is

currently a source of significant concern everywhere, will greatly benefit from the development and implementation of international standards that address human rights, fundamental workers' rights and general conditions of work.

## Notes

<sup>1</sup> ILO: *Towards a fair deal for migrant workers in the global economy*, Report VI, 92nd Session of the International Labour Conference, Geneva, June 2004.

<sup>2</sup> ILO: *Provisional Record No. 22*, International Labour Conference, 92nd Session, Geneva, June 2004, Conclusions, para. 7.

<sup>3</sup> ILO: *The end of child labour: Within reach*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva, June 2006.

<sup>4</sup> ILO: *Organizing for social justice*, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Geneva, June 2004.

<sup>5</sup> Anderson, B.: *Migration policies and vulnerabilities of domestic workers*, paper presented at the Programme Consultation Meeting on the Protection of Domestic Workers against the Threat of Forced Labour and Trafficking, Hong Kong, China, Feb. 2003, p.16.

<sup>6</sup> Ramírez Machado, José María: *Domestic work, conditions of work and employment: A legal perspective*, Conditions and Work Employment Series No. 7, ILO, 2003. See also Blackett, A.: *Making domestic work visible: The case for specific regulation*, Labour Law and Labour Relations Branch, ILO, Geneva, 1998; and M. L. Vega Ruíz: "Relación laboral al servicio del hogar familiar en América Latina", in *Relasur*, Montevideo, No. 3, 1994.

<sup>7</sup> ILO: ILC, 82nd Session, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4A), 1995, para. 59.

<sup>8</sup> ILO: *Eradication of forced labour*, Introduction, Report III (Part 1B), ILC, 96th Session, Geneva, June 2007.

<sup>9</sup> ILO: ILC, 82nd Session, op. cit., 1995.

<sup>10</sup> This document (GB.300/2/2) cites the following instruments: the Minimum Age Convention, 1973 (No. 138), the Private Employment Agencies Convention, 1997 (No. 181), the Termination of Employment Convention, 1982 (No. 158), the Minimum Wage Fixing Convention, 1970 (No. 131), the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), the Part-Time Work Convention, 1994 (No. 175), the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), the Night Work Convention, 1990 (No. 171), the Holidays with Pay Convention (Revised), 1970 (No. 132), the Social Security

(Minimum Standards) Convention, 1952 (No. 102), the Medical Care and Sickness Benefits Convention, 1969 (No. 130), the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), the Maternity Protection Convention, 2000 (No. 183), and the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79).

<sup>11</sup> ILO: *Hours of work: From fixed to flexible?*, Introduction, Report III (Part 1B), ILC, 93rd Session, Geneva, June 2005.

<sup>12</sup> At Conference discussions that led to the adoption of the Convention, the Worker members proposed the deletion of the reference to domestic service in the provision containing possible exclusion. The proposed amendment, however, failed to be adopted. Those opposing the amendment expressed the view that a number of provisions of the proposed Convention had been drafted with particular reference to industrial workers and that difficulties would arise in the full application of these provisions in respect of domestic workers; see ILC, 32nd Session, 1949, *Record of Proceedings*, p. 501.

<sup>13</sup> Art. 2, paras 1 and 2.

<sup>14</sup> ILO: ILC, 92nd Session, Report III (Part 1A), 2004, para. 32.

<sup>15</sup> ILO: ILC, 83rd Session, Report III (Part 4A), 1996, para. 63.

<sup>16</sup> ILO: *Labour inspection*, Report III (Part 1B), ILC, 95th Session (Geneva, June 2006), para. 264.

<sup>17</sup> ILO: Briefing note on domestic work, prepared by S. Grumiau at the request of the ILO Bureau for Workers' Activities, Geneva, June 2007.

<sup>18</sup> The 2000 Global Report on freedom of association indicates that: "women account for a significant and rising share of the labour force but women workers continue to be under-organized and under-represented in trade unions. To some extent this reflects the exclusion of female-dominated sectors, such as domestic workers, from the legal protection of freedom of association" (ILO: *Your voice at work*,

Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (Geneva, June 2000).

<sup>19</sup> ETUC: *Out of the shadows, organizing and protecting domestic workers in Europe: The role of trade unions*, Brussels, Nov. 2007.

<sup>20</sup> ILO: *Domestic work, conditions of work and employment: A legal perspective*, by Ramirez-Machado José Maria, Conditions of Work and Employment Series No. 7, ILO, 2003.

<sup>21</sup> ILO: *Record of Proceedings*, ILC, 20th Session, 1936, Appendix XVI: Resolutions adopted by the Conference, p. 752.

<sup>22</sup> ILO: *Record of Proceedings*, ILC, 27th Session, 1945, Appendix XIII: Resolutions adopted by the Conference, p. 456, para. 19(4).

<sup>23</sup> ILO: *Record of Proceedings*, ILC, 31st Session, 1948, Appendix XVIII: Resolutions adopted by the Conference, pp. 545–546.

<sup>24</sup> ILO: *Record of Proceedings*, ILC, 49th Session, 1965, Appendix XVI: Resolutions adopted by the Conference, pp. 693–694.

<sup>25</sup> Ramirez-Machado, José Maria: *Domestic work, conditions of work and employment: A legal perspective*, Conditions of Work and Employment Series No. 7, ILO, 2003.

<sup>26</sup> ILO: *Domestic work: Better jobs, better care. A review of ILO policies and programmes* (forthcoming).

<sup>27</sup> For instance, in Argentina, according to the Ministry of Employment, Work and Social Security, 96.4 per cent of women domestic workers were apparently not registered in 2004. Changes to the law during that year, in the form of tax deductions offered to employers, brought the proportion down to 75 per cent. In Brazil, tax incentives for employers who register their employees with the National Institute of Social Security have led to a proportionate increase in workers with formal contracts. See M. Diaz: *The situation of domestic workers in Latin America*, ILO–MIGRANT, 2007.

<sup>28</sup> Report of the Committee on the Application of Standards, ILC, 86th Session, 1998, *Provisional Record* No. 18, Part One.



## **Abused, humiliated, exploited ...**

***Domestic workers play a vital role in the well-being and the economic structure of society. And yet they go through some of the worst abuse suffered by workers anywhere.***

**D**omestic workers are an essential link in the economic chain in every country of the world. Through their work, millions of individual employers worldwide are spared everyday household tasks. Domestic workers look after the children and contribute to their upbringing, take care of elderly people, scrub the floors, cook, clean the windows, do the dusting, wash and iron the clothes, put out the rubbish and so on. In doing so, they enable their employers to work away from home while still having enough time for leisure and family life.

Despite their crucial role in society, domestic workers' lives can often be summed up in one word: exploitation. For years now, not a week has gone by without the media, the unions, international organizations like the ILO and non-governmental organizations publishing reports or features on the exploitation to which domestic workers are subjected worldwide. In its most extreme forms, the exploitation of domestic workers adds up to forced labour and modern-day slavery.

There are various reasons for this situation. They are addressed throughout the articles in this special issue of *Labour Education*. Among them are legislation that is unsuited or inapplicable to domestic work, the bad image of domestic work, the difficulties or prohibitions faced by domestic workers who want to join a union, the lack of checks by labour and occupational health inspectors, the negligible sanctions available against unscrupulous employers, etc.

This article will give an in no way exhaustive list of the most common types of exploitation suffered by domestic workers.

### **1. Physical and psychological violence**

#### ***Murder, torture, assault and battery***

The ILO's most recent world report on forced labour<sup>1</sup> says domestic workers are in a particularly precarious situation because of the insecurity they face in the host country: "In some Middle Eastern countries, migrant domestic workers have received severe punishments, such as stoning and caning, and have been imprisoned and convicted of crimes following summary proceedings. Many, including migrant workers from Sri Lanka, Philippines and Indonesia, have died in unclear circumstances."

Nor is the Middle East by any means the only region affected by these abuses. The same ILO report also pointed to Hong Kong and Singapore, where "several cases of severe ill-treatment of migrant domestic workers by employers have been reported and prosecuted since 2000, including at least one case of homicide". The acts of violence and inhumane treatment reported include kicking, hair-pulling, pinching, scalding and food deprivation.

These acts are regularly reported around the world by the media, NGOs and international organizations. And migrant workers are not the only ones affected.

#### ***Sexual harassment***

A migrant worker is extremely vulnerable when she is alone in the house with an employer who subjects her to sexual harassment, particularly if she is a migrant and lives on the premises. Where could

## Why the bad image?

Domestic work is generally held in low esteem and is badly paid, even when it is not seen as downright degrading. How did such physically hard and socially useful work acquire this bad image? One explanation may be that it is associated in people's minds with the unpaid work performed by mothers and "housewives" – work that they perform throughout the day to help those around them, but which is not regarded as a real job. It is often invisible work, carried out in private homes (which are not usually seen as workplaces), for the benefit of private citizens who are not used to being regarded as employers (although, in the case of domestic work, that is what they are).

Another explanation of this unflattering image might be that domestic workers come from the least privileged social groups. In fact, domestic work is often one of the few employment opportunities open to poor, undereducated women or those from marginalized ethnic groups. They are often migrants, either within their own countries or internationally, and are thus open to prejudices that turn them into "second-class citizens" or, even worse, deny them any citizenship at all.

Alfred Angula, a leader of the Namibia Domestic and Allied Workers' Union (NDAWU), castigates society's refusal to recognize those who do it such sterling service: "Domestic workers perform huge, remarkable tasks but they're not recognized for their true value due to general selfishness. Children's upbringing is a case in point. The children were so well looked after that they later became the ministers, teachers and other intellectuals of today. If you ask these intellectuals who raised them when they were little, they'll tell you it was the domestic workers. Same for the legislators. Who looks after their homes when they're drawing up laws? The domestic workers. But what laws do they come up with to protect these workers? There may be a conflict of interests here. If I'm a legislator and I've got somebody working back at my home, am I going to make a law to protect that person?"

But some domestic workers manage to get their own back. Casimira Rodriguez Romero is one of them. The only daughter of poor parents, she started in domestic work when she was 13. In 2001, at the age of 39, her first-hand experience helped her to become the General Secretary of the Latin American and Caribbean Federation of Domestic Workers (CONLACTRAHO). And in 2006, she took office as her country's Minister of Justice and Human Rights, no less. In that role, she launched legislation to regulate domestic work, which was passed by the Bolivian Congress.

she run to? Who could she turn to? Who would believe her? It would be her word against the harasser's. And he would deny everything. Or he would say she was willing or she led him on. Sometimes, the employer's wife suspects or discovers the harassment. And she vents her anger not only on her husband but on his victim too, their domestic worker. "My mistress hated me," says a young Filipina victim of employer harassment, recalling the days when she worked in a Saudi family's home. "Her husband kept touching me whenever she was in another room. She knew what was going on but she didn't dare to show him any disrespect. So she took it out on me by insulting me all the time, and sometimes by hitting me."

The NGO Human Rights Watch revealed in a recent report that a third of the women domestic workers it interviewed in

Guatemala had experienced some kind of unwanted sexual overtures or sex-related demands from men who were in or close to the households that employed them. Most of them suffered these acts during their first jobs, when they were still teenagers.<sup>2</sup> The report also denounces many cases of abuse or sexual harassment of domestic workers in other countries, such as Indonesia, Malaysia, Singapore and Saudi Arabia. And an ILO-IPEC study in El Salvador revealed that 15.5 per cent of girls working as domestics who changed employers did so because of abuse or sexual harassment. In fact, this is the second most frequent cause of resignations (after inadequate remuneration).<sup>3</sup>

Of all the violations to which domestic workers may fall victim, sexual harassment is the most difficult to quantify. Its full extent may never be known. As well



as being in a particularly vulnerable situation, domestic workers risk social stigma if they report sexual attacks. And, if they are migrants, they may be sent back to where they came from.

The living and working conditions experienced by the most exploited domestic workers may expose them to sexual harassment during the rare moments when they have a little bit of freedom, as Marcelina Bautista points out. She runs Mexico's Centro de Apoyo y Capacitación para Empleadas del Hogar (Centre for the Assistance and Training of Domestic Workers) and she is the General Secretary of the Confederation of Domestic Workers of Latin America and the Caribbean (CONACTRAHO). "Sexual harassment is one of the big problems because we live inside the house," she says. "Many domestic workers stay in seven days a week. They have almost no time to themselves and, when they do go out, it's to the park, where they get propositioned by men. There too, there's a lot of sexual abuse because these women are very naive. You see a lot of pregnant domestic workers, but they don't get any support from the men they're seeing or used to see."

### ***Insults and humiliations***

As they come from the most disadvantaged parts of the population and work at tasks that are highly useful but are sometimes seen as degrading, domestic workers are often subjected to insults and humiliations by their employers. In a report published in 2006,<sup>4</sup> Human Rights Watch noted that, in Guatemala for example, the indigenous women domestic workers that it interviewed often complained of being called "Indian mules", "stupid dirty Indians" and so on. The report also gives other examples, like Lastri, a 15-year-old Indonesian domestic worker. Her employers called her "Tai" (shit) and "Anjing" (bitch).

### ***Deprived of food***

Insufficient food is another frequent form of abuse experienced by domestic workers living under their employer's roof. Some are reduced to stealing food from the meals that they prepare for their employers – and taking the consequences if they are caught. For instance, out of 26 Filipina domestic workers interviewed by Human Rights Watch in the United Arab Emirates in March 2006, no less than 11 said they did not get enough to eat.<sup>5</sup>

### ***Threats***

Safe in their own homes, employers can easily terrorize an employee by threatening her with all sorts of punishments if she does not work as they want at the speed that they want: threats of beatings, threats to her family, threats to send her back to her country if she is a migrant, and so on. Whether or not these threats are carried out, they build up a climate of stress around the employee, particularly if she is living in the employer's house.

## **2. Economic exploitation**

### ***Exclusion from labour law coverage***

Often, the law does not regard domestic workers as workers – or else they are actually excluded from the scope of labour legislation. An ILO study of the legislation in 65 countries revealed that only 19 of them have brought in laws or regulations specifically concerning domestic work.<sup>6</sup> This is not a new discovery. Back in 1965, an International Labour Conference resolution stated that "domestic workers in many cases are either not protected at all or insufficiently by labour legislation". A direct effect of this is that they are very vulnerable vis-à-vis their employers. They can be sacked at any moment – for instance, if they ask for their rights.

Ida Le Blanc is the General Secretary of the National Union of Domestic

Employees (NUDE), affiliated to the National Trade Union Centre of Trinidad and Tobago. The biggest problem facing domestic workers, she says, is “non-recognition as workers. All those who work in or around a house and are paid by the owner of the house are excluded from our main labour legislation, the Industrial Relations Act. So we don’t have a legal right to organize domestic workers and bargain collectively in their name. And if, for instance, a domestic worker has been employed for 20 years by the same family, and they suddenly fire her overnight, she won’t have any means of recourse, whether the dismissal was justified or not.”

### ***Shabby lodgings***

Live-in domestic workers should have a separate room where they can rest and get some privacy – with a door that can be locked. But many first-hand accounts published around the world show that this is often not the case, even where it is legally required. “In Hong Kong, the employment contract stipulates that the employer must provide a room and adequate meals for the domestic worker,” says Eni Yuniarti, President of the Indonesian migrant workers’ union in Hong Kong. “But that is far from being the case for everyone. At my previous employer’s house, for instance, I used to sleep on the living room floor. Other women sleep on the kitchen floor. In the little centre that my union runs for migrant women in trouble, there’s a girl who used to sleep on the kitchen floor – alongside 30 dogs.”

### ***Excessive duties and hours***

Live-in domestic workers generally have to work much longer than envisaged in the national legislation – sometimes up to 16 or 18 hours a day, seven days a week. Many accounts published in the media worldwide and numerous reports by NGOs and international organizations

show just how common such excessive hours are. These crazy schedules are due to the lack of any precise job description. Domestic workers are expected to do whatever they are told.

“I work six days in every seven, from six in the morning to ten at night,” Eni Yuniarti says. “Sometimes, if I’ve finished my work, I can rest up after the evening meal, because I’ve got a good employer now. My previous one treated me badly. I worked from 5.30 in the morning until midnight. She didn’t like me to take any breaks. She’d say ‘What are you up to? You’re here to work!’ She stayed in all day. She didn’t have a job, but she verbally hassled me the whole time to keep me working without any let-up. I wasn’t even allowed to have my own phone. I did have a mobile, so that I could give advice to other migrant women workers, but I had to hide when I was using it.”

In Peru, the Ministry of Labour and Employment Promotion recognizes that 42.2 per cent of household workers put in more than 60 hours a week – well over the legally permitted 48-hour week.

### ***Piling on the duties***

The employers of domestic workers often set them a whole range of tasks that are really different jobs requiring other qualifications – but then refuse to pay them the going rate. Erline Browne, from the American organization Domestic Workers United (DWU), is all too familiar with this kind of exploitation. “Looking after a child is one job,” she points out. “Cleaning a house is another one. And cooking is a third one. So these three jobs should mean three wages, but they only get one – and generally a low one at that. If you’re employed as a journalist, your boss won’t ask you to clean the windows, because that’s a different job. But if you work in somebody’s house, looking after their children for instance, the employers do expect you to clean the windows. They reckon that, as you’re there anyway ... Recently, a woman who has a three-year-

old child and was expecting another one phoned to offer me a job. While the child was at school, I was to do the housework and then, when she was asleep, I could have something to eat and rest up a little, 'recharge my batteries', so that, when the little girl woke up, I would be ready to nanny her, play and run around with her, read her stories, and stimulate her mind. They think because they're paying you, you can do everything they can't manage between them."

### **Ban on union membership**

National legislation in a number of countries prevents domestic workers from joining a trade union. This may be due to the non-recognition of domestic workers as "workers", but there may also be a specific ban written into the law. In the United States, for example, the National Labor Relations Act (NLRA) is the main piece of federal labour legislation and is binding on all the States. It guarantees private sector workers' right to freedom of association, collective bargaining and union membership, but excludes many categories of worker from its scope – and domestic staff are among them.

### **Health risks**

Domestic work is physical – sweeping, vacuuming, climbing up stepladders to do the dusting, scrubbing floors and so on. And it can be dangerous – for instance, when leaning out to clean the windows, when using cleaning products day after day, or when one of the employers has an infectious disease. Despite these health risks, the great majority of domestic workers do not receive any occupational health-care follow-up, are not insured against occupational diseases, and are not entitled to sick leave.

"Because these workers are not officially recognized as such, they aren't covered by the occupational safety and health legislation," Ida Le Blanc points out. "One

### **The employers' view**

Often, it is felt that private homes may be (or ought to be) exempted from labour legislation and inspection by the authorities. A study carried out in 2003 for the International Organization for Migration (IOM) by researchers from the universities of Oxford and Nottingham was quite revealing in this respect, presenting as it did an analysis of the views of the employers of domestic workers. Employers in four countries were interviewed – Sweden, Italy, India and Thailand – 48 per cent of them did not think that domestic workers are entitled to a contract with their employers; 70 per cent believed they should not be allowed to join a trade union; 52 per cent opposed the right to a minimum wage; and 45 per cent said there should be no fixed working hours. Even for a country such as Italy, which has a history of unionization among domestic workers, the results were surprising: more than 40 per cent of the employers surveyed there replied that domestic workers are not entitled to paid leave, set working hours, a minimum wage, a pension, a room of their own, union membership or a contract with the employer.\*

\* Anderson, B. and O'Connell Davidson, J.: *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM Migration Research Series, No. 15, 2003, p. 33.

domestic worker complained to our union after she caught an infectious disease at her workplace while looking after her employer's husband, a rather elderly man. So she had to stay at home, all the while worrying that her own children would catch the disease too, but when she asked for the leave that she was entitled to, she was dismissed."

### **Scandalously low pay**

Generally, no minimum wage is set for domestic workers. So pay rates are fixed on a case-by-case basis, in line with the practices of a particular neighbourhood or social class, or according to the worker's origins. The upshot is that domestic workers' pay is always among the lowest on the market. If they protest about this,

their employers will tell them that hundreds of others are in line for the same job. "In New York, dog-walkers get \$20 for half an hour," Erline Browne emphasizes, "but domestic workers don't even make \$14 an hour."

### **Big wage backlogs**

Leaving a domestic worker unpaid for several months on end is a tactic often used by unscrupulous employers, particularly when the workers are migrants. After all, a worker will think twice about walking out on a job for which she is owed a lot of back wages, even if she is suffering serious exploitation.

### **No leave**

Few domestic workers get any holidays, and even fewer get paid leave. On the contrary, many have their wages docked if they suffer an accident or illness. And very often, the ban on taking time off also applies to maternity leave. This situation exists both in the developing countries and in the industrialized ones. Erline Browne denounces the particularly difficult dilemma which some American employers inflict on their domestic workers when they go on vacation. "Many Americans have summer homes where they spend one or two months. They give you the choice of either going with them and carrying on working there or looking for another job during that period. But they don't pay you during these vacations and there's a risk that you won't get your job back when the employer returns. Most domestic workers have children of their own, so they have to leave them behind and follow their employers to their summer homes. There, they look after the employer's children without knowing what will become of their own ones."

### **No social protection**

Very often, domestic workers do not have any employment-related social protection, either because their employment is not recognized as such or because their employer prefers not to declare them. In the United States, for example, a DWU survey of 537 domestic workers in New York revealed that 90 per cent of them did not have any social insurance coverage. In Peru, out of 454,626 domestic workers (of whom 94.4 per cent are women), just 14.8 per cent have social security coverage. In Trinidad and Tobago, the domestic employees' union NUDE complains that, when domestic workers enquire about the national insurance system, the scheme's management authority contacts the employer who then often sacks the workers on the spot.

But admittedly, individual employers are sometimes baffled by the ins and outs of the social protection system. Apart from the workers living permanently in their employers' homes and those employed by the same employer for a high number of hours each week, there are also tens of millions of domestic workers who are employed only occasionally, sometimes just an hour or two per week, by private individuals. For such short work times, the employer and the domestic worker very often arrange payment "on the black", particularly in order to avoid the administrative procedures that regularization would entail for this kind of occasional employment. So there is no coverage for accidents at work or on the way to or from work, no health insurance and pension contributions, no paid leave, etc.

To restrict this illegal, socially unprotected employment, some countries have brought in a "service voucher" scheme.<sup>7</sup> The system varies from one country to another, but generally the employer buys the vouchers from an institution, whether public or private, then passes them on to the domestic employment as payment. One country using this system is France, as Gilles Desbordes explains. He is the

## Where did all the labour inspectors go?

One of the obstacles to the defence of domestic workers' rights is that they work in the private residences of individuals. In many countries, private domiciles enjoy particular protection, in order to ensure privacy. So many of the trade unions' traditional partners, such as labour inspectors and occupational health practitioners, cannot operate in the same way in these houses as they would in an enterprise.

"Although labour inspection is required in all employment situations, in practice the home is out of bounds for labour inspectors," emphasizes the latest ILO world report on forced labour.<sup>a</sup>

In 2003, an ILO study on the legislative aspects of domestic work summed up the whole problem of labour inspection in private homes: "Normally, labour inspection regulations of general application are, unless otherwise stated by the law, also applicable to domestic workers." However, "two fundamental rights may collide here: namely, the right and the duty of the State to protect the basic labour rights of domestic workers through the supervisory function of labour inspection, and the employers' basic right to the protection of their privacy and that of their families." In Viet Nam, where the law specifically applies to domestic workers, the Labour Code states that "inspectors shall be empowered to inspect and investigate any place liable to inspection within their competence, at any time without advance notice". But "without a complaint by one of the parties, or eventually a third party (i.e. a neighbour), it is unrealistic to imagine labour inspectors supervising in a systematic way hundreds or thousands of private homes."<sup>b</sup>

So in present circumstances, there is no general acceptance that labour inspectors may visit a domestic workplace, even though it is public knowledge that these places are the scenes of startling numbers of labour law violations. A recent study reviewing the ILO's policies and programmes on domestic work was hardly more optimistic on this point: "In principle, all workplaces are liable to inspection.... In the case of a private home, however, the consent of the employer, the occupant or a judicial authority as the case may be, is generally required. The Committee of Experts has said that labour inspectors must observe strict respect of privacy. The difficulty of obtaining the householder's consent for inspection, the fact that workers are geographically dispersed and that domestic work is considered an activity with low occupational risks, keeps it beyond the scrutiny of the labour inspectorate."<sup>c</sup>

For the unions and the associations defending domestic workers, this is a bad situation, and they are calling for new ways to be found of enabling these workers to benefit from the same labour inspectorate protection as other workers do. According to Gilles Desbordes, General Secretary of the CFDT Services Federation, "adapting the classic schemes for accompanying waged work is a real difficulty. Ways will have to be thought up of enabling intervention by the employment accompaniment services in order to guarantee wage-earners' rights while at the same time preserving the inviolability of people's homes."

<sup>a</sup> ILO: *A global alliance against forced labour*, global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005, International Labour Conference, 93rd Session, 2005. <sup>b</sup> Ramirez-Machado, Jose Maria: *Domestic Work, Conditions of Work and Employment: A Legal Perspective*, ILO, Conditions of Work and Employment Series, No. 7, Geneva, 2003. <sup>c</sup> Asha D'Souza: *Domestic work: Better jobs, better care. A review of ILO policy and programmes*, GB 301/2, 301st Session (forthcoming).

General Secretary of the Services Federation of the French Democratic Labour Confederation (CFDT).<sup>8</sup> "The employer states the amount that he or she intends to pay to the employee," Desbordes says. "Then the State system calculates the total contributions due and deducts, on the basis of the net wage to be paid to the employee, all the sums payable to the various social security structures. There are minimum wages and collective agreements, with rates corresponding to the

different population categories, and seniority clauses too. And if the job is permanently based in the employer's residence, the employer has obligations on, for instance, paid leave, the cancellation of the employment contract and so on." An employer using this kind of scheme is covered for any work accidents suffered by the employee within the employer's home. Tax incentives are generally available to private citizens using the schemes.

## ***Migrant domestic workers even more abused***

In addition to the abuses described above, there are other kinds of mistreatment more frequently experienced by domestic workers who are migrants: confiscation of identity documents, work permits and/or residence permits linked to a single employer, discrimination depending on the country of origin, changes to the contract without the worker's agreement when she arrives in the country, etc. See, on page 21, our article on these types of abuse.

## **Notes**

<sup>1</sup> ILO: *A global alliance against forced labour*, global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 93rd Session, 2005, p. 56.

<sup>2</sup> Human Rights Watch: *Swept Under the Rug. Abuses against Domestic Workers Around the World*, July 2006, p. 18.

<sup>3</sup> Godoy, Oscar: "El Salvador Trabajo Infantil Doméstico: Una Evaluación Rápida"; ILO-IPEC; 2002; p. 24.

<sup>4</sup> Human Rights Watch, op. cit., pp. 10 and 11.

<sup>5</sup> *ibid.* p. 15.

<sup>6</sup> Ramirez-Machado, José Maria: *Domestic work, conditions of work and employment: A legal perspective*, Conditions of Work and Employment Series No. 7, Geneva, ILO, 2003.

<sup>7</sup> These schemes have different names in different countries.

<sup>8</sup> See: [www.cfdt-services.fr](http://www.cfdt-services.fr).

## How many of them are there?

*In the absence of reliable statistics at the world level, no more than an estimate of the number of domestic workers can be given: several tens of millions.*

There are no reliable statistics on the number of domestic workers worldwide. In many countries, they are not regarded as workers by the national legislation and, even where it is possible to declare them as workers, they are often actually working on the black. And they work inside private homes, where they are invisible to the public and to the authorities who might count them.

The ILO's LABORSTA database has a category for "households with employed persons" which, although not restricted to domestic workers, does give some idea of the extent of this kind of employment.<sup>1</sup> Various figures gleaned here and there also provide some insights into the scale of domestic work across the world, suggesting that the total number of such jobs certainly runs into several tens of millions.

### Europe

- The European Trade Union Confederation (ETUC) reveals that, out of a total population of 450 million people, 80 million are elderly and almost 50 million of them are unable to take care of themselves.<sup>2</sup> But there are not enough places in retirement homes, even for those who might want one. The ETUC also emphasizes that the number of places in creches and health-care centres is insufficient. As children need to be looked after between the end of the school day and the end of the working day, many workers have to hire somebody to take care of their children for part of the time. The ETUC notes that this increasing need for domestic workers is reinforced by two other social developments – the

growing divorce and separation rates, which mean more single people and one-parent families, and the drop in the number of households containing several generations (similar developments are found in several other regions of the world, notably in the emerging economies).

- A study by the Dutch trade union confederation CNV estimates that some 240,000 domestic workers are illegally employed in the Netherlands.<sup>3</sup>
- In France, the CFDT labour confederation reports that 2.5 million private individuals employ people within their homes and that in 2006, 1.5 million people were working in what France calls the "sector of services to the person", which groups three types of work: services to families (child-minding, help with school work etc.), services for everyday life (gardening, house cleaning etc.) and services to senior citizens and people with disabilities.
- In Switzerland, the SIT union puts at more than 30,000 the number of domestic workers in the canton of Geneva alone.

### Latin America

- Domestic work is, by volume, the job most frequently performed by women in Latin America and 12 million of them are involved (see article on page 63).
- In Peru, there are 454,626 known domestic workers, of whom 94.4 per cent are women. Only 14.8 per cent of domestic workers have social security coverage.

## North America

- According to Domestic Workers United (DWU), there are 200,000 domestic workers in New York City and an estimated 600,000 in New York State.

## Asia

- In China, estimates by several ministries show that, in 32 conurbations and 43 cities, there are more than 7 million people employed in domestic work. At least 7 million job vacancies in this field remain, due among other things to the relatively low wages and the lack of social security for domestic workers. A study conducted by the Chinese Ministry of Labour and Social Security in four cities revealed that, following the growth in work intensity among their populations, the need to use the services of domestic workers has increased by 40 per cent.<sup>4</sup>
- In India, a national study put the number of domestic workers in 2004–05 at more than 4.7 million.<sup>5</sup>
- In the Philippines, there are reportedly more than 624,000 domestic workers.<sup>6</sup>

## Africa

- About 1 million domestic workers are employed in South Africa.<sup>7</sup>

## Notes

<sup>1</sup> Available at <http://laborsta.ilo.org/default.html>, after selecting the search criterion “Yearly statistics”, then “Paid employment by economic activity”.

<sup>2</sup> *Out of the shadows, organizing and protecting domestic workers in Europe: The role of trade unions*, a report by Celia Mather for the ETUC, Nov. 2005.

<sup>3</sup> CNV: *Domestic Work, decent work? Protecting the labour rights of domestic workers*, Utrecht, 2005.

<sup>4</sup> Figures from May Wong: “Domestic Work and Rights in China”, available at [http://www.amrc.org.hk/alu\\_article/focus\\_on\\_china/domestic\\_work\\_and\\_rights\\_in\\_china](http://www.amrc.org.hk/alu_article/focus_on_china/domestic_work_and_rights_in_china).

<sup>5</sup> Quoted in *Domestic Work: Better jobs, better care. A review of ILO policies and programmes*, p. 5, Governing Body document, GB 301/2, 301st Session (forthcoming).

<sup>6</sup> Senator Loren B. Legarda, Chairperson of the Senate Committee on Social Justice and Rural Development, press release of 3 October 2007.

<sup>7</sup> Celia Mather: *Respect and Rights: Protection for Domestic/Household Workers! – Part II*, report of the international conference “Protection for Domestic Workers” held in Amsterdam on 8–10 November 2006 in the FNV building.



## Defining domestic work

***There is not yet any universally accepted definition of “domestic work”, or even any general agreement on the term to be applied to this work. An international standard would be a good way of bringing some order into this topic.***

In the absence of an international standard regulating domestic work, there is no universally accepted definition of this type of work. But back in 1951, an experts' meeting defined domestic work as “[a] wage-earner working in a [private] household, under whatever method and period of remuneration, who may be employed by one or by several employers who receive no pecuniary gain from this work.”<sup>1</sup>

More recently, an ILO report on child domestic workers defined domestic work as follows: “Household tasks performed as an economic activity in the household of a third person by adults and children over the minimum working age (i.e. work that could be regarded as ‘employment’ whether or not covered by national labour law). Usually excludes domestic chores carried out by members of the family.”<sup>2</sup>

An ILO study analysing national legislation on domestic work<sup>3</sup> concluded that the following points are included in the different legal definitions:

- The workplace is a private home.
- The work performed has to do with the service of a household.
- The work is carried out on behalf of the direct employer, the householder, and under his/her authority, direction and supervision.
- The work performed must be done on a regular basis and in a continuous manner (but this does not exclude part-time work).
- The employer does not derive any pecuniary gain from the activity done by the domestic worker.

- The work is performed in return for remuneration, in cash and/or in kind.
- The employee's place of residence does not affect the definition of the work. However, the ILO study emphasizes that some national laws take account of the fact that the worker may reside within the employer's premises. In Venezuela, for instance, live-in domestic workers are excluded from some chapters (labour relations, working contract, remuneration, and labour conditions) of the labour code, but the law does require that they enjoy a specific number of rest hours.
- Domestic work is a generic and heterogeneous activity. Some legislation enumerates occupations which qualify or disqualify such work as being of a domestic nature. Others, such as in France and Swaziland, give definitions of all occupations included within the concept of domestic work. National legislation may also articulate mechanisms to determine whether an employee should be considered as a domestic worker, as in Chile, where the labour inspectorate is competent to rule on the matter. The law may also explicitly exclude some occupations from being considered as domestic work. This is the case, for instance, of people hired exclusively as private chauffeurs in Argentina and Colombia, and of employees hired as personal-care workers in Argentina and Finland.

When a trade union or a domestic workers' association intervenes to assist a worker in dispute with an employer, one of the organization's first reflexes is to

ask the worker what he or she does: is the job limited to the classic household tasks (cleaning, cooking, washing, ironing etc.), or is the worker also asked to provide other services, such as looking after an elderly person or a young child, gardening or chauffeuring for the employer? Payment for activities requiring higher qualifications than household tasks should indeed be higher. But the haziness of national legislation, or of its application, often gives employers the chance to cheat their domestic workers, who are often poorly educated and unaware of job classifications. That is why it is important to adopt an international standard which clearly defines the limits of “domestic work”.

It should also be noted that the term “domestic worker” is itself controversial, as some find it disrespectful and servile. In English, “domestic worker” is sometimes replaced by “household worker”. In French, the terms “gens de maison”, “employés de maison”, and “secteur du service à la personne” are sometimes used, although they do not cover exactly

the same range of activities. In Spanish, “trabajadores de hogar” is sometimes preferred to “trabajadores domésticos”.

For our part, and without passing any judgement on this question, we will use the most widespread term, “domestic worker”, throughout this issue of *Labour Education*. It has the advantage of emphasizing that “workers” are indeed involved and that they must therefore benefit from all the rights and legislation protecting workers. This is often not the case. Mostly, we will refer to a domestic worker as “she”, since the great majority of domestic labour is provided by women.

### Notes

<sup>1</sup> *Domestic Work: Better jobs, better care. A review of ILO policies and programmes*, Governing Body document, GB 301/2, 301st Session.

<sup>2</sup> ILO: *Helping Hands or shackled lives? Understanding child domestic labour and responses to it*, 2004.

<sup>3</sup> Ramirez-Machado, Jose Maria: *Domestic work, conditions of work and employment: A legal perspective*, Conditions of Work and Employment Series No. 7, ILO, 2003, pp. 10–13.

## Migrant domestic workers – Suffering twice over

*While migrant domestic workers generally suffer the same abuse as their local colleagues, they also face other kinds of exploitation linked to their migrant status. Separated from their families and living in a country whose language and culture they often do not understand, they suffer twice over.*

The migration of domestic workers ought to be regulated and should respect everybody's rights. That is in the interests of both the country of origin and the country of destination. In the countries of origin, migration for domestic work has given millions of people access to better living standards. The money that the workers send back means that their families can afford to buy health-care, send their children to school, build a small house and so on. Some domestic workers save up to finance further education for themselves once they return home.

The advantages of a migration that respects everybody's rights are also substantial in the countries of destination, where the presence of migrant domestic workers enables women to pursue full-time employment. It may also help to make up for the lack of institutions providing care or high-quality, affordable accommodation for very young children and elderly people (without this in any way excusing such a lack). In some industrialized countries, such as Italy, this is in fact one of the rare labour market sectors open to legal migration.

Unfortunately, the situations faced by millions of migrant domestic workers are far removed from a "win-win" type of migration.

Exploited and held semi-captive, they suffer many kinds of violence. In a report prepared for a general discussion on migrant workers,<sup>1</sup> which took place during the 92nd Session of the International Labour Conference (2004), the ILO emphasized that migrants employed as domestics

are among the world's most vulnerable workers.

While migrant domestic workers may face all the types of exploitation experienced by local domestics in the host country (see the non-exhaustive list on page 9), many of them must also deal with violations and dishonest practices that have more to do with their migrant status. Below, we give some typical examples.

### **Changes to the contract without the worker's agreement**

A large proportion of migrant domestic workers are recruited in their countries of origin by job placement agencies. But the difference between the work and pay described by these agencies before departure and the reality discovered on arrival is sometimes huge. In a far-off country where she knows neither the language nor the legislation nor the judicial procedures, a migrant often has no choice but to accept what is imposed on her when she arrives, particularly if she will be living in her employer's home. It will be all the more difficult to refuse if she has debts to the agency which paid her air ticket, or if she is in a country where leaving her employer will rapidly turn her into an illegal immigrant.

Bridget Lew runs HOME,<sup>2</sup> a migrant workers' defence organization in Singapore. She knows all about the dishonest practices surrounding contracts. "Some Filipinas come properly documented," she says. "They have a contract, but when they

arrive in Singapore, these contracts are generally replaced by other ones. The contract or its clauses are changed when the agency first presents them to the employer. So the migrant domestic workers say they have no choice. They have to accept the new clauses because their passports have already been taken off them and, in any case, they can't afford a flight back home. In many cases, they are put under the threat that, if they go home, their families will have to pay all the costs."

These dishonest practices are certainly not restricted to some Singapore employers. They are found all over the world, particularly in the Middle East – the main destination for Asian migrant women workers. According to Concepción Bragas Regalado, of Migrante International, the international alliance of Filipino migrant organizations:<sup>3</sup> "In the Middle East, there are many cases of Filipinas taken on as domestic workers but who have to do other tasks. Others have signed a two-year contract prior to departure but when they arrive in the Middle East, they have to sign a new contract for three years. The same goes for the pay. If, say, a remuneration of 200 dollars had been promised before departure, it's not uncommon for them to receive only 100 or 150 dollars once they're there."

## **Wage discrimination**

Even in countries where there is a minimum wage, migrant domestic workers generally earn less, sometimes much less, than their colleagues who are citizens of the host country. In North-East India, for example, Teresa Joseph, the coordinator of the Domestic Workers' Movement, explains that "the employers are interested in employing Nepalese, Burmese and Bangladeshi migrants because they pay them even less than Indian domestic workers. The Bangladeshi women have to make do with 100 rupees (2.5 dollars) per month, plus food and board, while the Indian ones will ask for at least 1,000 rupees a month."

In Hong Kong (China), a study<sup>4</sup> conducted at the end of 2006 revealed that 22 per cent of migrant domestic workers are paid less than the minimum wage (an improvement over studies in 2005 and 1999, which put the corresponding figure at 42 per cent and 90 per cent respectively). And of those who are not underpaid, 60 per cent receive only the minimum wage. Another example comes from Singapore, where a report published in 2005 by the NGO Human Rights Watch<sup>5</sup> showed that migrant domestic workers earn half as much as Singaporean workers in similar occupations, such as cleaning staff and gardeners.

Sometimes, the exploitation happens within a migrant community itself. Erline Brown, an activist with the US organization Domestic Workers United (DWU)<sup>6</sup> reports: "In New York State, the minimum wage is \$675 a month, but we've taken legal action on behalf of migrant domestic workers who were only getting 50 cents an hour. I particularly remember an African who was living in the home of her employer, who had the same nationality. She worked from 5.30 in the morning until 1.30 the following morning and she slept on the kitchen floor, with a blanket."

## **Falsified wage receipts**

Unscrupulous employers will compel their domestic workers to sign receipts for wages that are higher than those actually paid, so that things will seem to be in order if ever the authorities check. For example, a study conducted at the end of 2006 among 2,097 Indonesian domestic workers in Hong Kong discovered that 94 per cent of them signed a receipt for their wages each month, but 26 per cent of those had not been paid the amount shown on the receipt.<sup>7</sup> The difference between the wage shown and the wage received averages 1,390 dollars a month in Hong Kong. Multiplying that sum by the number of domestic workers who fall victim to this practice, the report estimates that some US\$48 million are stolen from

## Human dramas

Many serious violations of migrant domestic workers' basic rights lead to human dramas, sometimes amounting to domestic slavery. A report published in 2005 by Human Rights Watch on Singapore gave some alarming statistics: "Between 1999 and 2005, at least 147 migrant domestic workers died from workplace accidents or suicide, most by jumping or falling from residential buildings."<sup>a</sup>

As the report emphasizes, migrant domestic workers in Singapore are often pushed to the limit by bad working conditions, extremely long hours, anxiety over the debts they owe to the recruitment agencies, social isolation and the requirement to stay inside the home for long periods at a time, sometimes several weeks on end. As the NGO also revealed, the Singaporean authorities recognize that many of these deaths were the result of accidents. A number of workers died after their employers forced them to do dangerous work, for instance cleaning windows from the outside when the dwelling is several storeys up. The same situation could be denounced in many other countries apart from Singapore, but statistics are not always available.

Migrant domestic workers who are not in a country legally suffer even greater exploitation. Without valid residence papers, they almost never dare to report abuses, for fear of being sent back to their countries. So those who have fallen into the clutches of bad employers are in a permanent state of stress, in the employer's home but also out in the street, because they fear that the police will check their papers.

Lorrie, a Filipina domestic worker in the Netherlands, tells of this stress. "We sometimes feel like prisoners," she says, "because we can't move around without being afraid of police checks. Many of us struggle to get our work permits, so as to be able to come and go freely between our own countries and the country of destination. I lived through a tragedy in March 2006. My 23-year-old son, who had stayed on in the Philippines, was stabbed to death. I really wanted to go back for the funeral, but the pastor in my community got me thinking – two of the murderers have been arrested, but my family will have to hire a lawyer for the legal proceedings. That's very expensive and if I go back to the Philippines, I won't be able to come to the Netherlands again soon, because my papers aren't in order. That's why I've stayed on in the Netherlands, where fortunately I'm working for an employer who respects me. I think I've done my duty as a mother. Thanks to my work, my daughter has finished her studies in Europe and one of my other sons will be able to finish his in the Philippines in two years' time. Education is the most important thing there is. I tell myself that at least my daughter and my son will be able to get married and lead their own lives."

<sup>a</sup> [http://hrw.org/reports/2005/singapore1205/1.htm#\\_Toc121133630](http://hrw.org/reports/2005/singapore1205/1.htm#_Toc121133630).

Indonesian domestic workers each month by their employers. That huge loss hits the workers themselves, but also their families and Indonesia's foreign currency inflows.

The smoothest operators use their domestic employees' naivety or good faith to make the biggest profits. In early 2001, an African woman employed by the ambassador in Brussels of another African country told us of an example. She preferred to remain anonymous "Each month," she confided, "he sent me to the bank to cash a cheque for the minimum wage to which I was entitled. On my return, I had to give him back nine-tenths of that amount. He said it was to cover my board and lodging and that it was the normal practice in Europe. I worked every day from 6.00 in the morning to 10.00 at

night, and sometimes even longer when he had friends round at the weekend. He fired me overnight when he was recalled to his country."

### **Discrimination based on country of origin**

Apart from discrimination towards migrant domestic workers, some unions and domestic workers' associations note differences in treatment according to the worker's skin colour and/or country of origin. This is notably the case in the United States: "While there are some Americans who do this job, most of the workers are migrants," Erline Brown explains. "Many come from the Caribbean or from Spanish-speaking

### **A life of sacrifice**

Many migrant domestic workers sacrifice their youth, and sometimes their whole lives, to support their families back in their countries of origin. One such is Eni Yuniarti, President of the Indonesian migrant workers' union in Hong Kong. "I came to Hong Kong for the first time at the age of 19," she recalls, "a few months after I finished secondary school. Over the following six years, I worked to pay for two sisters and two brothers to study and to support my mother, because I'm her eldest. One of my sisters has finished her studies and found a job, so my dream is to go back to Indonesia in a year's time and start studying at the university. I'm sending a bit less money to my family since my sister finished studying. This is the first year when I can put something aside, and work for myself."

and sometimes no papers, far from home. "I was recently contacted by a migrant worker from Trinidad and Tobago," Erline Brown recalls. "She had been working for ten years in a house where she took care of an elderly couple. These two employers were also from Trinidad. They only gave her board and lodging. She didn't get any pay. One of her employers died, and their niece took the other one back. The niece left the employee in the house, with the gas, heating and power cut off. In the evenings, the worker wrapped herself in blankets to keep out the cold. Then the niece told her to get out of the empty house. She offered her just 2,500 dollars for the ten years that she took care of those two people! Our organization can bring court cases against abusive employers."

countries such as Mexico. Currently, we're also seeing a lot of Tibetans coming in, as well as people from Eastern Europe (Russia, Poland, etc.). Migrant domestic workers who are white do suffer abuse, but they generally get a bit more money and respect than those who have dark skins." The same type of discrimination linked to a domestic worker's origins is found in other regions, particularly Asia where the fate reserved for Filipina migrants is often (but not always) rather more bearable than for those from, for example, Indonesia or Myanmar, who are generally less aware of their rights and speak less English.

It should be noted that discrimination according to origin can also take place outside the migration context, between domestic workers from different regions or ethnic groups.

### **Abandonment**

It is not the most frequent type of abuse, but it does sometimes happen that migrant domestic workers are completely abandoned by their employers – for instance, when the employer moves to another country. These workers then find themselves with nowhere to live, no income

### **Locked inside the employer's home**

Unions and domestic workers' support associations sometimes encounter migrants who have not been outside their employer's home for months, or even for one or two years. Locked in whenever the employer goes out, and deprived of any access to a phone, these workers are real modern slaves. Such cases are reported regularly, including in the industrialized countries. Sometimes a government's policies actually help to bring these situations about, as the NGO Human Rights Watch explained in 2005, in a press release on Singapore: "To control illegal immigration, the Singapore government imposes a security bond on each employer, who forfeits S\$5,000 (US\$2,950) if their domestic worker runs away. These policies become incentives for employers to tightly restrict domestic workers' movements to prevent them from running away or having boyfriends. For example, some employers prevent domestic workers from having weekly rest days, forbid them from talking to neighbours, and sometimes lock them in the workplace. Heavy debts and confinement at home mean that some domestic workers cannot escape serious workplace abuses."<sup>8</sup>

## Some figures

It is as difficult to gain an estimate of the number of migrant domestic workers worldwide as it is to put a figure on the domestic workers who are working in their own countries. One reason is the lack, in many countries, of any national statistics in this field, as well as the clandestine nature of part of this sector. However, a few reliable data do give some idea of the big scale of migration for domestic work in the continent where it is most significant – Asia. There, the Philippines, Sri Lanka and Indonesia are the countries from which most of the migrant domestic workers come:

- There are about 300,000 migrant domestic workers in Malaysia,<sup>a</sup> the great majority of whom are Indonesians.
- In Singapore, about one household in seven employs a live-in migrant domestic worker. In all, Singaporean families employ about 150,000 women as domestic workers, mainly from Indonesia, the Philippines and Sri Lanka.<sup>b</sup>
- Between eight and ten million Filipino workers are employed abroad. The money that they send back is the country's biggest foreign exchange earner. Thirty per cent of these migrants are domestic workers, and 13 per cent are care workers.<sup>c</sup>
- The World Bank reports that, since 1998, some 400,000 Indonesians have emigrated legally each year.<sup>d</sup> As women make up 60 to 80 per cent of people migrating legally from the Philippines, Sri Lanka and Indonesia and most of them are household staff, hundreds of thousands of Indonesian women have certainly left their country to become domestic workers abroad.<sup>e</sup>

<sup>a</sup> Human Rights Watch: *Swept Under the Rug. Abuses against Domestic Workers Around the World*, July 2006. <sup>b</sup> Human Rights Watch: *Maid to Order – Ending Abuse Against Migrant Domestic Workers in Singapore*, p. 2. New York, 2005. <sup>c</sup> Migrante International is an alliance of Filipino migrant organizations: <http://migrante.tripod.com>. <sup>d</sup> World Bank, 2006. *Fact Sheet: Migration, Remittance and Female Migrant Workers*, Washington, D.C. Site: [http://siteresources.worldbank.org/INTINDONESIA/Resources/fact\\_sheet-migrant\\_workers\\_en\\_jan06.pdf](http://siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf). <sup>e</sup> United Nations Population Fund 2005: *International Migration and the Millennium Development Goals: Selected Papers of the UNFPA Expert Group Meeting*, New York.

## Healthcare access problems

Accessing healthcare is often very difficult or even impossible for domestic migrant workers. Apart from the barriers faced by all migrants (language, for instance), domestic workers have to make arrangements with the employer in whose home they generally live. If the employer is a bad one, of the kind who impose extremely long working hours, use violence or prevent the domestic worker from going outside, it will obviously be more or less impossible for her to seek medical attention. And even if she manages to do so, the medical staff have to be prepared to treat her. "One of the biggest difficulties faced by migrant domestic workers in the Netherlands is access to treatment," says Lorrie, a Filipina employed as a domestic worker in the Amsterdam region. "In theory, we're entitled to see a doctor, even if we are not properly documented, but if you've no insurance cover, many

general practitioners and hospitals turn you away, even if you offer to pay cash. Our association has learnt of the case of an African who took her sick baby to hospital but was sent away again because she didn't have insurance."

## Ban on union membership

While the repression of trade union activity is a practice suffered by the majority of domestic workers worldwide, migrants are even worse affected. In the case of dismissal, for example, they are a long way from home and are at imminent risk of becoming undocumented. Eni Yuniarti, President of the Hong Kong-based Indonesian Migrant Workers Union (IMWU),<sup>9</sup> tells of her own experience: "Now, I have a good employer, but the previous one didn't like my union involvement. A few years ago, I wanted to take my annual leave so that I could go to a regional conference on

domestic workers in South Korea. I asked the South Korean embassy for a visa, but they needed a letter of support. I talked to my employer about it, but he ended my contract and said he no longer wanted me to work in his house. I had to sleep at the union office (we now have lodging space for 20 to 30 migrant workers when they are in difficulties). My current employer lets me take part in union meetings, but I have to take my annual leave when I want to go to them."

### **Work permits and/or residence permits linked to a single employer**

A whole range of legal provisions can help employers to keep a migrant domestic worker under total control – for instance, when her work permit is linked to the employer or the procedure for changing employers is complex. In Ireland, the Services, Industrial, Professional and Technical Union (SIPTU)<sup>10</sup> criticizes the enormous difficulty of transferring a work permit from one employer to another. This means that a domestic worker is virtually obliged to remain in thrall to the same employer, even when that employer is violating her rights. "You have to find a new employer who's willing to go through the administrative procedure to get the permit transferred," SIPTU's John Flavin explains. "And that's a slow business. At the practical level, the person concerned can't work until the formalities for the permit transfer have been completed ... and she'll also be without lodgings during that time, as she'll already have left her first employer."

Another abuse is denounced by the SIPTU, but is common to many countries: "The work permit has to be renewed every year," John Flavin says. "Otherwise the worker becomes illegal, without the employer being held responsible. So just by not renewing the work permit, you can push somebody down into the underground economy, which means that the worker may be deported. The employer uses this technique to make sure

the workers don't report any exploitation. Same thing if, for instance, the employee gets pregnant. There's nothing to stop the employer from not renewing the work permit, even after ten years' employment."

By denouncing this kind of abuse, it is sometimes possible to get governments to react positively. The latest ILO report on forced labour cites the example of Turkey. Many Moldavian women who had gone there to work as domestics or lady's companions fell into the clutches of unscrupulous recruiters and employers who lied to them and restricted their freedom of movement. Measures were taken: "In 2003, the Turkish Government recognized the demand for foreign workers, including for the first time domestic workers, and introduced work permits that are not tied to a specific employer or 'sponsor' as is the case in many Arab States."<sup>11</sup>

### **Confiscation of identity documents and/or work permits**

Confiscation of identity papers and/or the work permit by the employer or the recruiter is one of the techniques most frequently used to ensure a migrant domestic worker's acceptance of all kinds of exploitation. Sometimes, the employer tells the migrant that it would be better to let him take charge of these important documents and keep them in a safe place. But the real intention, in the great majority of cases, is to have a threat ready to hand if ever the worker protests against exploitation. The employer can then tell her that, without her passport, she is in an illegal situation in the country, that she may be arrested and sent back home. This threat (real or perceived) is generally enough to frighten migrants who do not know their rights.

### **Confiscation of first wages**

It often happens that employers deduct from their migrant worker's wages the fee that they paid the recruitment agency, and even the fee for the employee's work



permit. In Ireland for example, the SIPTU estimates that a total of €500 each is illegally docked from migrant domestic workers' wages to compensate for the cost of labour permits.

## Invasions of privacy

All over the world, migrant domestic workers generally have to give up any kind of family life. If a worker got married in her country of origin, her husband may receive a tourist visa to visit her, if he can afford to (which is rare because most of them are from very poor families), but he will not obtain the right to live with his wife, particularly if she is living in the employer's home. The same goes for any children the migrant worker may have.

In Switzerland, for example, in the canton of Geneva, a foreign diplomat can obtain a residence permit for a domestic worker from the diplomat's country, but the authorities will then interfere with her private life. This situation has been denounced by the Interprofessional Union of Workers (SIT)<sup>12</sup>: "A migrant domestic worker of non-European origin cannot be employed unless she and her employer agree to follow the directives of the Foreign Affairs service," explains the SIT's Administrative Secretary Michèle Gagnon. "These stipulate that the employee must be single or divorced, that she cannot bring any children with her and that she is not allowed to marry in Switzerland. She must be here on her own and solely to do housework. That's what it says in black and white in the directives."

In Singapore too, a report by the NGO Human Rights Watch denounces the fact that the immigration regulations forbid migrant domestic workers to become pregnant.<sup>13</sup> Switzerland and Singapore are by no means the only countries applying restrictions of this kind.

## Excessive trial periods

In the Middle East, the recruitment agencies for migrant domestic workers often give employers the option of replacing the employee with another if they are not satisfied with her services. Generally, the domestic worker is not paid during this trial period.

## Notes

<sup>1</sup> ILO: *Towards a Fair Deal for Migrant Workers in the Global Economy*, Report VI, 92nd Session of the International Labour Conference, Geneva, June 2004.

<sup>2</sup> See <http://www.home.org.sg/>.

<sup>3</sup> See <http://migrante.tripod.com/>.

<sup>4</sup> Asian Migrant Centre, Indonesian Migrant Workers Union, The Hong Kong Coalition of Indonesian Migrant Workers Organization: "Underpayment 2: The Continuing Systematic Extortion of Indonesian Migrant Workers in Hong Kong", August 2007. This study was supported by the ILO Jakarta Office and Oxfam-Hong Kong.

<sup>5</sup> Press release published by Human Rights Watch to mark the appearance in 2005 of its report *Maid to Order – Ending Abuses Against Migrant Domestic Workers in Singapore*, available at <http://hrw.org/reports/2005/singapore1205/>.

<sup>6</sup> See <http://www.domesticworkersunited.org/>. DWU groups about 1,000 carers, childminders and cleaners.

<sup>7</sup> "Underpayment 2: The Continuing Systematic Extortion of Indonesian Migrant Workers in Hong Kong", op. cit.

<sup>8</sup> See <http://hrw.org/english/docs/2005/12/07/singap12125.htm>.

<sup>9</sup> Part of the HKCTU for seven years now, this union has about 2,000 members, all of whom are domestic workers.

<sup>10</sup> See <http://www.siptu.ie>.

<sup>11</sup> ILO: *A global alliance against forced labour*, a global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 93rd Session, 2005, p. 51.

<sup>12</sup> See <http://www.sit-syndicat.ch>.

<sup>13</sup> *Maid to Order – Ending Abuses Against Migrant Domestic Workers in Singapore*, op. cit.

## The hidden face of the agencies

***The great majority of migrant domestic workers need to go through recruitment and placement agencies to find a job in a developed country. Taking advantage of their poverty and naivety, some agencies lure them into real traps.***

The demand for domestic workers, particularly in the Middle East, North America and Europe, attracts millions of women away from their countries, and out of the impoverished communities that they are used to. Except when they are employed by migrants from their own countries, these workers rarely have any direct contract with their future employer before they set off. If legal, the migration very often entails the intervention of recruitment agencies in the country of origin and placement agencies in the country of destination. Without these agencies, the would-be migrants would have great difficulty in reaching a country where they can find work.

Unfortunately, some of these agencies use highly unscrupulous methods that are in total breach of the Convention (No. 181) on Private Employment Agencies, 1997. Frequently reported abuses by the agencies include bogus employment offers, false information on the nature and conditions of a job, the charging of fees above the legal maximums and even, in extreme cases, mafia-style trafficking. Generally, the main employment conditions, such as pay and hours of work, are decided by the employers and the agencies, without the domestics having any chance to negotiate. The fees charged by these agencies for their services sometimes push domestic workers into debt slavery.

In Asia, the system under which the placement agencies advance the money that the domestic workers need for the journey to the employer's country does at least have one advantage. It enables many impoverished women to undertake a journey which they could not otherwise have made without contracting debts with their families. But some agencies subsequently

more than recoup this sum by docking a significant part of the workers' pay (sometimes even 100 per cent) during their first months at work. The situations vary from country to country, but according to a report by the NGO Human Rights Watch, many Indonesian women have to hand over their first six to ten months' worth of pay to their agency, while for Sri Lankans and Filipinas the figures tends to be three to six months.<sup>1</sup>

### Seven months' work for nothing

Eni Yuniarti, President of the Indonesian Migrant Workers Union (IMWU) in Hong Kong (China),<sup>2</sup> explains how some domestic migrant workers can get trapped by the system: "A placement agency which finds an Indonesian a domestic job in Hong Kong requires her to pay 21,000 Hong Kong dollars (US\$2,700), which is to be deducted from her wages. She is to pay 3,000 dollars per month for seven months. But a domestic worker doesn't earn more than 1,800 to 3,600 dollars. If the wage is less than 3,000 dollars, the employer makes up the difference, but it can happen that a domestic worker earns 3,000 dollars a month, pays off the whole debt to the agency over seven months, and then gets fired! So then she will have worked seven months for nothing. And if a migrant worker is dismissed by her employer, she cannot stay in Hong Kong for more than two weeks. After that, unless she has found a new employer, she has to go back to Indonesia. If she wants to return to Hong Kong later, she will have to pay another 21,000 dollars."

A domestic migrant worker who has not yet paid off the debt to the agency

is often a prisoner of her work, even if she is undergoing the worst kinds of exploitation. Some agencies refuse to help a worker if she is being abused by her employer. On the contrary, they increase her debt by demanding excessive fees to let her change to another employer. The latest ILO global report on forced labour<sup>3</sup> expressed concern over this dependence: "The current system of recruitment between many South-East Asian and Middle Eastern countries has become more 'formalized', but there are still loopholes that make the recruitment tantamount to trafficking. Written contracts are often concluded between the recruitment agency and the employer. Some contracts impose penalties on domestic workers for leaving their employment prematurely, which may force the worker to remain in an abusive situation."

### **"My training camp was like a prison"**

The training offered by these recruitment agencies in the countries of origin is often criticized by the organizations defending domestic workers. "Before setting off," Eni Yuniarti explains, "we spend three to six months in a training camp. The training is just about domestic work. Nothing is said about our rights and the laws in the country of destination. The camp is like a prison. We're not allowed out of it during the training. There were about 700 women in my camp. We slept on the floor, it was very hot and the food was low quality."

The recruitment agencies are not just involved with migrant workers. In South Africa, for example, according to the South African Domestic Service and Allied Workers' Union (SADSAWU), most

of the women living in the rural areas go through recruitment agencies to find jobs in town. Here too, the intermediaries are much criticized. "These agencies and their registration by the government were already a problem under apartheid," says SADWASU President Hester Stevens. "Anyone can set up an agency. All you need is a phone, a fax, a desk and a chair and you can get registered with the authorities as an agency supplying labour. In Cape Town, where I work, an agency will send a vehicle out to the rural areas, where its intermediaries have the task of finding candidates for jobs in town. When they arrive in the Cape, these workers will all be penned together in one room and the agencies' representatives will ask them to line up while the potential employers come and look at them, ask them what they can do, and pick out the ones they prefer. The employer has to pay 300 rand (US\$38) to the agency, and will deduct this sum from the poor worker's pay over the first few months. Sometimes, domestic workers only earn 200 or 300 rand a month, because they don't know about the law, but they'll do anything to hold down this job and help their families back in the village."

### **Notes**

<sup>1</sup> Human Rights Watch: *Swept Under the Rug. Abuses against Domestic Workers Around the World*, July 2006.

<sup>2</sup> Part of the HKCTU confederation for seven years, this union has about 2,000 members, all of whom are domestic workers.

<sup>3</sup> ILO: *A global alliance against forced labour*, a global report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 93rd Session, 2005, p. 51.

## Under one roof

***Employers and domestic workers living under the same roof face a number of practical difficulties, as regards both work organization and mutual respect. How can everyone protect their privacy? What is a realistic work schedule? How do you communicate when you don't speak the same language?***

The loss of privacy is one of the great psychological burdens suffered by live-in domestic workers. Of course, those who have a room of their own are better off in this respect than those who sleep on the floor in the kitchen or elsewhere, but even so, they are not “at home”, and in the long run that takes its mental toll. Marcelina Bautista runs Mexico’s Centro de Apoyo y Capacitación para Empleadas del Hogar (Centre for the Assistance and Training of Domestic Workers) and is the General Secretary of the Latin American and Caribbean Federation of Domestic Workers (CONLACTRAHO). She has been a domestic worker for 22 years, and she knows about this kind of suffering. “They tell us we’re part of the family,” she says, “but that’s not true at all. We often live in a storeroom – a place that everyone in the house comes in and out of whenever they like. This situation sometimes makes me very sad. We have access to the whole house, but it isn’t ours. We can clean the living room, but we can’t sit down in it. We go into the employer’s lovely bedroom but, once it’s been cleaned, back we go to our storeroom.”

This loss of privacy has consequences for a domestic worker who wants to meet a fiancé, get married or have children. Must she give up all idea of love and family life because the employer cannot be expected to let the fiancé, the husband or the children enter or live in the employer’s own home? Is it acceptable that the domestic worker should lose her job with this employer if she wants a love life or children? The fact that one person’s workplace is the other’s private home raises a lot of difficult issues. “Many domestic workers don’t have any private life,”

Marcelina Bautista says. “And when they reach 60, they find themselves with no family and no friends.”

### How many hours?

Another tricky issue is how to ensure decent hours of work for live-in domestic workers, even if they do have a room of their own. “If the baby starts crying the middle of the night, do you think its parents will get up to see what’s going on?” asks an Asian domestic worker employed in northern Italy. “No, they reckon the ‘maid’ will take care of that. It’s not really that they’re lazy, but as she’s the one who looks after the child during the day, she’s best able to calm it down.”

The same applies if the employer or one of the people living with the employer is old or disabled and needs help to go to the toilet in the middle of the night. They can hardly be required to wait for the start of the maid’s working day before answering a call of nature. However, it is equally inhuman to expect the domestic worker to get up in the middle of the night whenever such help is needed. But that is often what they are expected to do.

How can a satisfactory compromise be reached? It is unacceptable that a domestic worker should be expected to be available round the clock. Would it be thinkable to deduct the minutes devoted to little night-time emergencies from the hours of work to be performed over the following days? Some compensation would then need to be added for interrupting the domestic employee’s sleep, and a limit would have to be set on the number of times that it can happen per

night. But who is going to keep track of all that? Who will sort things out when the employer and the domestic employee disagree about the number of times it has happened, or about the length of the employee's interventions outside her normal working hours? These are difficult questions and there are probably no universally valid solutions (particularly as some domestic workers may actually want to put in some overtime in order to boost their earnings). But to skirt these issues would be deliberately to prolong the abuse of domestic workers' basic rights.

### **Language barriers**

And then there is the whole problem of communication between employers and domestic workers who do not speak the same language. The first weeks or months under the same roof can be very difficult, especially if the worker does not know anybody else in the host country and was not well trained before she set off. "I was very annoyed when I realized that the girl the placement agency sent me couldn't speak English and didn't know how to use the household appliances in my flat," a Hong Kong employer recalls. "The agency had assured me that the domestic had undergone training before leaving Indonesia, but it was far from adequate."

His employee, aged 20 when she arrived in Hong Kong, cried a lot during her first weeks at work. "I was quite aware that I wasn't living up to my employer's expectations," she says. "I could understand that he was angry, but it wasn't my fault. In my village, I always used to do the washing in the river, with my mother, and then suddenly in Hong Kong I was faced with a highly sophisticated washing machine. I had no idea how to get it working, and the instructions were in Chinese. I'd never even seen a machine like that on TV, and there's me working for an employer who expects me to do an impeccable job on his and his family's washing with this machine. During the first weeks, I didn't know anyone in Hong Kong who could help me, but later I met up with other Indonesian women, and my employer paid for some English lessons for me, so that we could communicate better."

So the dialogue improved, and the employer now regrets his initial reaction. "At first," he says, "I really did have it in for her, but gradually, through the intervention of other Indonesian domestic workers who had been living in Hong Kong for longer, I came to understand that it wasn't my employee's fault, that she was the victim of a system, and I tried to help her. Now, we're completely satisfied with her work. My children adore her and I hope she'll stay with us for a long time."



## **How to contact domestic workers**

***Getting in touch with domestic workers is one of the biggest challenges for those who want to help them. But innovative outreach strategies are producing good results in a number of countries.***

**H**ow can we make contact with people whose workplace is inside their employer's home? Scores of unions and domestic workers' associations have asked themselves that question. And it is even more difficult to get in touch with the workers who actually live under the employer's roof. Yet they are the ones who are most open to the most serious kinds of exploitation. To get over the difficulty of making contact with workers who are so isolated, "hidden" as they are behind the walls of private homes, here are some of the techniques applied by unions or domestic workers' associations that have risen to this challenge.

### **Contact through the media**

Domestic workers sometimes have the opportunity to listen to the radio, to watch or at least hear a TV set and to read newspapers. So an information campaign via the media, giving the union's contact details, stands a good chance of getting through to some domestic workers, or to friends who will tell them about it. A case in point is Tanzania's Conservation, Hotels, Domestic and Allied Workers' Union (CHODAWU).<sup>1</sup> Vicky Kanyoka runs its women's and organizing programmes. "Each Monday," she says, "we broadcast over the radio a special programme about our campaign against the abuse of children in domestic work. This is also an opportunity to get ourselves known among adult domestic workers and encourage them to join our union so that we can fight for their rights."

In Trinidad and Tobago, the National Union of Domestic Employees (NUDE)<sup>2</sup>

is also pleased with the feedback from its media messages, as its General Secretary Ida Le Blanc explains: "Every time we talk about their problems in the media, we get phone calls from domestic workers who want to know their rights."

### **Contacts in classrooms, leisure facilities, and religious or expatriate communities**

"One of our strategies for making contact with domestic workers is to go to the literacy classes that some of them attend on Sundays," Marcelina Bautista explains. She runs Mexico's Centro de Apoyo y Capacitación para Empleadas del Hogar (Centre for the Assistance and Training of Domestic Workers) and is the General Secretary of the Latin American and Caribbean Federation of Domestic Workers (CONLACTRAHO). "It's very important for us to make the first move," she adds, "because very few of them would ever seek us out of their own accord." Leisure facilities are another good place for contacting domestic workers. In Hong Kong, for instance, domestic workers get together in the parks on their days off. "Sometimes, thousands of Indonesian migrant workers join us for the public events we put on in Victoria Park," says Eni Yuniarti, the President of the Indonesian migrant workers' union in Hong Kong.

Religious communities are another avenue to explore. In Ireland, for instance, the Services, Industrial, Professional and Technical Union (SIPTU)<sup>3</sup> uses the religious communities attended by Filipina domestic workers as a way of getting in

touch with them. Communities of expatriates are a further good channel. In the Swiss canton of Geneva, the Interprofessional Union of Workers (SIT)<sup>4</sup> is part of a collective of undocumented immigrants which includes community representatives. Word has now got around in these communities that a Swiss union can help them. Cooperation between unions and these expatriate communities and associations, for instance, through the loan of meeting rooms, can foster contacts.

### **Contacts on the street or public transport**

Union activists can be mobilized to try and pinpoint domestic workers in public places such as the street or public transport. This technique is used in the United States, by Domestic Workers United (DWU).<sup>5</sup> "We have a lot of volunteers at our disposal whose main task is to broaden the membership base by bringing more participants along to our meetings," explains DWU activist Erline Browne. "Outside our working hours, we try to achieve this through newsletters and leaflets, and when we see somebody who looks like a domestic worker, we go and talk to her. The ones out walking behind a pushchair in the street are the easiest to spot, particularly in the summer. Finding the ones who work with elderly people is more of a challenge, but we can meet up with them when they're out pushing wheelchairs. We also use the public transport stations, where we leaflet during the rush hour, at about 6 or 7 in the morning. Sometimes, we approach domestic workers who aren't interested at the time but who change their minds later, when they lose their jobs."

The South African Domestic Service and Allied Workers' Union (SADSAWU) also makes use of trains from the poor suburbs, supermarkets and other public places to leaflet women who might be domestic workers. So does the NUDE union in Trinidad and Tobago, as indeed do many other unions.

### **Neighbourhood relations**

Some unions ask their members to keep an eye out for the presence of domestic workers in their neighbours' homes, and then to try and get in touch with them. CHODAWU, in Tanzania, uses this approach. "It's very easy to find domestic workers in this way," explains Vicky Kanyoka. "We invite them, together with the employers, to awareness-raising meetings during which we show the employers the importance of the role played by a domestic worker in the home. It then becomes easier to convince the domestic workers (and sometimes even their employers) to set up little mutual aid networks."

Doorstep canvassing can also produce good results, says Hester Stevens, President of the South African domestic workers' union SADSAWU. "We try to form little street committees which go from door to door handing out leaflets. It's sometimes difficult, but in my street for instance, there are about a hundred domestic workers. If I contact two or three and they then talk to others in turn, we can put around a message that, for instance, there's going to be a meeting in such and such a place."

These small networks can also tip the union off if things are going wrong for one of the domestic workers. That is what happens with the Domestic Workers' Movement<sup>6</sup> in India. "We form mutual assistance groups in each place as soon as we have ten members among the domestic workers there," says Teresa Joseph, the coordinator of this movement in India's North-East. "So then, if something happens to one of them, the others let us know about it, or else they sort the problem out themselves."

### **Contact on arrival in the host country**

For migrant domestic workers, arrival in the host country can mean the beginning of their troubles. The employer or the recruitment agency may confiscate their identity papers, their employment



contract may have been changed and so on (see the article on page 21). So it is very important that they should know, right from the moment of arrival, where they can get help. This can be achieved through an agreement with the immigration services at the airports, who can be asked to hand the domestic workers leaflets informing them, in their own language, about their rights and how to seek assistance if there is a problem. In Britain, for instance, the Transport and General Workers' Union (TGWU)<sup>7</sup> has arranged for arriving migrant domestic workers to receive documents which mention the union and Kalayaan,<sup>8</sup> an NGO defending domestic workers' rights.

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## Notes

<sup>1</sup> Affiliated to the Trade Union Congress of Tanzania and, internationally, to the IUF.

<sup>2</sup> Affiliated to the National Trade Union Centre of Trinidad and Tobago.

<sup>3</sup> See <http://www.siptu.ie>.

<sup>4</sup> See <http://www.sit-syndicat.ch>.

<sup>5</sup> See <http://www.domesticworkersunited.org>. The DWU groups some 1,000 home carers, child-minders and cleaners.

<sup>6</sup> It has more than two million members in India, of whom 95 per cent are women.

<sup>7</sup> See <http://www.tgwu.org.uk>.

<sup>8</sup> See <http://www.kalayaan.org.uk>.

## Unions are best placed to defend domestic workers

*Despite the obstacles, many unions manage to help domestic workers effectively. If union techniques can be adapted to this particular workforce, success is within reach.*

Aware of the growing importance of the informal sector, the trade unions are focusing more and more on organizing its workers. But one group of often informally employed workers is particularly tough to unionize – domestic workers. Many factors hamper the “classic” unionization of domestic labour. Among them:

- In some countries, the legislation denies domestic workers the right to organize in trade unions. This ban may be explicitly written into the legislation, or it may arise from the fact that domestic workers are not recognized as workers.
- It is difficult for unions to make contact with domestic workers, as their workplace is the employer’s own home. And it is even more difficult to get in touch with those who are most vulnerable to the worst kinds of exploitation, namely the live-in workers. They are often kept secluded indoors, without any opportunity to communicate with the outside world.
- The relationship between employers and workers seems to be the reverse of the general rule. Often, a domestic worker divides her working time among several employers. This splitting of working hours between different employers makes negotiating particularly difficult.
- Many domestic workers do not have any half-day off during the week when they could get together, or attend a union meeting.
- Domestic workers are often afraid to join a union, as they risk losing their

jobs if their employer finds out. This risk can have even more serious consequences for migrants whose work permit in the host country is often linked to the work relationship with the employer.

Some unions might be discouraged by these obstacles. While not denying that many domestic workers suffer particularly severe exploitation, they prefer to concentrate on building their membership among more accessible groups of workers, for whom traditional trade union action is likely to prove more effective. But many unions do make every effort to help domestic workers, and they sometimes use very creative approaches to contact them (see page 33) and get them interested in trade unionism. In other cases, the domestic workers themselves have set up their own associations. Below are some examples of action taken by unions or domestic workers’ associations which have produced gains or concrete results for these workers.<sup>1</sup>

### **Informing domestic workers of their rights**

Domestic workers’ vulnerability is compounded by their unfamiliarity with the laws and rights that concern them. Many of them have had no opportunity for proper schooling and there is nobody around them who can help to make them aware of the law-breaking to which they are subjected. Without the help of trade unions or other civil society organizations, they have virtually no chance of being informed about this, particularly

as their employers also often know little about labour legislation.

“Workers who have never taken part in a union meeting don’t know how to defend themselves,” insists Hester Stevens, the President of the South African Domestic Service and Allied Workers’ Union (SADSAWU). “They don’t know their rights, but they soon understand the point of joining the union. In case of dismissal, for instance, they would be content to just walk away, without knowing that in South Africa, an employer owes them money and can’t just kick them out overnight. We also offer them training on how to stand up for themselves during discussions on overtime, pay and so on. And there are training sessions about HIV-AIDS during which we tell them that, if an employer asks them to take a screening test, they can refuse and even take the employer to court if he tries to impose a test on them against their will.”

In Trinidad and Tobago, the National Union of Domestic Employees (NUDE)<sup>2</sup> runs systematic training for its members, as its General Secretary Ida Le Blanc explains. “We hold at least four training programmes a year, called ‘Workers, Know Your Rights’, to teach them about their legal rights. We tell them about changes at the national and international levels and the new developments in the world of work.” In Spain, the domestic workers’ association in the Basque Country ATH-ELE<sup>3</sup> uses its web site, among other things, to transmit a lot of useful information to domestic workers – a model employment contract, the going rates for the job, court rulings in favour of domestic workers, etc.

For migrant domestic workers whose papers are not in order for the host country, rights training may also include advice from lawyers who specialize in immigration issues. A number of unions offer this service, particularly in Europe and North America.

## **Helping domestic workers to improve their image and have their say**

Although it is both a tough job and a socially useful one, domestic work is generally undervalued and badly paid, if not seen as downright degrading. Domestic workers suffer from this “housemaid” image which tends to follow them around. Unions can use their skills to improve that image within society and so rekindle domestic workers’ confidence in themselves. They may, for example, talk about these issues in media programmes on trade unionism. The Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU)<sup>4</sup> does this in Tanzania.

Other unions choose to develop their own materials to raise public awareness about the situation of domestic workers. One of them is the Industrial and Commercial Workers’ Union (ICU) in Ghana. “We got the domestic workers to produce a video,” says former ICU General Secretary Napoleon Kpoh. “We intended to broadcast it on national television to make the legislators and the public aware of the exploitation, harassment and intimidation to which these workers are subjected. We’ve got the pictures and the script, but we have not yet been able to continue the campaign and screen the film, because our finances ran out.”

Organizing a national domestic workers’ day is another way of drawing media attention to their situation. This is done, for example, in India and some Latin American countries (on 30 May in Bolivia and 30 March in Peru and Mexico). “The aim of this Day is to increase the recognition of domestic workers’ work and rights, to make the authorities aware of the importance of that work,” emphasizes Marcelina Bautista, who runs Mexico’s Centro de Apoyo y Capacitación para Empleadas del Hogar (Centre for the Assistance and Training of Domestic Workers) and is the General Secretary of the Latin American and Caribbean Federation of Domestic Workers (CONLACTRAHO). “In Bolivia, domestic workers have even gained a

holiday on that day.” So organizing an international day for domestic workers would be one way of helping them to improve their image and talk about their problems all over the world.

Unions also need to improve domestic workers’ image among their own members, many of whom are themselves the employers of domestic workers. Union media can assist in this, for example, by inviting domestic workers to address the membership during meetings.

Through their many contacts, unions can also help domestic workers to have their say at the highest decision-making levels – national parliaments, cabinets, the European Parliament, the ILO, etc.

### **Helping domestic workers with legal proceedings**

If she is left on her own to face an administration or the judicial apparatus, a domestic worker will think twice about seeking amends for a violation of her rights. Or she may get discouraged and withdraw a complaint, for instance, if the employer threatens her or the people who registered her complaint did not seem to be taking it seriously. So support from a union or a domestic workers’ association is vital when a domestic worker is involved in proceedings of this kind. “A domestic worker won’t go to court on her own,” notes SADSAWU’s Hester Stevens. “She’s too scared of her employer. If she isn’t backed up, she’ll accept whatever sum the employer offers. We work together with the labour confederation COSATU and other organizations to support domestic workers when they go to the law.”

It is often difficult for a domestic worker to provide proof of the violations that she is suffering or has suffered. One reason for this is that the abuses usually take place in the absence of any witnesses from outside the employer’s family. So it will frequently be the worker’s word against her employer’s. “Often, an employer accused of some kind of abuse will

### **International union action**

Among the global union federations, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) is at the forefront of the fight for domestic workers’ rights. It is supported in this by two other federations that are less directly involved with workers in this sector, Public Services International (PSI) and Union Network International (UNI). The IUF has taken on the responsibility for setting up an international project called “Protection for Domestic Workers!” Its aim is to establish a network open to all who are interested in supporting domestic workers and in working for an ILO Convention to protect their rights. This network could prove to be a very big one. The organizers of the international conference on domestic workers held in Amsterdam in 2006 estimate that, apart from the 60 organizations that attended the event, at least 280 other organizations (unions, domestic workers’ associations, supporting NGOs etc.) could join it.<sup>a</sup>

<sup>a</sup> See Celia Mather: *Respect and Rights: Protection for Domestic/Household Workers!*, p. 25, <http://www.irene-network.nl/download/Respect.pdf>.

in turn accuse the domestic worker of offences, such as theft,” Marcelina Bautista says. “After that, everyone tends to believe the employer because there certainly are many thefts inside people’s homes. So it is vital for the domestic worker to be able to count on support from an association or a union when her rights are violated. Otherwise, complaints to the police or the Ministry of Labour are unlikely to get anywhere.”

Sometimes, however, even if the employer is in breach of national law, the unions cannot help the domestic worker because she refuses to testify, for fear of losing her job – or of other consequences if the employer is a powerful person. The Ghanaian union ICU is well aware of such problems. “We are fortunate enough to have legislation that recognizes domestic workers,” Napoleon Kpoh explains. “That said, even though a domestic worker’s wage is sometimes only one-fifth of the national minimum wage, it’s difficult to

find any who would dare to support a court case, because they're afraid of losing their jobs."

Back-up for domestic workers when they are taking steps to have their rights respected or seeking amends when their rights have been breached is all the more important when the victims are migrants, who are generally not familiar with the laws that they can use and often face a language barrier. They may also have gone back to their country when the court delivers its judgement, and support from a union that has acted in their name is then important in order to collect and forward the compensation eventually received (see the article on page 46).

### **Work to get international Conventions ratified**

Unions are in a strong position to press their governments to support the adoption of an international Convention protecting domestic workers (see the article on page 1). They can also push for the ratification of ILO Conventions on the protection of migrant workers' rights – the Migration for Employment Convention (Revised) (No. 97), 1949, and the Migrant Workers (Supplementary Provisions) Convention (No. 143), 1975.

### **Fight for improvements in the law**

One of the prime trade union tasks in this sector is to get domestic work fully recognized as work, and then to ensure that all national labour legislation applies to domestic workers. They are often excluded from some applications of this legislation – when they are not excluded altogether: national legislations rarely guarantee domestic workers the same rights as other workers.

Many unions have campaigned to reduce these injustices. In South Africa, Hester Stevens explains: "We have managed to develop the legislation to gain better recognition of domestic workers'

rights. For instance, we have obtained indemnities in case of dismissal, the size of which varied according to the length of employment. If the employer refuses and the worker is a member of the union, we can go to the authorities and, after a wait of sometimes two or three months, get the law applied."

In the United States, in the State of New York, unions like the AFL-CIO and SEIU32BJ<sup>5</sup> support the struggle by Domestic Workers United (DWU)<sup>6</sup> to get local legislators to adopt a Bill of Rights for domestic workers.<sup>7</sup> This would amend the local labour legislation to ensure better protection for these workers. DWU activist Erline Browne says the Bill "concerns many rights, such as days of leave and notice of dismissal. A domestic worker who has been employed by a certain household for years may come in one Friday and her employer and the family treat her exactly the same as any other day, but that evening she's given her pay for the week and is told she is no longer needed. We're fighting to make that impossible in future."

In 2003, the Bolivian national domestic workers' federation FENATRAHOB managed to get parliament to adopt legislation on domestic workers which includes real gains, such as the introduction of a minimum wage, the granting of 15 days' leave per year and a working-time limit of ten hours per day for live-in domestic workers and eight hours for those living elsewhere.

Many other unions are using all their know-how to move the legislation forward, particularly as regards migrant domestic workers. In Ireland, for example, the Services, Industrial, Professional and Technical Union (SIPTU)<sup>8</sup> is campaigning to amend a regulation which allows the employer to hold a domestic's work permit. In the UK, campaigns by the Transport and General Workers' Union (TGWU)<sup>9</sup> have produced results, as Diana Holland explains. She is in charge of equality issues at the TGWU and she chairs the Women's Committee of the International Trade Union Confederation

(ITUC). "When a Labour government was elected in 1997," she says, "one of its first acts was to change the slave-like status of migrant domestic workers, and recognize that they have rights. This was the result of one of our campaigns. Unfortunately, we're currently having to run another campaign to protect those rights, because there are pressures to introduce new legislation on migration which would wipe out what was achieved in 1997."

### **Make a space for freedom, a place to relax**

Live-in domestic workers generally do not have many opportunities for social contacts outside the home, particularly if they are migrants. Apart from public places, they scarcely have anywhere they can go to meet up, talk, swap experiences, have a laugh.... Unions or domestic workers' associations can sometimes provide premises where their members can meet regularly and relax a little after long bouts of work – a place where they can feel "at home". "Our most important activity is to offer domestic workers a space," Marcelina Bautista believes. "They feel good when they're in our Centre. They feel supported."

### **Restore their confidence, courage and dignity**

Domestic workers are usually very isolated. Working in different houses, they have little contact with each other. Those who attend union meetings soon take comfort from the fact that they no longer feel alone. "I think their main motivation for joining a union is the encouragement that we give them through training on their rights, but also the strength that we transmit to them through the feeling of belonging to a united front," says Napoleon Kpoh, former General Secretary of the ICU union. "Having a place where they can share the pain, the problems and the traumas they suffer at their

workplaces encourages them and gives them confidence in the union."

This isolation is even more unbearable for migrant domestic workers. Union meetings enable them to regain a little bit of a social life, and to meet workers from the host country. "That's really a bonus," Diana Holland notes, "because they're isolated for six days a week and on the seventh day, they can go to these meetings, learn about their rights and cooperate collectively." Her union card is sometimes the only document that proves a migrant domestic worker's existence in the host country. Some are undocumented. Others have had their passport and/or work permit confiscated by the employer.

Joining a union or association that has "domestic workers" in its name helps many of them to understand that their trade really is a trade, and that they can be proud of what they are. "Through their membership cards, they not only feel more part of the movement, they also feel valued as workers and as domestics," explains Teresa Joseph, coordinator of the Domestic Workers' Movement (DWM) in North-East India. "They are happy to be called 'domestic workers', to mean something to society. You see their attitude change. They start dressing better because they have more self-esteem. They come to realize that working as a domestic in a family is not at all unworthy. On the contrary, we explain to them how much they are contributing to the well-being of society by looking after children and elderly people. We also explain that it's a real job which helps them to become better citizens."

Inviting domestic workers to take part in May Day celebrations is one way in which unions can show that they are regarded as the equals of other workers, so giving them self-confidence. In Hong Kong, for example, the Indonesian Migrant Workers Union (IMWU), registered with the Hong Kong Confederation of Trade Unions (HKCTU)<sup>10</sup> for the past seven years and with about 2,000 members (all of them domestic workers), takes part in a march through the streets of the

city on May Day, together with associations of Thai, Filipina, Sri Lankan and other migrant women.

### **Negotiate decent wages at the national level**

In many countries, there is no minimum wage for domestic workers – amongst other reasons, because there is no organization that could negotiate in their name. The wage is therefore set on a case-by-case basis, according to the practices current in a certain neighbourhood or social class, or to the origins of the worker. In a non-negotiation of this kind, it is extremely difficult for a domestic worker to get her qualifications and experience taken into account. The employer will often reply that if she isn't satisfied, there are hundreds of others waiting to take her place.

However, some unions have managed to negotiate a national-level wage. One is Tanzania's CHODAWU. "In Tanzania," Vicky Kanyoka points out, "we have the advantage that the domestic work sector has been recognized as a key sector for the growth of the country's economy. Domestic workers are much in demand by the middle classes, and even by workers in the informal economy who can't go out and sell their wares on the street unless they have someone at home looking after the children. So there is interest in this sector, even on the part of the government, which has set a minimum wage for the domestic work sector. Our union delegates two representatives to the government discussions on this sector."

Wage negotiations for domestic workers run up against a major problem. In many cases, the employer is middle-class and earns only the minimum wage applicable in the country – in other words, the minimum to which the domestic worker is entitled if employed full-time. This obstacle is even more of a problem if the employer is a single mother who needs to have someone at home to look after her children while she goes out to work. "We're facing this problem in Tanzania,

where the minimum wage is 48 dollars," says Vicky Kanyoka. "How much can an employer who is earning that wage pay to a domestic worker? Middle-class people have to take second jobs in order to pay their domestic worker."

### **Foster dialogue with the employers**

As domestic workers' employers are private citizens, they are very rarely members of employers' associations with which dialogue would be possible. But this does not prevent a union from contacting an employer in case of problems and trying to negotiate. "We can bank on the fact that the employers rely greatly on domestic workers," explains CHODAWU'S Vicky Kanyoka. "Sometimes we get them all round a table to discuss the problems with their employees. By calling in the 'enemy', you can sometimes create a space for social dialogue." In Indonesia, the domestic workers' union Tunas Mulia is also trying to promote contacts with the employers. "We make them aware of the issue through women's magazines, for instance," one of the union's leaders, Susi Apriyanti, told an international meeting of domestic workers held in Amsterdam in November 2006.<sup>11</sup> "We explain to them how an employment contract can be of great benefit both to the worker and to the employer. In reality, many employers don't want to be seen as abusive. We appeal to their humanity."

Sometimes, unions have to use more subtle means of convincing employers to heed their messages, especially as these employers may be the unions' own members. For example, they may organize a union meeting without revealing in advance that its content will more specifically be about domestic work. "To these meetings, we invite different employers and domestic workers, but not employers together with their own domestic workers," Vicky Kanyoka specifies. "Our regional offices have the task of finding employers who would be willing to come to our union meeting, but they don't reveal

its precise contents because, if they know that we'll be talking mainly about their employees, they'll be suspicious. This type of meeting often starts with general speeches about trade unionism, so that they don't cut and run. Then, little by little, we lead into a discussion about domestic workers. I remember a woman who started crying after hearing our message about employers' role towards domestic workers, these workers' role in the home, and the abuses that they suffer. She felt very bad because she realized how she was treating her domestic employee. She ordered her to sleep on a mat and she hardly paid her anything. She said she did all that out of ignorance. We get through to these employers' sense of morality. What would they say if that exploited girl was their own daughter?"

Trade union back-up in a dialogue with the boss may also consist of making a domestic worker aware of her own negotiating skills. Hester Stevens, President of the South African union SADSAWU, has herself been a domestic worker since the age of 15. She uses her 45 years of experience in this trade to give advice to others. "The domestic worker works with the employer," she says. "She knows the employer's moods. She can tell when the employer got out of bed on the wrong side. If the boss is in a good mood, I'll offer to make her a cup of tea. She'll ask why and I'll tell her there's something I would like to discuss. She'll tell me when she would have time to talk about it. The big problem is that most domestic workers would prefer to walk out of a job without trying to discuss first. I advise the workers not to run away. There are so many ways of taking it step by step. If the employer really doesn't want to talk, the domestic worker should take pen and paper, if she can write, and leave a note on the boss's bed or pillow. There's no way the boss won't see that note, and maybe it will then be possible to talk. On May Day, for instance, nobody should be working in South Africa but many domestic workers don't get time off. Sometimes I wonder when they'll have the guts to 'educate' the employers – for

instance, by tapping them on the shoulder and saying 'This is a public holiday'. I tell our members that nobody's going to help them if they don't make an effort themselves. The employer will never know they have a problem if they don't say so."

By organizing domestic workers, some unions also spark the creation of organizations for the employers of domestic workers, and this makes it easier to launch a social dialogue. France and Ghana are cases in point. "In Kumasi, Ghana's second-biggest city, it was when we started organizing domestic workers that their employers also set up an association," recalls Napoleon Kpoh, the former General Secretary of the ICU union. "Their president took part in some of our seminars and discussed with domestic workers, and then he called on the other employers to treat them as equals. We drew up a model collective agreement and called on all employers to sign it, so as to be able to refer to a common text that was binding on all concerned. But the funding that enabled us to manage this project came to an end. So this call did not produce any great results, especially as many employers don't really want to let these workers join the union. But it does show that there are sometimes some openings."

Awareness-raising among employers may also, for a union, mean raising its own members' awareness, as some of them employ domestic workers themselves. These members can create an association of employers of domestic workers where no such association exists.

### **Draw up model contracts**

Working out a model employment contract for domestic work can also help to foster better dialogue with the employers. This is what the European Trade Union Confederation (ETUC) did when it made a model contract for domestic services available on its web site.<sup>12</sup> Several national unions are doing the same, such as the TGWU in the United Kingdom and the ATH-ELE in the Basque region of Spain.



## Put pressure on the employers

When employers stubbornly refuse to see the error of their ways – or if they hide, for example, behind the lack of legislation or claim diplomatic immunity, the mobilizing strength of the unions and associations is vital to get out of the stalemate. Media revelations and demonstrations in front of the employer's home are among the possible means of action in such cases. A few years ago in the United States, for example, the DWU organization had to fight a courageous battle against an employer who was a diplomat. But thanks to the perseverance of the activists, justice was finally done.

"This was about a high-level Belgian diplomat who had brought over an African domestic worker," the DWU's Erlene Browne recalls. "The deal was that she would get 500 dollars a month. Two hundred would be sent to her six children who had stayed in the Congo, 200 dollars would be saved for her, and so finally she received just 100 dollars each month. One day, one of the children called up this woman to tell her that his brother, aged 11, was suffering from high blood pressure and she should send them more money. She asked the employer for part of her savings, so she could send it to her children. He refused, saying that her children were already getting far too much money and they were trying to take advantage of her. So that was when she realized that she was being exploited, and we got to hear of her case. As this man had diplomatic immunity, he thought he could get away with it. For three or four weeks, we went and stood outside his embassy every day and handed out leaflets condemning his behaviour. His phone number was shown on the leaflets, so people were calling the embassy to protest. But that didn't produce any results. So then we organized a meeting outside the embassy, with placards. No joy there either. So we went round to his home, with some TV journalists in tow. That's when he finally agreed to settle. We negotiated a payment of 9,000 dollars from him to that worker. A sum like that means

nothing to a diplomat, but for this mother of six children living in Africa, it really was a lot. We also fixed for her to get permanent residence rights in the States."

Some unions and associations that stick to their guns when defending domestic workers end up winning the respect of some of the employers, who then call them for information – for example, about what wage they should be offering their domestic worker, or the social security laws. Other examples include NUDE in Trinidad and Tobago and also the Domestic Workers' Movement (DWM), in India, which has more than 2 million members.

## Help domestic workers to find work and receive vocational training

Some unions and domestic workers' associations help their members to find a job, thus enabling them to negotiate good conditions with the employers – especially when it was the employers who got in touch in the first place. Marcelina Bautista explains how this works at her Centre in Mexico: "An average of ten employers contact us each month, looking for a domestic worker. We provide these domestic workers with good training before they go to their first job interview. We tell them what points they should really try to negotiate. And then we do the follow-up. We call the employer, ask how things are going, if the work is up to standard. And then the following Sunday, when the worker comes into our centre, we talk to her to see how things are working out."

In Indonesia, the Tunas Mulia union also uses its training courses as an opportunity to build a relationship with the employers, as Susi Apriyanti explains: "The employers can turn to our school to find them a worker. In exchange, they have to abide by a binding agreement on the employment conditions. In households where there is an employment contract, the union checks every three months if it is being respected, either by visiting the worker or by having her come into our office."

Another example comes from the Netherlands, where Trusted Migrants is an association bringing together migrant domestic workers. "If a migrant domestic worker leaves her employer because she isn't being treated well, we can help her to find a new job and a new place to live," says Lorrie, one of the managers at Trusted Migrants. "Amongst other things, this is thanks to the help of the religious community we're involved with and of Dutch volunteers. They also give us training about our rights. For instance, they advise us on what to do in the case of an accident or a police check. In those kind of cases, the advice is to call the office."

In the United States, DWU works with the best specialists to provide high-quality training for its members. "We offer courses for each type of occupation," DWU activist Erline Browne says. "So for instance, for the nursing assistants, there are courses on resuscitation, while for the childminders, a child psychologist and a nutritionist, give seminars. We also ask physiotherapists for advice on teaching our members how to prevent work-related injuries. They teach the best techniques for walking, leaning, lifting weights and so on. And then, when you're a cleaner, you use lots of chemicals which, after some years, can be harmful. We're in contact with a university in Manhattan which gives courses on this issue, with a diploma at the end. We also offer leadership courses where, for instance, the consequences of globalization are explained. So we tell our members about the situation behind the fact that they're here, in the United States, with no status and no papers. We show them that it's not their fault at all. What's at issue is the way the 'system' is organized. And we also tell them how they can develop inside our organization and become leaders themselves." So the aim of these courses is also to rebuild the confidence of domestic workers who are more used to being humiliated than being valued.

Many other unions offer training to domestic workers. In Britain, the TGWU works with an organization specializing

in the defence of domestic workers, *Kalayaan*,<sup>13</sup> to offer courses on subjects such as IT and languages. A few migrant domestic workers have also been trained as TGWU reps, so that they can promote the education of other domestic migrant workers.

### **Facilitate access to healthcare**

In many countries, domestic workers are among the population groups that have the greatest difficulty in obtaining proper medical attention, particularly if they are migrants and, worse still, if they are in the host country illegally. Unions and associations can sometimes give them a little help with this. In the United States, for instance, the DWU organization has invited doctors to its congresses, and every participant can consult them. For example, they can have their blood pressure, glucose levels etc. tested and can then get advice.

The unions are also well placed to think about ways of ensuring that domestic workers have access to occupational medicine.

### **Help domestic workers to use the ILO complaint mechanisms**

When domestic workers are organized in associations rather than unions, cooperation between these two types of body is essential if they want to have their rights upheld by the ILO complaint mechanisms. Ms. Kamalam, the director of the ITUC Equality Department, emphasizes that national unions' women's committees are usually open to cooperation with other civil society organizations. "So the NGOs who defend domestic workers' rights could cooperate with the unions, which have access to the ILO complaint mechanisms," she points out.

Since 2002, the Committee of Experts on the Application of Conventions and Recommendations has dealt with 207 direct requests and observations concerning domestic workers.<sup>14</sup>

## Help undocumented migrant domestic workers

Migrant domestic workers whose administrative situation is not in order are particularly subject to exploitation. See page 46, notably as concerns Swiss trade union action to help them.

### Notes

<sup>1</sup> This list is not exhaustive and is not in any particular order of importance as regards the different actions described. As well as the unions mentioned in this article, there are many others that are doing excellent work, but it was not possible to mention all of them. For some examples of other unions active in this field, see in particular: the report written by Celia Mather following the international conference "Protection for domestic workers!", held in Amsterdam on the premises of the Dutch trade union federation FNV, on 8-10 November 2006 – the report is available at <http://www.irene-network.nl/download/part2rep.pdf>; and the ETUC report *Organizing and protecting domestic workers in Europe*, available at <http://www.etuc.org/a/2809>.

<sup>2</sup> Affiliated to the National Trade Union Centre of Trinidad and Tobago.

<sup>3</sup> See [www.ath-ele.com](http://www.ath-ele.com).

<sup>4</sup> Affiliated to the Trade Union Congress of Tanzania and, internationally, to the IUF.

<sup>5</sup> See <http://www.aflcio.org/>; <http://www.seiu32bj.org>.

<sup>6</sup> See <http://www.domesticworkersunited.org>. The DWU groups some 1,000 home care workers, childminders and cleaners.

<sup>7</sup> The Bill of Rights is online at <http://www.domesticworkersunited.org/media/files/17/Bill-of-Rights.doc>

<sup>8</sup> See <http://www.siptu.ie/>.

<sup>9</sup> See <http://www.tgwu.org.uk/>.

<sup>10</sup> See <http://www.hkctu.org.hk/>.

<sup>11</sup> Quotation from the report prepared after this conference, available in <http://www.irene-network.nl/download/part2rep.pdf> (and, as the report states, sadly Susi Apriyanti died in an accident in August 2007).

<sup>12</sup> See the report *Organizing and protecting domestic workers in Europe*, available at <http://www.etuc.org/a/2809>.

<sup>13</sup> See <http://www.kalayaan.org.uk/>.

<sup>14</sup> Asha D'Souza: *Domestic work: Better jobs, better care. A review of ILO policy and programmes*, 8 December 2007.

# Exploiters of migrant domestic workers must be brought to book

*Employers feel very powerful when dealing with those whom they often see as their “little foreign maids”. As migrant domestic workers tend to be unfamiliar with the host country’s laws and language, their employers can act with impunity. They get away with any and every kind of abuse. The help of trade unions and domestic workers’ associations is vital if these injustices are to be overcome.*

In most cases, employers who exploit their migrant domestic workers are not taking much of a risk, and they know it. The great majority of these migrants do not speak their host country’s language and know nothing about its laws and any possible complaints procedures. Civil society organizations (unions and NGOs) are often the ones who try to break through these barriers of ignorance. Only a few governments have taken any steps to give migrant domestic workers at least some information (for instance, by handing them leaflets when they arrive in the host country) or to prosecute abusive employers.

That said, even when the authorities are willing to enforce the legislation and go after the bad employers, it is often difficult to pull together any evidence of abuses committed inside private homes. Unless people outside the family, the neighbours for instance, come forward as witnesses, it will be the domestic migrant worker’s word against that of her employer and his immediate circle. And the worker, unlike the employer, usually cannot afford a lawyer to plead her cause. Moreover, in many countries a domestic worker loses her residence rights if she resigns from her job, which is almost always the case if she takes her lawyer to court. So even if the matter comes to trial, she may no longer be present to make her case.

Unscrupulous employers will also be aware that, in very many cases, an exploited domestic worker will be both physically and psychologically exhausted

to the point that she no longer has the strength to stand up to them, nor to lodge a complaint, even if there is any means of so doing. Verbal abuse (insults, threats etc.), often accompanied by blows, reduces the victim’s psychological capacity to resist – all the more so as she will already be physically weakened by excessive working hours, poor living conditions, insufficient food and sleep deprivation. So psychological and physical fatigue combine to increase many domestic workers’ passive acceptance of exploitation.

Another obstacle is the often haughty or indifferent attitude of the police if a migrant domestic worker does report abuse. In many cases, police officers have not been trained to receive and listen to this particular kind of victim, and they do not know how to react. Usually, they do not speak the same language as the domestic worker who has plucked up the courage to turn to them, and they are sometimes reluctant to register complaints against potentially influential employers. These poorly trained and/or equipped police officers will discourage the victim from filing a complaint, and they may even bring her back to her employer.<sup>1</sup> Such attitudes to a domestic worker’s cry for help greatly resemble the indifference or ineffectualness shown by many police officers when faced with the dramatic situations experienced by battered women.

Apart from ill-treatment, an employer who abuses domestic workers will employ a whole series of threats to ensure the victim’s submission. For instance, the employer will tell her that, if she complains

or runs away, she will be reported to the police, the immigration authorities or the recruitment agencies, and that she will be arrested and deported. This is a frightening prospect for the victim. She, or her family, has often incurred debts in order to get this job abroad, and nobody will be able to help her pay them off if she is deported. And she will have to give up all hope of providing for her family.

Sometimes too, an unscrupulous employer will keep hold of the migrant domestic worker's wages until the time of her departure, for instance on the pretext that the money will be better off in the employer's safe than in the employee's room. The worker will then be afraid to run away or to report any ill-treatment because she will have no guarantee of getting back the wages she has earned over the past months.

In situations as desperate as these, a migrant domestic worker must be able to count on outside help to move on and get her basic rights respected. A number of unions and domestic workers' associations, as well as supporting local domestic workers (see the article on page 36), have developed their own approaches to helping these migrant victims. Among these so far have been union assistance on training and information before the migrants set off; help with legal action; temporary accommodation in shelters; campaigns for higher penalties against abusive employers; pressure on governments in the countries of origin to get their embassies to help the victims; and union campaigns for the regularization of undocumented migrants.

### **Training and information prior to departure**

The training received by migrant domestic workers before their departure is usually limited to a few lessons on using modern household appliances, and sometimes a little on cultural differences, but almost never anything about their rights and the host country's labour legislation.

### **The right to say "yes" all the time**

The experiences of a Filipina domestic worker in Belgium, as told by her daughter in the report of a 2005 conference on domestic workers organized by the ETUC,<sup>9</sup> sum up the situation of most migrants employed as domestics: "My mother confessed that being away from her family was very painful; for the first two years, she cried every night (...) Of the good experiences, my mother pointed out that she was lucky that many of her employers were good people, who appreciated her work, treated her well, and paid her decent wages. Others, however, were unpleasant, even racist. She said that 'As long as they need you and you say 'yes' to everything they want, they are good to you. The moment they don't need you any more, they get rid of you, like garbage.'

From her experiences as an undocumented worker, my mother has made a list of her 'rights':

- Right to say 'yes' all the time
- Right to be cheerful always
- Right to be dismissed at any time.

Her 'no rights' list is longer:

- No right to get sick
- No right to be without money
- No right to be without work
- No right to have papers
- No right to question the employer
- No right to be sad or have a long face
- No right to be tired."

<sup>9</sup> ETUC: *Out of the Shadows. Organizing and protecting domestic workers in Europe: The role of trade unions*, 2005.

For example, Concepción Bragas Regalado of Migrante International<sup>2</sup> criticizes the training given by the authorities in the Philippines: "The government organizes pre-departure guidance seminars. We would have expected them to cover the legislation in the host country, the culture of the people you're going to work for, what to do in case of problems .... But the government has contracted these programmes out to recruitment agencies. And they, of course, aren't going to tell you that Saudi Arabia doesn't have any laws

that give effective protection to migrants. And these guidance sessions happen just the day before departure, so it's too late for a would-be migrant to think again if she discovers that she won't have any protection in such or such a country."

Agreements between unions in the countries of origin and of destination can lead to training by the unions in the countries of origin prior to departure. In Sri Lanka, for example, the National Workers Congress (NWC) has signed co-operation agreements with unions in the countries of destination for Sri Lankan migrants – such as the General Federation of Jordanian Trade Unions (GFJTU), since tens of thousands of Sri Lankan women are employed as domestic workers in Jordan. Before their departure, the NWC informs the migrants about their country of destination, their rights, the labour legislation, and what lies ahead. Its partner union undertakes to protect the Sri Lankan migrant workers whenever they run into job-related problems during their stay.

Another example comes from northern Europe, where there is an agreement between Estonian and Finnish unions. Barbro Budin, gender equality officer at the IUF,<sup>3</sup> explains: "Estonians going to Finland can contact an information point set up in the Estonian capital, Tallin, to find about the rights linked to their work in Finland and which Finnish unions they can contact for assistance. This information point was established with the help of the Finnish unions, so that Estonians will be working in the same conditions as the Finns and therefore won't harm the Finns' rights." The Spanish labour confederation UGT (Unión General de Trabajadores) has also helped to set up information centres for would-be migrants in Bulgaria, Colombia and Nicaragua, as well as in Spain itself, providing information to new arrivals. There are a number of other trade union cooperation schemes of this kind.

One idea would be for the union internationals to create a web site with information on the rights of migrant domestic workers, and the relevant legislation, in as

many countries of destination as possible. In fact, Public Services International (PSI) has brought out an information kit to help new migrants to gather information about their country of destination. This particular kit is mainly designed for health workers, but it could serve as a model for a domestic workers' kit.<sup>4</sup>

## Help with lawsuits

The support of a union or a domestic workers' association is certainly very important for any domestic worker who dares take her employer to court (see pages 38–39), but all the more so if she is a migrant, for the reasons already discussed. Fortunately, many unions are prepared to help migrants who want to defend their rights, and even keep on fighting for them once they have returned home. "I recently had a case where a Vietnamese woman was employed by a family to look after the two children, do the housework and so on," says John Flavin from Ireland's Services, Industrial, Professional and Technical Union (SIPTU).<sup>5</sup> "The minimum wage in Ireland is €8.45 per hour, but she was only getting €1.20. She was working 70 to 80 hours a week, without any leave or holidays. We took the matter to the labour court on her behalf, but when the employer found out she had been in touch with a union, he took her to the airport and put her on a plane to Viet Nam. But we won the case anyway and the employer had to pay €10,000 in back wages, which we managed to get to her in Viet Nam."

## Temporary hostel accommodation

Most migrant domestic workers live in their employers' homes. So if they run away from that home due to abuse or because they have been dismissed without notice, they no longer have a roof over their heads, in a country where they have usually had no opportunity to make any friends. That prospect alone dissuades many of them from standing up to their

employers. Some unions and support groups provide shelters where these victims can live until the situation is cleared up. One such is the Indonesian migrant workers' union affiliated to the Hong Kong Confederation of Trade Unions (HKCTU).

### **Tougher sentences for bad employers**

One way the authorities could show their determination to fight the exploitation of migrant domestic workers would be to increase the sentences that can be handed down to their employers. The vulnerability of the victim would be sufficient justification for higher penalties. One country to have gone this route is Singapore. In 1998, it increased the penalties for physical assault, sexual abuse and forcible confinement by 50 per cent in cases where the offender is an employer and the victim is a domestic migrant worker.<sup>6</sup> Trade unions can help to convince the authorities in their countries to take similar steps.

### **Put pressure on embassies**

The embassies of the migrant domestic workers' countries of origin can help them in cases of abuse, particularly if they have run away from the employer's home. At the embassy, they will find staff who speak their language. Some embassies have their own shelters for migrants who have been seriously abused, or staff who specialize in helping migrant domestic workers. Examples are the embassies of the Philippines and Sri Lanka in major emigrant destinations such as Saudi Arabia. In January 2004, the Sri Lankan embassy in Saudi Arabia revealed that every month it was receiving about 150 domestic workers who had run away from their employers.<sup>7</sup>

But embassies are also there to maintain good relations with the country's authorities. So they will not always be the best allies for domestic workers seeking redress for the abuses they have suffered.

Another obstacle faced by the victims is that their home country may not have embassies in every other country. And, in any case, migrant domestic workers may not know where their nearest embassy is, or how to get there if they are working a long way from the capital. So it is important to give contact details for the embassies to the migrating domestics before their departure – and in the leaflets handed to them on arrival in some countries.

When embassies do not back their exploited citizens, unions in the country of origin may press their governments to remedy this situation.

### **Campaigns to regularize undocumented migrant workers**

When a domestic worker is undocumented, nobody wins – neither the employer, who risks prosecution for hiring an illegal, nor the worker – who usually has no means of defending herself if she is exploited, and is not covered by any social

#### **A way around diplomatic immunity?**

Employers' feeling that they can get away with anything is all the greater if they are diplomats. Thanks to the Vienna Convention of 1961, diplomats have immunity which generally protects them against any kind of judicial sanction. Faced with repeated scandals over the exploitation of domestic workers by diplomats, the Swiss canton of Geneva took an interesting initiative to help the victims. "The canton set up a mediation body, called the Office des amiables compositeurs (the Office of Agreeable Arbitrators)," the SIT union's administrative secretary Michèle Gagnon explains. "It is made up of former Councillors of State, VIPs and so on who act as the 'domestic workers' ambassadors' to the diplomats. Sometimes, they manage to reach an agreed settlement in cases where a domestic worker's rights have been violated, for example as regards days off. And sometimes, they arrange for a dismissed person to get a job with another diplomat."

security scheme. Many unions have tackled these absurd situations by taking part in campaigns for the regularization of undocumented workers. One example comes from the Swiss canton of Geneva. There, the Interprofessional Union of Workers (SIT)<sup>8</sup> holds “two permanent sessions per week where undocumented people can apply for collective regularization,” explains SIT union secretary Lara Cataldi. “They can ask us for any kind of legal advice, but we’re also there to give some human support and listen to them. That’s already a way of recognizing their presence on Swiss territory.”

News of this kind of union support soon gets around inside migrant communities. “Only one person turned up during the session’s first week in operation,” recalls SIT union secretary Thierry Horner. “The next week there were two, and from then on the numbers just kept growing. We’d soon submitted 4,000 applications for regularization. The Swiss authorities turned them down, but they did recognize that there was a problem in the domestic work sector. In the meantime, to bring the sector out into the light of day, a model contract has been drawn up in Geneva, stipulating a wage rate of 3,400 Swiss francs (US\$3,260) for 46 hours of work.”

When undocumented workers drop in at an SIT session, they can give the union a proxy entitling it to defend their interests, and they can then show this document if they are arrested by the police. “At first, we were under strong pressure from the police authorities, who said this

proxy didn’t mean a thing,” Horner says. “We would get a phone call telling us that such and such a person had been pulled in, and we had to do something quickly. We had to intervene 700 or 800 times over one or two years. Today, things are better. Nobody is deported immediately. Our proxy has become a way of protecting a worker from being put on the first flight home. Deportations still happen, but at least now the undocumented workers can get ready for the journey. They’re no longer just picked up in the street and deported.”

## Notes

<sup>1</sup> This kind of attitude also crops up if the domestic worker is not a migrant, but then generally without the language barrier.

<sup>2</sup> Migrante International is an alliance of Filipino migrant organizations: <http://migrante.tripod.com/>.

<sup>3</sup> Quotation from a report drawn up following an international conference on domestic workers, held in Amsterdam in November 2006. Online at <http://www.irene-network.nl/download/part2rep.pdf>, p. 17.

<sup>4</sup> Available at: <http://www.world-psi.org/TemplateEn.cfm?Section=Home&Template=/ContentManagement/ContentDisplay.cfm&ContentID=14494>.

<sup>5</sup> See <http://www.siptu.ie/>.

<sup>6</sup> Human Rights Watch: *Swept Under the Rug. Abuses against Domestic Workers Around the World*, July 2006, p. 23.

<sup>7</sup> Mohammed Rasooldeen: “Sri Lanka to Sign Deal to Protect Interests of Housemaids, Employers”, *Arab News*, 22 January 2004.

<sup>8</sup> See <http://www.sit-syndicat.ch/>.



## “Doing what’s right”

***Unions sometimes hesitate about getting strongly involved with domestic workers’ issues. The benefits of getting them to join, both financially and in terms of membership figures, do not necessarily outweigh the particular efforts needed to organize these workers. But some unions have taken on the challenge and succeeded. How did they do it? What lessons did they learn? An overview.***

Organizing and assisting domestic workers often requires a lot of effort from a union, which will often receive little or nothing in return. As their wages are among the lowest anywhere, these workers cannot pay substantial union dues. Worse still, as they are isolated in their different workplaces, some of them have no daily experience of the fellowship and solidarity of colleagues who could urge them to keep up their membership at times when they are not in urgent need of trade union help. So after the union activists have made a big effort to contact them and sign them up, domestic workers quite frequently lose interest in the trade union movement. This can turn into a vicious circle. Low or no dues from domestic workers mean poverty for the unions that organize them. This sometimes prevents the unions from running enough activities that are attractive or useful to these workers, who therefore lose interest in trade unionism.

Faced with this problem, some unions decide to open their ranks to people in other occupations. One such is the National Union of Domestic Employees (NUDE), in Trinidad and Tobago. “The dues paid by domestic workers are really very low,” agrees NUDE General Secretary Ida Le Blanc. “That is one of the reasons why we started signing up workers in other fields, for example, those who are covered by the minimum wage law but are too vulnerable or isolated to join a major union. We bring them together each month so that they can share their demands with other workers who are facing similar situations. We represent our members free of charge during disputes, vis-à-vis the labour

ministry and the arbitration boards, but workers who join simply to benefit from these services have to pay us 10 per cent of the compensation obtained if they win. That’s what enables the union to continue. Out of our 500 members, about 120 are domestic workers. More than 800 domestic workers have been members at some stage, but most of them don’t stay in the union for long. We don’t really know why, but what’s for sure is that we don’t have the funds to run more activities for them.”

The risk that a domestic workers’ union will collapse due to a shortage of money is very real. It happened in Namibia, but a way was finally found of saving the Namibia Domestic and Allied Workers’ Union (NDAWU). “In view of the domestic workers’ very low pay, we couldn’t ask them for dues of more than one per cent of their wages, and that often came to about half a dollar,” explains Alfred Angula, one of the NDAWU leaders. “The lack of financial resources forced us to stop our activities in 2003. So we asked if another trade union would be willing to take us under its wing. At first, none of them wanted to, but the agricultural workers understood our situation, and we have been able to continue in existence alongside them.”

In Ghana, the Industrial and Commercial Workers’ Union (ICU) drew on Danish funds earmarked for informal economy organizing to tackle the domestic work sector, after successfully organizing hairdressers and barbers. But, says the union’s former General Secretary Napoleon Kpoh, a lack of funds caused great frustration. “As the domestic workers are very badly paid, we don’t ask them for any dues in exchange

for the services we provide. We wanted their union to get on to a proper footing and be capable of negotiating better conditions before we started asking for dues. But when the project funding expired, we couldn't marshal sufficient resources to carry on organizing them right across the country in order to create a really good national domestic workers' union. This is frustrating because we didn't have the means to ensure good coordination among these domestic workers, even though they are looking for trade union support. The number of domestic workers in our union has dropped from more than 2,000 to around 200, because of the lack of continuity in our organizing activities."

One solution is ask unionized workers to pay several months' dues up front when they join. This approach is being tried by Tanzania's Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU), which has 4,500 domestic workers in membership. "We have to recognize that not all of them pay their dues," says Vicky Kanyoka. "So when they come wanting help, we ask them to pay three months' dues. These are very mobile workers. Some of them change employers very often and they generally only turn to us when there's a problem. Their mobility makes it difficult to keep them as members. It's very rare for a domestic worker to be employed for more than two or three years by the same employer." To encourage more domestic workers to stay active in the trade union movement, CHODAWU makes sure they have representatives in each of its decision-making bodies (the Executive Committee, General Council, Congress and so on).

In Switzerland, the Interprofessional Union of Workers (SIT) is in touch with hundreds of undocumented domestic workers in Geneva (see p. 49 ff.). Knowing what dire financial straits they are in, it does not ask them to join in order to receive all kinds of advice or assistance with problems arising from their lack of residence papers. On the other hand, if they have problems with their employers and the domestic workers want the SIT to

take steps to defend them, then they have to join the union.

Other unions prefer domestic workers to join first, before acting to defend them, but this is not necessarily for financial reasons. "It's not for the dues that we ask domestic workers to join," states John Flavin, of the Services, Industrial, Professional and Technical Union<sup>1</sup> in Ireland. "The dues would never cover the effort we have to put into an individual case. In fact, our action is humanitarian. We want to denounce exploitation and fight against it. It's not so much a question of gaining new members as of doing what's right. As unions, we know what rights workers have in this country, and how to process a complaint. We have contacts with various authorities, such as the one that manages work permits. People who aren't familiar with these kinds of issues will find it more difficult than us to help domestic workers. So it's our duty to do it."

Nonetheless, it is not always easy to get union members in "traditional" sectors to accept the need to invest so much time and energy in organizing domestic workers. "It's true that it takes time," John Flavin confirms, "because these are individual members. If you have 3,000 and 4,000 members among the domestic workers and your union is a general one, defending workers in a whole range of sectors, it isn't always easy to help each and every domestic worker. Assisting just one of them can sometimes take a whole day. But as I said, this is all about our duty as trade unionists, and acting on behalf of domestic workers also gives us a certain prestige within society."

Diana Holland, who chairs the Women's Committee of the International Trade Union Federation (ITUC), also had to convince her union, the Transport and General Workers' Union (TGWU),<sup>2</sup> of the need to take an interest in domestic workers. Inviting some of them to come and talk to the union's leaders and activists helped to win over those who were undecided. "There was no real resistance," she says. "But it's true that if we had been discussing priorities, this wouldn't have been the

top one. Trade unions are about people joining together and seeking collective strength in order to bring about change. Exactly the same goes for domestic workers, particularly migrants. We organized a series of fringe meetings during conferences held by the Trades Union Congress (TUC) and the Labour Party. Domestic workers were able to speak at those meetings. Many high-level union leaders were present. Women talked about their experiences. That really highlighted the importance of this campaign and from that moment on, nobody has ever asked me again if this is a priority or not.”

The lessons learnt by unions that have taken an interest in individual domestic workers could also prove very useful in some enterprises in future. For instance, cleaning firms which, at the moment, mainly offer their services to other enterprises could soon be targeting individual householders. Their workers may still be wage-earners, but they will nonetheless find themselves facing a whole series of problems encountered by “independent” domestic workers: the difficulty of conducting labour inspections and occupational medicine checks in somebody’s home; the greater risk of sexual harassment when working inside private accommodation; the difficulty of proving any abuse (insults or inappropriate behaviour by the employer, and so on) when there are neither colleagues nor union representatives in the workplace; respect for work schedules; respect for the tasks assigned in the employment contract, etc.

Gilles Desbordes, the General Secretary of the Services Federation of the French Democratic Labour Confederation (CFDT),<sup>3</sup> justifies the investment that his union has made in helping domestic workers in terms of its future development potential. “This is an important source of employment generation. There’s every reason to think that, in the long run, the differentiation between the private market and service provision to enterprises will dwindle. For instance, in view of the ageing population, a certain number of firms that currently do collective catering may start looking at meals on wheels for people at home. So the trade union techniques we’re developing today for domestic workers are also the shape of things to come in our work with wage-earners in classic enterprises, which tomorrow may well become involved with employees within their own homes. Some of the concerns will never be identical, but we see this investment as an opportunity to develop the size of the potential membership and build up union know-how that will help us to support our existing members, who are currently mainly inside the enterprises, as their employers begin to diversify their activities.”

## Notes

<sup>1</sup> See <http://www.siptu.ie>.

<sup>2</sup> See <http://www.tgwu.org.uk>.

<sup>3</sup> See [www.cfdt-services.fr](http://www.cfdt-services.fr).



# Millions of child domestics

***Child domestics are among the most vulnerable and exploited of all child labourers. Cowed, beaten and humiliated, millions of them never get to school. Unions have a crucial part to play in helping them.***

In many countries, using children as domestics is still a common, age-old practice. Their precise number will never be known. These children are often scattered across several households, their employment relationships are informal and, in some cases, their employers pass them off as their own children. But some of the estimates are truly alarming. On the World Day Against Child Labour in 2004, a ILO report emphasized that child domestics make up a large proportion of the 200 million children at work worldwide. And it cited a large number of country-by-country estimates: 700,000 child domestic workers in Indonesia, 559,000 in Brazil, 264,000 in Pakistan, 250,000 in Haiti, 200,000 in Kenya, 100,000 in Sri Lanka.<sup>1</sup> The ILO also estimates that 300,000 children are working as domestics in Dhaka, the capital of Bangladesh alone. And in

Phnom Penh, the capital of Cambodia, another ILO report disclosed that one child in ten is exploited as a domestic worker.<sup>2</sup> Amongst little girls, domestic work is the most frequent form of child labour.

Many of these children are very young. For example, ten per cent of the children at work in Haiti are below ten years of age, while 70 per cent of the children employed "in other households" in Morocco are under 12. Some studies cite cases of domestics aged five or six. Many of them work up to 15 hours a day, often unpaid. The employers consider the board and lodging to be sufficient remuneration. Child domestics are sometimes assigned tasks that go beyond their capacities, such as carrying heavy loads. And although they are still children themselves, they have to look after their employers' children. In such circumstances, school is

### A helping hand or an exploited child – The difference

Not all involvement by children in domestic tasks should be condemned as child labour. *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, a report by the ILO's International Programme on the Elimination of Child Labour (IPEC), is very clear on this: "In every country of the world, children lend a helping hand in their own home, maybe by preparing the meals or washing the dishes after dinner before going out to play. They may make the bed, for example, hang out the washing, mow the lawn, baby-sit a younger sibling, pick fruit on the family allotment, milk the goat or feed the chickens. In moderation and in particular as long as they do not interfere with the children's education or time to play, such 'helping hand'-type tasks can be positive experiences. They help children to learn basic skills in preparation for the future and to feel that they are contributing to the family's tasks, thus raising their self-esteem (...). This is not child domestic labour.

"Child domestic labour refers to situations where children are engaged to perform domestic tasks in the home of a third party or employer that are exploitative. Where such exploitation is extreme and includes trafficking, slavery or practices similar to slavery, or work which by its nature or the circumstances in which it is carried out is hazardous and likely to harm the health, safety or morals of children, then this constitutes a worst form of child domestic labour, and it needs to be tackled as a matter of urgency."

### **“At that age, it’s very difficult to have a sense of responsibility”**

Marcelina Bautista, who heads Mexico’s Centro de Apoyo y Capacitación para Empleadas del Hogar (Centre for the Assistance and Training of Domestic Workers) and is General Secretary of the Confederation of Domestic Workers of Latin America and the Caribbean (CONLECTRAHO), started working as a domestic at the age of 14. Her experience: “Becoming a domestic worker is a big change in a child’s life. I was 14 at the time. I had always lived in a village, but I had to go and work in town, where the culture is very different. And so is the food. So the employer’s culture is different, plus I couldn’t speak any Spanish when I arrived. My first job was very difficult for these reasons. As I didn’t speak the same language, my first employers discriminated against me in lots of ways. They were very rough with me. The boss used to shake me, but I just didn’t understand what she was saying. Things were really tough during the year that I was working for that first family. I had to learn Spanish on my own because the employers didn’t help me. At that age, it’s very difficult to have the sense of responsibility you need in order to be a worker. I cried all the time. I wanted to go home. But I have 11 brothers and sisters. I’m the third eldest, so I had to help my family to survive. I still find it very difficult to talk about all that, even now I’m grown up, but it’s important to let people know what we child domestics have to go through.”

out of the question. A 2005 ILO study in Viet Nam<sup>3</sup> showed that the child domestics in Ho Chi Minh City work 13 hours a day, seven days a week. So they are too tired to attend evening classes, even in cases where the employer would permit it. What is more, one-third of them regularly suffer from coughs and respiratory problems, one-third from headaches, one-quarter from backache and one-tenth from injuries, cuts or burns.

### **False development process**

Ever since 1989, the ILO has been pointing out that children who work as domestics are probably the most vulnerable and exploited children of all, and also the most difficult to protect. One of the obstacles in the struggle against this exploitation is that doing domestic work outside the home is often seen as part of a child’s socialization and development. The employers of these children are sometimes members of their extended family. And they have justifications ready to hand: “At least the child is learning a trade at our place.... At least we keep the child fed.” And yet it is most unlikely that these employers would wish a similar fate on their own children.

Some of the obstacles to the fight against the use of children in domestic labour are similar to those encountered when trying to help adult domestic workers – the “invisible” nature of this work which is performed inside a house and is therefore difficult to track down, as well as the non-recognition of domestic work as a form of economic activity (and thus the non-intervention of the labour inspectorate). But when these workers are children, there are additional hurdles. One is “an institutional reluctance to address issues that seem to impinge upon the rights of the family, and so domestic work is often excluded from laws and policies designed to tackle child labour or other forms of child exploitation.”<sup>4</sup> Another is the feeling, in some societies, that the child will always be better off inside a house, even if working without any respite, than wandering the streets or doing very dangerous types of work (for example, in mining, construction and so on).

### **Too difficult for governments?**

The flexibility of some international standards on child labour can also open the door to the exploitation of child domestics. For example, the Minimum Age Convention, 1973 (No. 138), permits Member States to exclude some limited categories

## A 15-year-old Jamaican slave in the United States

It would be wrong to think that child domestic labour is a problem for the developing countries alone. Erlene Browne, of the American organization Domestic Workers United (DWU), once had to tackle the case of a young girl who had been brought to the United States at the age of 15. Her touching tale is by no means an isolated case in the industrialized countries. "In Jamaica, the mother of a 15-year-old girl had a friend who told her about a Jamaican couple living in New York. This couple were looking for a young domestic worker and said they'd be prepared to send her to school. The mother thought this was a good opportunity for her daughter. When the girl arrived in New York, the couple came to meet her but, the very next day, they took her to their new home in Houston. There had been no mention of this in the agreement. There, she had to look after their children but also do the cooking, cleaning, washing, in fact all the household chores. And the couple never sent her to school. Her employers kept her isolated. They even forbade her to go to church. The youngster tried to write to her mother, but she had to hand the envelope over to her employers, as they had restricted her movements. They promised to post it, but they never did. So the girl never got any reply from her mother. She started worrying that she might have died, or that she was no longer interested in her. The mother never got any letters either, so she had the same worries. This situation went on for 15 years. The worker was very unhappy. The children she took care of saw her crying and tried to comfort her. They used their pocket money to buy her stamps and paper but, once again, the letter never arrived. One day, the employer's sister came from Jamaica. She saw the distress of this girl, who in the meantime had grown into a woman. The domestic worker told her what had happened, and the woman asked her to write another letter, and posted it herself. So then the worker got a reply from her mother, who at long last had her new address. Her mother immediately sent her brother to get her. The brother was living in the States. We got a call about this case, so we got in touch with a lawyer who took the matter to court. She was awarded \$74,000, but don't go saying that's a lot of money. That young woman lost 15 years of her life."

of employment or work from its scope of application (except if the activity is a dangerous one). In fact, its Article 5 allows developing countries to specify the sectors of economic activity or the types of enterprise to which the Convention applies (the same article does provide a minimum list of sectors to which the Convention must be applied, but domestic work is not one of them). This flexibility means that "domestic work is often excluded from coverage of Convention No. 138 as many governments feel it is difficult to enforce labour standards in this sector".<sup>5</sup>

Convention No. 182, which complements Convention No. 138, provides fewer possibilities for derogations, as Member States had meanwhile agreed that priority should go to eliminating the worst forms of child labour. Domestic work is not specifically mentioned in Convention No. 182. However, its definition of the worst forms of child labour fits the circumstances of very many child domestics around the world – maybe even the majority of them.

These are situations of slavery or comparable practices (the sale and trafficking of children, debt bondage, forced labour etc.) as well as work likely to harm the child's safety, health or morals.

In many countries, child domestic workers are indeed exposed to the dangers described by Convention No. 182. They are treated as the employer's property, as little slaves who can be put to any and every task. They have to use harmful substances such as cleaning products. They are subject to beatings and sexual exploitation. They are woken up several times a night to perform some service or other for the employer. They are deprived of contact with their families and friends, and are often confined to the employer's premises. ILO studies show that all the serious abuses committed against domestic workers (see article on page 9) are also suffered by child domestics. So the trade unions, which must be invited to participate fully in the tripartite discussions on national lists of the dangerous

occupations to be targeted as a priority, have a duty to do all they can to get domestic work included in these lists.

Unions' clout and their contacts on the ground also mean that they are very well placed to conduct action and campaigns against child domestic labour. The ILO's International Programme on the Elimination of Child Labour (IPEC) can support them in such action and campaigns, as it already does in a number of countries, including Tanzania (see article on page 59). The future of millions of little slaves depends on it.

## Notes

<sup>1</sup> ILO: *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, 2004.

<sup>2</sup> Cambodia Ministry of Planning, National Institute of Statistics et OIT-IPEC: *Child Domestic Worker Survey. Phnom Penh – 2003*, Phnom Penh, 2004.

<sup>3</sup> BIT: *Child Domestic Workers in Ho Chi Minh City*, Mar. 2006.

<sup>4</sup> ILO: *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, op. cit.

<sup>5</sup> ILO: ILO-IPEC Interregional Workshop on Child Domestic Labour and Trade Unions: Report, Geneva, 1–3 February 2006, p. 19.

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# Tanzania – Combating child domestic labour strengthens the unions

*In Tanzania, a campaign by the union CHODAWU succeeded in turning opinion against the employment of child domestics. The prevention of trafficking and the reintegration of former child workers into their families and schools are the two main planks of this campaign, which has also helped to strengthen the union's membership base and its image.*

The Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU), affiliated to the Trade Union Congress of Tanzania, was set up in 1995, notably to defend the rights of adult domestic workers. Very soon, the trade unionists ran into a major obstacle – a large proportion of the domestic workers it encountered were girls aged under 18. Most of them work more than 60 hours a week for pay that ranges from five to 20 dollars per month. “Right from the start, we noticed that most of the domestic workers who were asking us to help them obtain their demands were children, not adults,” explains Vicky Kanyoka. She is in charge of women’s and organizing programmes at CHODAWU. “As we’re against child labour and in any case the employment of these children was not within a legal framework, we launched a campaign against child domestic labour, with the support of the ILO’s International Programme on the Elimination of Child Labour. This campaign has been going on for 11 years now, and it has very much helped us to organize adult domestic workers. We wanted to link the two issues because child domestic work is seen as a direct threat to the adults’ pay and conditions.”

CHODAWU developed two types of action to combat child domestic labour – prevention, and pulling the child workers out of the workplace and into school. Vicky Kanyoka reports: “In cooperation with the government, we were able to identify the main areas where the children are recruited before coming to work in town, as well as the main regions

that receive these child workers, such as the capital, Dar es Salaam. Prevention takes place by raising awareness among communities, parents, schools and the children themselves. Everyone needs to know what happens when children are employed as domestics. We also build awareness among the local authorities. If the labour force of the future moves out of their regions, who will be teachers and nurses of tomorrow? We try to explain to parents and local leaders that the employment of child domestics destroys their labour.”

## **Unions lobby to get child traffickers punished**

Many Tanzanian child domestics have been brought to town by traffickers, sometimes in collaboration with members of the victim’s family. “While investigating in one of the biggest districts of Dar es Salaam, we discovered that these agents build up friendships in the rural areas. They try to ally themselves with unemployed young men who know people in these regions and have families there. The agents or their proxies promise that they will take the child to a friend who will send her to school, or that the child will work a little and money will be sent to the parents to help support the rest of the family. In reality, they sell a girl into domestic work for about 10 dollars, or into prostitution for between 15 and 20 dollars. This is child trafficking, because the parents are deceived and the child is

taken to an urban area, and sometimes even to Nairobi in Kenya, where we have found Tanzanian children.”

So the unions’ preventive campaign also consists of persuading the local authorities to pass by-laws making it a punishable offence for parents or agents to bring children into town with the aim of putting them to work there as domestics. “These by-laws are well enforced on the ground because their existence is widely publicized in the rural communities, in cooperation with the local authorities. They also make it punishable for parents not to send their children to school. The penalties may be a money fine or a goat, a chicken and so on. We hold a lot of meetings to talk about this. And we distribute leaflets, etc.,” Vicky Kanyoka explains. Also, following a tripartite process, new labour legislation sets 14 as the minimum employment age in Tanzania. This law also provides for penalties against the employers of children. It is well-intended, but this national legislation is difficult to enforce, amongst other reasons because the labour inspectors are few and far between and they are not empowered to inspect private homes.

CHODAWU has set up “committees on child labour” at the local level. Their task is to investigate the places where children are employed and get them out of these exploitative situations. “It would be very risky for trade unionists from outside these places to go in and take child domestic workers away,” Vicky Kanyoka points out. “That’s why we assign this task to our local committees, who work together with the local police if necessary. This cooperation with the authorities is very important, and we invite police officers to our awareness-raising seminars. Sometimes, it’s the police officers themselves who tell us about these situations, and then we set off together to intercept the person who is employing a child.”

### **Firm but constructive attitude to the employers**

But whenever possible, CHODAWU activists prefer to dialogue with the employers who use child domestics. When the trade unionists hear about a child who is being exploited, or a child domestic comes and complains to them about some kind of abuse, they write an official letter to the employer, and copy it to the local authority. The employer will first be invited to the union office to launch a dialogue. According to CHODAWU, in most cases employers see the error of their ways once the damaging effects of employing child domestics are explained to them. The union then investigates how much money the employer owes the child (hours worked, any medical expenses, unpaid holidays etc.). The employers must also return the children to their villages and pay the costs involved. Otherwise, the trade union will take care of it in cooperation with the police, but still at the employer’s expense.

The CHODAWU trade unionists then check that the child has been properly re-integrated into her community of origin, and is not at risk of being sent back to town. “We have representatives in many parts of Tanzania,” Vicky Kanyoka explains. “We contact them before a child’s return, so that they can ensure proper coordination. We don’t take the children straight back to their families. First, they’re entrusted to the local authorities. They are the ones who then take the children back to their families, and make sure they stay there and go back to school. For children who have missed several years of schooling, the Tanzanian government has set up a complementary teaching system through which specialized teachers help them to catch up. IPEC supports the government in providing this complementary teaching. For the older children, there are vocational training programmes. More than 2,000 former child domestics have already participated in these courses. In January 2007, the CHODAWU Executive Committee also decided to set up a transit centre for former child domestic workers in Dar es Salaam.”

## **In two years, 8,200 children saved**

These activities against child labour have given the union a good image in society and with the Tanzanian authorities, and have helped to attract more members. CHODAWU has tangible results to show for its efforts: between 2005 and 2007, for example, it estimates that its action led to the prevention or ending of 8,200 cases of child domestic labour. The prevention figures are based on the number of interventions concerning children identified as being "at risk". "To find these children who are at risk," Vicky Kanyoka says, "our local activists cooperate with the authorities and the community leaders in order to identify orphans, children from one-parent families, very poor families and so on. Teachers also have a very important part to play. They can check the school registers and see which children no longer come to school and those that very often arrive late. We cooperate closely with the teachers' unions in the areas that child domestics come from. Through their unions, these teachers implement programmes to encourage the children and their parents to take schooling seriously, through education committees (which include parents) and the existing committees against child labour. So this is a joint effort."

The union notes with pleasure that, in the areas where it has been working for several years now, it has become difficult for traffickers to procure children to be

sent to town. The parents know what is going on. They have heard other children's first-hand accounts of the way they are exploited. "They've also seen children who have contracted HIV/AIDS, and children who come back to their communities with ways of doing things and of dressing that are very different from their traditions. And some girls have come back pregnant or with a child in tow, which means yet another burden for the family."

For Vicky Kanyoka, one of the keys to CHODAWU's success in the fight against child domestic labour is its cooperation with all the social actors. "On our own, we wouldn't be so effective in combating child domestic labour. You really need a concerted effort. That's why we train committee activists against child labour in villages and districts. And we also ask our activists in different sectors (farming, teaching, politics and so on) to talk about child labour within their respective occupational environments. So our programme is integrated into all levels of the union, from the top to the rank and file. We even talk about child labour in the mosques. Another key point in the struggle is never to impose our own recipes on our interlocutors. Whether the meetings are held at the level of the villages, urban communities, the authorities or whatever, we never impose our conception of the problem or the solution. All the actions and strategies must come from our interlocutors, so they feel they 'own' the project."

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## Latin America's domestic workers – The ones Decent Work forgot

*In this article, we analyse the situation of domestic workers in Latin America and the shortcomings found there as regards the four main elements of the Decent Work Agenda: rights, employment, social protection and dialogue. Finally, we look at the progress made in the region concerning respect for these rights and improvements in the working conditions, social protection and organization of domestic workers.*

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**María Elena Valenzuela**

Specialist, Bureau for Gender Equality  
ILO Lima

**Marta Rangel**

ILO consultant  
on gender equality issues

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**B**y volume, domestic work is the biggest employer of women in Latin America: 12 million of them are engaged in it. This is a highly feminized sector. Ninety per cent of all wage earners in this occupation are women, who are also traditionally expected to deal with house-keeping tasks in their own homes.

Domestic work is, however, an exception to the traditional range of jobs. For one thing, those performing it live with the families they serve and carry out everyday chores in exchange for a wage. Also, the employer is not an enterprise but a family, whose living space constitutes the employee's workplace. So the job is done in a private place, and this makes it awkward to carry out any checks.

The job performed by domestic workers – or house staff – is important to society. However, their work has low status, both socially and economically, and their conditions in no way amount to decent work. In most of the region's countries, these wage-earners have a special legal

status which gives them fewer rights than other categories of worker. Domestic service is confined within a sector where levels of pay and social protection are lowest and job quality is worst. To this precarious, discriminatory situation must be added the fact that these workers have neither the organization nor the representatives needed in order properly to negotiate improvements in their working conditions.

### **The law gives domestic workers fewer rights**

In almost all Latin American countries, domestic employment comes under a special legal regime, with provisions that differentiate between house staff and other waged workers.<sup>1</sup> This legal distinction has the effect of depriving them of a series of rights that the law grants to labour.

For instance, while Latin American legislations generally make it compulsory

## Recent reforms of the legislation on domestic work in Latin America

Country	Legal instrument
Argentina	Decree 485 (2000). Regulation on the special social security regime for domestic staff. This requires anyone employing domestic workers for six hours or more per week to pay contributions for them.
Bolivia	Law on domestic employees (2003). This regulates waged work within the home, setting out the rights and obligations of the employee and the employer.
Brazil	Constitution of the Federated Republic (1988). This expands the rights of domestic staff, as introduced in Law 5.859/1972. (2006) The Senate has approved a provisional measure granting a tax advantage (an income tax deduction) to employers contributing for two domestic employees (there is already an advantage for those contributing for one), who will thus have access to the FGTS (guarantee fund for length of service). The government will try to oppose this reform. The Senate has ratified another reform which has run into opposition from the government: an obligation for domestic workers to be members of the FGTS scheme. This measure is subject to the veto or approval of the President.
Chile	Law 19.591 (1998). This recognizes domestic workers' right to maternity protection.
Costa Rica	Draft law (2002). Tabled in parliament, the draft proposes giving domestic workers rights that are equivalent to those of other workers as regards the working day and rest periods.
Nicaragua	Regulation 202 (1978). On the application of social security to domestic personnel. This sets out the methods of calculating the reference, financing and recovery wage, fixes the contribution levels of the employer (12%), the employee (3%) and the State (4%), and sets out the other entitlements in the case of maternity, invalidity or death.
Peru	Law 27.986 (2003). Domestic employees. This regulates waged domestic work and sets out the rights and obligations of employees and employers.
Uruguay	Law 18.065 (2006). This puts domestic workers' rights on an equal footing with those of other employees.

to put any labour contract in writing, as a means of protecting workers' rights, the provisions are much laxer in the case of house staff. Only a few countries (including Argentina, Brazil and Chile) have given them this right. Others, such as Bolivia and Ecuador, make it conditional on a certain length of service, while Panama and Peru accept either a verbal or a written contract. Elsewhere, the law often makes no mention of domestic service.

Almost everywhere in the region domestic work, unlike other sectors, is not subject to any regulation of working hours. No daily or weekly maximum is set, although minimum rest periods may be

stipulated (generally 12 hours per day and one rest day per week). In most of these countries, the working week is between 44 and 48 hours, spread over five days, so it is clear just how disadvantaged the region's domestic workers are. The only exceptions are Brazil, Bolivia, Peru and Uruguay, where the law sets the working day at eight hours, as in other sectors.

The various Latin American legislations also agree on another point – wages in the domestic sector are based on a different principle, as they are considered to contain two elements: payment in money and payment in kind (board and lodging provided by the employer). The upshot is

that in some countries (Argentina, Chile, Mexico and Paraguay among others), domestic staff receive a minimum wage below that set by law for other categories of worker.

The violation of already unequal labour rights is further compounded by the serious shortfalls found in respect for the standards. Moreover, the means of monitoring and recourse are rather ineffective.

### **Composition of the domestic labour force**

In 2005, domestic work accounted for a considerable proportion of women's employment in the region (14.2 per cent of the total) and this share has not varied to any great extent since 1990. In some countries, domestic work is in fact the main source of jobs for women. In Argentina, Brazil, Chile, Panama, Paraguay and Uruguay, the percentage is higher than the regional average. In Paraguay, for example, a quarter of the women at work are domestic employees, and in Brazil the proportion is almost one-fifth.

Coexisting on the labour market are the domestic workers who have one employer and those who have several. The first group is divided into those who live and work in their employers' homes (live-in employees) and those who travel to their work each day. A study on domestic work in 18 countries of Latin America shows that 5.9 per cent of homes have one or two live-in employees, while 9 per cent use non-resident domestic helps. Reliance on services of this type depends on a family's socio-economic status. In the wealthiest domicile, 22 per cent have live-in domestic staff and 24 per cent have domestic employees who come in each day.

In most of these countries, domestic service is the way into the labour market for the poorest, least educated, most socially excluded women. While their wages represent a far from negligible share of the income of the worst-off families, their pay is very far below the average. In a number

of countries – Argentina, Brazil, Chile, Costa Rica, Mexico, Panama and Uruguay – domestic service is the lowest-paid occupation of all. Elsewhere, in Bolivia, El Salvador, Guatemala, Honduras, Nicaragua, Paraguay and Peru, which have a high proportion of self-employed workers in the informal economy, domestic employees earn a wage equal to or above those registered in low-productivity sectors.<sup>2</sup> Due to these low wages, domestic workers have much lower living standards than other occupational groups.

A large proportion of domestic workers are adolescents, usually from the impoverished peasantry. They start very young, depriving themselves of any education and any means of getting their rights respected. Child domestic labour is another of the region's shortcomings. This is the least visible type of labour, but it is a serious breach of the law, and it is regarded as one of the worst forms of child labour. It is estimated that almost 2 million children below the age of 14, mainly girls, work in domestic service in Latin America.

It should also be noted that indigenous women, and those of African descent, make up the majority of Latin American domestic workers. In 2000, in Brazil, 23 per cent of the domestic labour force were black women and 14 per cent were white women. Ecuador, for its part, employs five times more indigenous, mixed-race and black women (12.7 per cent) than white women (2.4 per cent).

### **Domestic workers – Social protection at its lowest**

The non-respect of decent work standards makes social protection a hit-and-miss business for domestic workers in Latin America. Even if, in most countries, domestic work is integrated into the national retirement pension scheme, some, such as Paraguay, continue to make distinctions that limit pension rights.

As far as health coverage is concerned, most countries have brought in special provisions for domestic staff, with

insurance and assistance in case of illness. But in some countries the legislation considers sickness to be a valid ground for the dismissal of a domestic employee, thus reinforcing the precarious state of their rights and employment.

The right to maternity protection is recognized as a major gain of the working class, and it features in the legislation of all the countries in the region. Maternity leave (both pre- and post-natal) and allowances, and medical checks during pregnancy and after the birth, are covered by social security, which is generally compulsory and integrated into a unified system covering all workers. No special scheme is provided for domestic staff. Only Chile takes account of the “maternal privilege” (a ban on unjustified dismissal from the moment when the pregnancy is notified to when the child reaches the age of one year) in the case of domestic workers. A law promulgated in 1998 enabled them to benefit from this measure, which was already applicable to other wage-earners.

So despite the protection that is due to them as wage-earners in domestic service, their social coverage remains mediocre, although this varies from one country to another. ILO data indicate that, on average, 10.3 per cent of domestic staff in Latin America have health and/or retirement coverage. In this very contrasted situation, Chile, Costa Rica and Uruguay have the distinction of providing the best coverage.

### **Organizing and social dialogue – Prerequisites for getting rights respected and securing better working conditions**

Domestic employees are rarely organized in unions or associations. They are poorly represented and have difficulty in making themselves heard. This explains why it is so hard to raise awareness of a worsening situation marked by discriminatory treatment and bad working conditions.

Various factors complicate any organizing efforts. One is that a domestic

worker’s duties are performed inside a house, in isolation and without much interaction with those who work in other homes. Another is that these employees are obliged to work long hours and have little time to devote to meetings and discussions about their lives and their problems. What is more, they cannot count on support from an organization in any negotiations to improve working conditions. This puts them in a position of weakness. In these circumstances, and given the well-known imbalance between bosses and employees, there is little hope of achieving the conditions for real social dialogue.

Despite these difficulties, major efforts have been made by the Latin American domestic workers’ confederation CONLACTRAHO (Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar), which brings together various associations and trade unions of domestic workers in the region. Created in March 1998, CONLACTRAHO now has national representation in 11 countries,<sup>3</sup> and has held five regional congresses. In 2006, the representatives of 15 countries met in Lima for the fifth congress of Latin American and Caribbean domestic workers sponsored by CONLACTRAHO. The congress set itself the objectives of evaluating the progress made on organizing and of drawing up a multi-purpose international action plan to:

- train leaders and strengthen CONLACTRAHO
- promote reforms granting equal rights to all workers and, in this context, press for the adoption by the ILO of a Convention on domestic workers
- foster improvements in working conditions and the professionalization of this trade.

In a bid to strengthen the ties between domestic workers’ organizations and trade union centres, the ILO held a seminar in December 2005, at which ten Latin American countries were represented. The discussion was on three main themes:



- consolidating union structures for these workers
- building the issue of domestic work into trade union movements' strategies, particularly their fight against all types of discrimination, as regards both wages and race
- mutual alliance-building.

The debates led to a joint declaration setting out a series of priority topics on which the participants would take joint action and emphasizing, amongst other issues, their will to promote ILO adoption of a Convention on domestic workers. In conclusion, the seminar adopted an action plan and decided that the participants would meet up again at the Lima congress in 2006. Before going home, they signed a trade union declaration.<sup>4</sup>

### Progress and recommendations

Giving domestic staff the benefit of decent work standards entails reforming the legal provisions so as to provide them with rights that are equal to those of other workers, guarantee full respect for those rights (including the right to social protection), and improve working conditions and strengthen their organizing and negotiating capacity.

On all these points, the International Labour Office has provided constant support to its constituents, and a series of initiatives has been taken which constitute both progress and good practice examples to be followed. The details:

1) Law on domestic work: Uruguay. At the initiative of the Uruguayan Tripartite Commission for Equal Opportunities, and with ILO support, a draft law was drawn up in 2005 to give domestic workers identical rights to those of other wage-earners. Approved on a tripartite basis, the draft received the support of the Ministry of Labour and subsequently parliamentary approval, by a large majority. Promulgated on 27 November 2006, Law

No. 18.065 on domestic work in Uruguay contains the following provisions:

- Working hours: 8 hours per day and 48 hours per week (maximum).
- Rest periods: one paid half hour for non-resident employees and two hours for live-ins. It is up to the employer and employee to agree when they are to be taken.
- Weekly rest time: 36 hours, namely all day Sunday and part of a weekday, to be decided by mutual agreement.
- Rest at night: live-in employees can go off duty for nine consecutive hours. They must be properly fed and must have lodgings that conform to hygiene standards and respect their privacy.
- Wages and categories: these are to be in line with the wage- and category-setting system established by Law No. 10.449, which applies to all wage-earners.
- Compensation for dismissal: this is granted after completing 90 days of work, as for other workers.
- Special dismissal compensation (pregnancy): an employee who is dismissed within 180 days of returning from maternity leave is entitled to special compensation, as for all other wage-earners.
- Unemployment benefit: domestic staff are to benefit from the general coverage currently applying.
- Ordinary health coverage: domestic medical assistance institution or can be covered by the State health services administration, like all other wage-earners.
- Recruitment conditions: the minimum age for recruitment into domestic work is 18. However, the National Institute for Children and Adolescents may authorize such recruitment from age 15.
- Employment documents: employers are required to provide wage slips.

- Inspection and breaches: the Ministry of Labour and Social Security, through its General Inspectorate, ensures that the law is respected and reserves the right to order, by judicial warrant, home visits when there are grounds for suspecting that labour standards and social coverage are not being respected.
- Recognition of the right to work and social security: all standards relating to this right are applicable to domestic staff.

2) Retirement provision and health coverage: Argentina. Social coverage for domestic employees is bad, despite the “Contribution Reform” law of 2000, which broadened this coverage and required employers to pay contributions for those working six hours or more. To regularize matters, an advance “regularization” system was introduced in 2005. This requires the employer to pay a modest monthly contribution (about 20 dollars) to cover a pension and social security for the domestic employee. In exchange, employers can deduct up to 300 dollars a year from their income tax. This initiative, backed by a broad information campaign, produced good results. One year after its launch, the proportion of domestic workers with social security coverage had risen from 5.5 to 12 per cent.

3) Citizen participation: Brazil. In 2005, Brazil launched what was known as the “citizen domestic work” programme,

designed and implemented with the active participation of the organizations and unions of domestic workers. It covers several fields: social and vocational qualification, broader-based schooling, the strengthening of these organizations, and the elaboration and implementation of projects to enable them to play their part in public life.

4) Information and promotion campaign on rights: Paraguay. In cooperation with a non-governmental organization (CDE) and the Tripartite Commission for Equal Opportunities, the ILO through IPEC and gender equality promotion projects supported awareness-raising campaigns on domestic workers’ rights. To build awareness, a large amount of documentation was prepared and distributed, highlighting domestic workers’ social and economic contribution, as well as the reality of their rights and the need to respect them.

#### Notes

<sup>1</sup> The only exception is Uruguay, which in November 2006 promulgated a law on domestic work.

<sup>2</sup> Self-employed workers who have not undertaken technical or vocational studies are generally regarded as being engaged in low-productivity activities in the informal sector.

<sup>3</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico, Paraguay and Peru.

<sup>4</sup> See the text of the trade union declaration on <http://www.oitchile.cl/pdf/decmontevideo>.

## Jordan – A ray of hope for domestic workers

*Under the auspices of the United Nations Development Fund for women (UNIFEM), Jordan is developing a pilot project to improve conditions for migrant domestic workers. An initial progress report.*

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**Natacha David, Journalist**  
*Union View*

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**T**hey live in the shadows of the households that employ them ... and yet there are so many working in the Jordanian capital that they are hard to miss.

They form part of the landscape in Amman's fast-growing residential neighbourhoods, where they can often be seen cleaning windows, weeding or emptying the rubbish. They can also be spotted in town, at the markets or shopping centres, carrying the packages behind their "mistresses".

On Friday, the official day of rest, some may accompany the families to their social or recreational activities. Those lucky enough to enjoy a few hours of freedom may meet up downtown, in the lively old centre, for a stroll and some shopping.

In Amman, Filipina women also meet up at church, like Maria, aged 24, whom we met at the Friday service. "I came to Jordan almost a year ago. I'm not mistreated but I feel very lonely as I'm hardly ever able to leave the house and I'm constantly exhausted because I always have to be at my mistress's beck and call, and she rarely lets me rest. I left my husband and two children behind in the Philippines. It's very difficult. The money I'm earning here is to pay for their education," she explains, showing the photos of her children on her mobile phone.

Maria is aware that her plight could be much worse, having once managed to talk to a domestic worker employed in the same

street, who told her about her problems. "She was terrified of her employers, who wouldn't stop shouting at her. She wanted to go back home, but couldn't leave before the end of the contract. She had come out to get some shopping from the local store, and just talking to me for two minutes made her very nervous. I have never seen her again. Maybe she still works just a few houses away from my employer, but I have never seen her in the street again."

### **Poorly protected and looked down upon**

"Jordanian women don't want to take this type of work. It's looked down upon by society. And in more concrete terms, these are highly under-protected jobs," explains Daniah Murad at UNIFEM's Arab States Regional Office in Amman.

There are estimated to be 46,000 women migrant workers, from Indonesia, the Philippines and Sri Lanka, legally employed as domestic workers in Jordan. Another 20,000 to 30,000 are also working in Jordan as domestics, but as undocumented workers.

According to UNIFEM's records, the kind of problems they face are many and varied: non-payment of wages, frenetic working hours (up to 20 a day), passport confiscation, undignified living conditions, no freedom of correspondence, sexual harassment and sometimes rape by the fathers or, most often, the sons of the families employing them.

Note: Article published in *Union View*, No. 7, December 2007.

## **A standard contract and information campaigns**

In 2001, UNIFEM launched a programme for Asian women migrant workers (Empowering Women Migrant Workers in Asia, with domestic workers as a focus group) from three sending countries – Indonesia, Nepal and the Philippines – working in Jordan.

“We selected Jordan for this pilot project because of the political will to promote human development there. Several positive developments have been registered, and we hope that it will serve as an example for other countries in the region,” says Daniah Murad.

Among the progress registered is the standard contract for non-national domestic workers, which Jordan was the first country in the region to establish, providing for one day paid leave per week, 15 days paid holiday after two years in service, a fixed monthly salary, and detailing the job/workplace description and the rights and obligations of the two parties. The contract stipulates that the employer cannot take the employee’s passport, must cover the costs of work and residence permits, ensure decent food and lodging, cover medical costs and commit to treating the employee humanely.

“We have published a brochure, not only in Arabic and English, but also in the languages of the Indonesian, Sri Lankan and Filipino communities, presenting the relevant legislation, the procedures, and listing useful contacts. The brochure has also been widely distributed at the Labour Ministry, as well as among recruitment agencies, NGOs connected to domestic workers, and the embassies concerned, which have in turn distributed it in their own countries, to raise migrant workers’ awareness prior to their arrival in Jordan.” UNIFEM, which has supported the founding of the NGO “Friends of Women Workers” providing direct help to migrant domestic workers in difficulty, has also carried out an awareness-raising campaign targeted at employers who do not know the legislation and regulations.

“By working with a caricaturist who is well known in Jordan, we have managed to influence public opinion thanks to billboards, posters, publications in newspapers, etc. The main message was ‘Respect, not violence’, and the campaign stirred a lively debate in the press,” explains Daniah Murad.

## **Recruitment agencies brought under control**

The Jordanian authorities have confronted the abusive practices of certain recruitment agencies by setting up a licensing procedure, which has made it possible to shut down six agencies that had been the object of complaints.

In May 2007, the Labour Ministry also set up a new service specifically for domestic workers, which provides, for example, a 24-hour hotline for migrant domestic workers.

“A great deal of effort has been put into the proposed amendment of the Labour Code, which doesn’t yet cover domestic workers. We hope that the new parliament due to be elected will make the necessary changes. But it is a very long process and we need a practical intermediate solution until the labour legislation is finally amended to cover domestic workers,” continues Daniah Murad. “We would, for instance, like each employer to be obliged to open a bank account for the worker, in which a bank guarantee is deposited, to be used in case of breach of contract, particularly in the case of non-payment of wages.”

## **Better protection for domestics fleeing their employers**

The embassies of Indonesia, the Philippines and Sri Lanka each register four to eight cases a day of domestic workers fleeing their employers. The three embassies recognize that they are not in a position to shelter these workers in decent conditions.

The actual number of domestic workers who flee is, in fact, much higher, as only a minority turn to their embassies. Many are forced into clandestinity, working in hotels, restaurants or as domestics in other houses. Some fall into prostitution as a means of survival.

“There is an urgent need to create a refuge for abused domestic workers, because the accommodation problem for those who flee is critical,” insists Daniah Murad.

The gap between the spirit of the new regulations and how they are actually applied is often shocking. As regards health insurance, for instance, the hospitals attending to domestic workers all too often find they have no one to send the hospital bill to.

Legal proceedings remain very cumbersome, as illustrated by the tragic case of Jennifer Perez, a young teacher from the Philippines. Having fallen from the balcony of the house where she had just started work as a domestic, she was seriously injured and finally died in May 2006. According to her statement, as soon as she arrived, her boss wanted to confiscate her mobile phone, her only link with her family and the friends she had just left behind. She refused, the argument degenerated into a fight, and her boss pushed her over the balcony. The boss, for her part, claims she committed suicide.

Jennifer’s family wants justice to be done, but the very complex legal proceedings have barely moved forward.

Going to court is extremely costly, the process is extremely long, and domestic workers cannot be employed throughout the whole procedure. Their complaints are often registered with suspicion from the very outset. “I would rather work in the kitchen of this restaurant in Amman, hide away and save enough money to go home as soon as possible than complain to the police. I’m too afraid they’ll accuse me of lying,” confides a young Sri Lankan woman who had suffered verbal harassment from her employer, who also withheld her wages and locked her in the house during her days off.

### **Psychological needs**

The UNIFEM office in Jordan, insisting on the need to educate people about the psychological problems linked to the cultural estrangement and social isolation of domestic workers, is currently working closely with the ILO office in Beirut to share the experience drawn from the work started in Jordan, to raise public consciousness about the abuses suffered in silence by domestic workers in Lebanon.

## Unionizing Asia's domestic workers – An uphill task

*Because they are among the groups who are most vulnerable to exploitation and least protected by labour laws, domestic workers are the focus of a programme and special activities developed by the ILO Jakarta Office, which is working with the region's trade unions and non-governmental organizations on this. The priority is to organize domestic workers, who are often migrants. The aim is give them a say.*

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**John Lindsay**  
ILO Jakarta Office

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An estimated 800,000 Asian women migrate abroad for work annually. The majority of them are engaged as domestic workers in South-East and East Asia and in the Middle East. As a result, women now comprise the majority of documented migrant workers originating from such major sending countries as Indonesia, the Philippines and Sri Lanka. Even larger numbers of women are employed within their own countries as domestic workers. Altogether, domestic work constitutes the most important source of waged employment for women, particularly those from rural areas, with low levels of formal education and training.

Despite the millions of women working as domestic workers, their labour remains hidden from public view and awareness. Domestic work is traditionally unwaged labour undertaken by women in their households, and for this reason it is considered unskilled, and rarely recognized as work. Domestic work is furthermore hidden from public view, as it takes place inside the private household for a private employer. For these reasons, it is considered to be in the informal sector and is therefore mostly unregulated and unorganized.

Accordingly, domestic workers belong to one of the most vulnerable and least protected groups of workers, and they generally labour under the poorest conditions of any worker category. The majority

of domestic workers in Asia have to put in 16-19 hours a day. They have no regular days off, with few (and unpaid) holidays, and their wages are about 50 per cent of the national minimum. Hardly any have social security in terms of medical insurance and pension schemes. About 50 per cent experience frequent mental and physical abuse, and about 25 per cent receive unwanted sexual advances from their male employer and other men in the household, ranging all the way up to rape. Domestic workers are clearly in urgent need of organizing, yet very few trade unions have systematically assisted them in this.

Historically, it has been very difficult to organize domestic workers. These difficulties stem from the fact that they work within the household of the employer and have little time off. This enables the employer to control access to the domestic workers. Furthermore, with domestic work defined as informal sector work by both governments and trade unions, the unions have little interest in organizing them.

Migrant domestic workers suffer additional discrimination as migrants, including de facto bans on organizing in many destination countries, and trade unions have had few incentives to organize migrant domestic workers, as there has traditionally been a very limited sense of solidarity by trade union members in destination countries.

Because of the recognized disproportionate discrimination and exploitative working conditions which many domestic workers have to endure, ILO Jakarta, with the support of DFID-UK and the Government of Norway have been working since 2004 to mobilize and organize Asian domestic migrant workers to overcome these difficulties.

ILO Jakarta works with confederations, trade unions, domestic workers' associations, migrant workers' associations and NGOs in Hong Kong (China), Indonesia, Malaysia, the Philippines and Singapore on such activities as research, documentation, legislative and policy development, capacity-building, awareness-raising, community-based outreach, consultations, public dialogues and networking.

The ILO's work with these counterparts has fallen into several main categories, as described below.

### **Building alliances**

The ILO has supported efforts to bring together trade unions, domestic workers associations and migrant workers associations, in order to boost cooperation between them. To do this, the ILO has assisted meetings, consultations and joint training to bring together trade unions in sending and destination countries in order to form stronger linkages, transferable memberships and services for migrant workers.

In *Indonesia*, the ILO supported a three-day training course held by Migrant Forum Asia (MFA) and the Indonesian Migrant Workers Trade Union (SBMI). The purpose of the meeting was to develop linkages between NGOs and trade unions and their counterparts in Singapore and Malaysia. It was decided that pre-departure training was to be facilitated by all parties involved in countries of origin, that trade unions in countries of origin and of destination of migrant workers would support them within the framework of freedom of association, and that re-integration programmes would be

facilitated by NGOs and trade unions to help returning migrant workers with socio-economic readjustments within Indonesia. Also in Indonesia, a joint workshop for migrant worker facilitators from the Association for Indonesian Trade Unions (ASPEK) and Union Network International-Indonesia (UNI-Indonesia) was held in Jakarta.

In the *Philippines*, the ILO supported a symposium to link up trade unions with NGOs working for domestic workers. The symposium explored potential cooperation to strengthen domestic worker organizations and help them evolve towards trade unionism. An additional symposium sensitized the established employer confederation and non-traditional household employers' association, as well as recruitment agencies, to their responsibility and stake in domestic worker welfare.

In *Hong Kong (China)*, the ILO supported the Indonesian Migrant Workers Union (IMWU) and Filipino Domestic Workers General Union (FDHGU) in their efforts to build relationships with local Hong Kong trade and domestic workers' unions.

In *Malaysia*, a workshop by the Association for Indonesian Trade Unions (ASPEK) in cooperation with Union Network International-Malaysia Liaison Council (UNI-MLC) was supported by the ILO. The aims of the workshop were to prepare for UNI-MLC to work together with ASPEK in protecting migrant workers and to build structures, including human resources that have the capability to protect migrant workers in Malaysia.

### **Capacity-building**

The ILO has also been supporting capacity-building for trade unions that are interested in providing information and services for domestic workers and migrant domestic workers, notably about their rights.

The Malaysian Trades Union Congress (MTUC) was supported to strengthen its capacity to establish crisis services for

foreign domestic workers in Malaysia. The MTUC has plans to set up help desks in four branch offices in locations frequented by migrant domestic workers and will provide a hotline, legal and psychological counselling, and medical assistance.

The Union Network International-Indonesia (UNI-Indonesia) and the Association of Indonesian Trade Unions (ASPEK) were supported to strengthen their capacity to reach out to migrant domestic workers in Indonesia. To date, the project has provided technical advice and support to senior staff of UNI-Indonesia and ASPEK. UNI-Indonesia and ASPEK have established outreach, awareness-raising, staff training and exchange programmes in Kuala Lumpur and Jakarta for migrant workers and migrant domestic workers, staffed by Indonesian trade unionists. The two organizations are also preparing to establish help desks and crisis services in ASPEK's 13 branch offices in Indonesia. These will contact, organize, and assist would-be or returning migrant workers and domestic workers.

The Union Network International-Malaysia (UNI-MLC) received staff capacity-building support. It set up a help desk and established crisis services for abused migrant workers and foreign domestic workers, staffed by Indonesian trade union representatives from UNI-Jakarta and the Association of Indonesian Trade Unions (ASPEK). UNI-MLC launched its first help desk in Kuala Lumpur. UNI-MLC cooperated with the Ministry of Manpower and other government departments, police and medical staff, in cases of mediation and criminal investigation and criminal and civil law cases. UNI-MLC is planning to duplicate the help desk concept in its assistance to other migrant workers from Bangladesh, India, Myanmar, Nepal, the Philippines and Viet Nam.

The Asian Migrant Centre (AMC) together with the Indonesian Migrant Workers Union (IMWU) and the Coalition of Indonesian Migrant Workers Organizations (KOTKIHO) were supported in Hong Kong to build their capacity to provide crisis services to abused domestic

workers. The migrant domestic worker trade unions' assistance entails operation of help desks in locations frequently visited by migrant domestic workers, a hotline, legal and psychological counselling, medical assistance, and shelters. The migrant domestic workers' trade unions cooperated with departments of the Ministry of Labour, as well as with NGOs providing similar services.

## Organizing

Further ILO support has gone to trade union efforts to reach out and organize migrant domestic workers in sending and destination countries.

The Malaysian Trades Union Congress (MTUC) received ILO support in strengthening its capacity to reach out to migrant workers and foreign domestic workers in Malaysia. This was done by building the capacities of MTUC HQ staff in Kuala Lumpur and branch personnel in Klang Valley, Penang, Johor Bahru and Ipoh, to reach out and organize foreign domestic workers and conduct advocacy, campaigns and public awareness-raising on migrants' human rights issues. An additional goal is to facilitate the establishment of a foreign domestic workers' trade union that will be affiliated to the MTUC.

With ILO backing, the Union Network International (UNI)-Malaysia strengthened its capacity to reach out to migrant domestic workers in Malaysia. This was done by building the capacities of UNI-Malaysia staff to organize foreign domestic workers and to conduct advocacy, campaigns and public awareness-raising on migrants' human rights issues. As a follow-up, approximately 40 participants from union migrant organizations at the community level and NGOs that are directly involved with migrant workers' programmes participated in a two-day session on the rights-based approach to protecting migrant workers.

The ILO supported the migrant domestic workers' trade unions, IMWU, KOTKIHO and the Filipino Domestic Helpers



General Union-Hong Kong (FDHGU) in reaching out to and assisting migrant domestic workers and also in strengthening organizational capacity by developing skills, knowledge and capabilities.

UNI-Indonesia and the Association of Indonesian Trade Unions (ASPEK) also received ILO support to strengthen their capacity to reach out to migrant domestic workers in Indonesia. To date, the project has provided technical advice and support to senior UNI and ASPEK staff, enabling them to build the organizational capacity to assist migrant workers. During the course of this cooperation, UNI and ASPEK have established outreach, awareness-raising, staff training and exchange programmes.

### **Decent Work drives**

The ILO has further supported trade unions' efforts to secure "decent work" rights for domestic workers, as well as effective legislative and other protection.

Since 2005, the ILO has supported a joint project of the Asian Migrant Centre (AMC) and the two unions of Filipino and Indonesian domestic workers in Hong Kong, the Indonesian Migrant Workers' Union (IMWU) and the Filipino Domestic Helpers General Union-Hong Kong (FDHGU). Public advocacy rallies and dialogue with Hong Kong government representatives on domestic workers' rights issues were held. The project partners also engaged with representatives of the Indonesian and Filipino embassies concerning their practices when assisting domestic workers. Also supported was a tour by the migrants' Goodwill Ambassadors in both Indonesia and destination countries.

In August and September 2004, a series of workshops was held in Indonesia to build the advocacy skills of trade unions and NGO representatives on international standards and mechanisms relating to the Migrant Workers' Act that was passed in

September 2004. The ILO supported a review of the legislation by human rights lawyers, on the basis of which Indonesian trade unions and NGOs made a complaint to the Lower House of Parliament. The ILO supported advocacy relating to the review of the contested provisions, as well as the contents of the 27 administrative regulations being drafted for implementation of the Act.

### **ILO complaints**

The ILO has facilitated moves by trade unions, domestic workers' associations, migrant workers' associations, and NGOs to cooperate in submitting documentation and comments on labour rights violations against migrant domestic workers under the ILO complaints mechanisms.

Indonesian trade unions, NGOs and domestic workers' associations, supported by the ILO, have submitted a representation to the ILO Committee of Experts regarding the deficiencies of the current Indonesian legislation. The Committee is reviewing the application as it relates to the ILO Convention No. 29 (Forced Labour, 1930) ratified by Indonesia.

Increasingly, trade unions and domestic workers' associations are realizing that cooperation can benefit both parties. Domestic workers constitute a large pool of as yet untapped resources. Because of their working environment and discriminatory attitudes against them, they need union membership and union solidarity even more than most other workers. The ILO's mandate and its strategic Decent Work programmes for workers vulnerable to exploitation enable it to facilitate cooperation between domestic workers' associations and trade unions. However, in spite of the achievements and the evolving priorities of trade unions, there is no denying that we are only at the beginning of the road in unionizing domestic workers and fighting effectively for their rights.





