

CLAIMING RIGHTS

Domestic Workers' Movements and Global Advances for Labor Reform

On September 5, 2013, the ILO Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention or C189) entered into force. This groundbreaking new treaty and its accompanying Recommendation (No. 201) establish the first global standards for the working conditions of more than 50 million domestic workers worldwide—the majority of whom are women and girls, and many of whom are migrants—who clean, cook, and care for children and elderly in private households.

Despite the importance of domestic work to individual households and to national economies, domestic workers have been routinely excluded from standard labor protections and are often subject to exploitative work conditions and abuse. Under the new convention, domestic workers are entitled to the same basic rights as those available to other workers, such as the right to organize, weekly days off, overtime pay, minimum wage coverage, social security, and clear information on the terms and conditions of employment. Governments that ratify the convention must protect domestic workers from violence, regulate private employment agencies that recruit or employ domestic workers, and prevent child labor in domestic work.

A co-production of the International Domestic Workers' Network (IDWN), the International Trade Union Confederation (ITUC), and Human Rights Watch (HRW), *Claiming Rights* tracks key advances between 2011 and 2013 for the protection of domestic workers around the world. The report highlights countries that have ratified the Domestic Workers Convention, examples of national labor law reform, and the growing strength and reach of the domestic workers' rights movement.



Domestic workers in downtown Lima, Peru demonstrate to demand labor protections, June 15, 2012. The placards (L-R) read, "We all have the same dignity and rights" and "We demand the ratification of the 189 ILO Convention."

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The **International Domestic Workers' Network** (IDWN) is made up of domestic workers' organizations and other trade unions around the world. The IDWN steering committee comprises representatives from domestic workers' organizations and is provided with an organizational base by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). IDWN is supported by Women in Informal Employment Globalizing and Organizing (WIEGO).



The **International Trade Union Confederation** (ITUC) is the global voice of the world's working people. The ITUC's primary mission is the promotion and defense of workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions.



Human Rights Watch (HRW) is dedicated to protecting the human rights of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. We investigate and expose human rights violations and hold abusers accountable. We challenge governments and those who hold power to end abusive practices and respect international human rights law. We enlist the public and the international community to support the cause of human rights for all.

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A joint report by

**The International Domestic Workers' Network
 The International Trade Union Confederation
 Human Rights Watch**

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INTRODUCTION

The [convention and recommendation] before us are robust, practical, and human, and they hold tremendous potential for bringing domestic workers out of the shadows. They give faces to these workers who have been invisible for so long.

TONI MOORE, WORKER DELEGATE FROM BARBADOS, AT THE ADOPTION OF THE DOMESTIC WORKERS CONVENTION AT THE INTERNATIONAL LABOR CONFERENCE, JUNE 2011

On September 5, 2013, the ILO Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention or C189) entered into legal force. This groundbreaking new treaty and its accompanying Recommendation (No. 201) establish the first global standards for the more than 50 million domestic workers worldwide—the majority of whom are women and girls, and many of whom are migrants—who clean, cook, and care for children and elderly in private households.

The Domestic Workers Convention provides desperately needed and long overdue protections for domestic workers and represents a significant breakthrough in human rights, including labor rights, women's rights, and children's rights. Despite the critical role that domestic workers play in providing key care services to households—including cooking, cleaning, child care, and elder care—they have been routinely excluded from standard labor protections. According to the ILO, almost 30 percent of the world's domestic workers are employed in countries where they are completely excluded from national labor laws.¹

Under the new convention, domestic workers are entitled to the same basic rights as those available to other workers, including weekly days off, limits to hours of work, minimum wage coverage, overtime compensation, social security, and clear information on the terms and conditions of employment. The new standards oblige governments that ratify the convention to protect domestic workers from violence and abuse, to regulate private employment agencies that recruit and employ domestic workers, and to prevent child labor in domestic work.

The ratification and implementation of the Domestic Workers Convention and the application of its accompanying Recommendation will promote dignity and decent work for tens of millions of domestic workers



around the globe.² As of September 2013, ten countries had officially ratified C189 and completed ratification formalities with the ILO, while four more countries are completing these processes. Dozens more are considering ratification or amending their national laws to increase protections for domestic workers.

The growing global domestic workers movement—comprised of domestic worker organizations, trade unions, and civil society groups including migrants' rights and children's rights groups, human rights advocates, and others—was a driving force behind the tripartite negotiation (involving representatives of workers, employ-

ers, and governments) and the adoption of the Domestic Workers Convention. Trade unions and civil society engaged with governments and employers' groups resistant to the Convention with solid arguments and information that overcame objections to strong, binding standards and ensured that the Convention addressed



Domestic workers rejoice after the result of the vote on the Domestic Workers Convention. International Labour Conference, 100th Session, Geneva, June 16, 2011.
© 2011 International Labour Organization



The Federation of Asian Domestic Workers' Unions (FADWU) joined a rally in Hong Kong to call for more effective labor protections for both migrant and local workers, May 1, 2013. According to a 2013 ILO study, 21.5 million domestic workers—or 41 percent of the estimated global total—are employed in Asia.

© 2013 IDWN / Yeeting Ma

key threats to domestic workers' rights and safety. Governments committed to domestic workers' rights and those with existing legislative frameworks that protect those rights played an invaluable role in ensuring strong global standards through the Domestic Workers Convention.

Diverse domestic workers' rights movements, operating at the grassroots, national, and regional levels, have been campaigning to raise awareness of domestic workers' rights, strengthen labor organizing efforts, lobby for reforms at the local and national level, and expand services and avenues for redress. Trade unions helped place C189 and domestic workers' rights high on the tripartite agenda and in several countries negotiated collective bargaining agreements, winning tangible protections for domestic workers.

This joint report charts government advances in labor law reform and the growing influence of emerging domestic workers' rights movements. It explores innovative strategies used by activists around the world to achieve progress, and identifies challenges moving ahead. The report reviews national legal reforms that took place between 2011 and 2013.

The report is co-produced by the International Domestic Workers' Network (IDWN), the International Trade Union Confederation (ITUC) and Human Rights Watch (HRW). Domestic workers and representatives of civil society groups from 20 countries in Asia, Africa, Latin America, Europe, and the Middle East contributed to this report through questionnaires and interviews.

PROGRESS FOR DOMESTIC WORKERS

Since the Domestic Workers Convention (C189) was adopted in 2011, countries around the world have taken action to ratify the convention and to strengthen national laws and regulations to protect domestic workers. This map highlights this progress.

- Countries that have ratified the Domestic Workers Convention**
» BOLIVIA, GERMANY, GUYANA, ITALY, MAURITIUS, NICARAGUA, PARAGUAY, PHILIPPINES, SOUTH AFRICA, URUGUAY
- Countries that have pledged their intent to ratify**
» BELGIUM, BENIN, COLOMBIA, ECUADOR, INDONESIA, IRELAND, JAMAICA, KENYA, TANZANIA
- Countries that have new laws, collective bargaining agreements, or pending legal reforms that strengthen protections for domestic workers**

UNITED STATES

In September 2013, the United States extended minimum wage and overtime protections to an estimated 2 million home care workers. The states of Hawaii and California also adopted new protections for domestic workers, including overtime pay.

ARGENTINA adopted a new law in March 2013 setting a maximum 48-hour work week, a weekly rest break, annual leave, sick leave, maternity leave, a minimum age of 16, and additional protections for live-in domestic workers.

CHILE

In 2013, the Labor and Social Welfare committee approved a draft bill under consideration in the Senate that would set a 45-hour work week and provide an additional two days off per month.

MOROCCO

In May 2013, the government approved a draft bill ensuring a contract, weekly day off, paid annual leave, and a minimum wage for domestic workers. It is pending in Parliament.

VENEZUELA

A 2012 labor law extends its provisions to domestic workers, including a 40-hour work week, 2 weekly rest days, paid holidays, and a minimum wage.

BRAZIL adopted a constitutional amendment in March 2013 that entitles domestic workers to overtime pay, unemployment insurance, pension, and a maximum 8-hour work day and 44-hour work week.

URUGUAY

A 2013 collective bargaining agreement raised the minimum wage for the country's estimated 120,000 domestic workers.

SPAIN

A Royal Decree issued in November 2011 sets out requirements for a minimum wage, weekly and annual leave, maternity leave, and compensation for stand-by time when employees are not working but required to be on call. In August 2011, Spain also extended social security protections to domestic workers.

ITALY

A collective bargaining agreement signed in April 2013 raised the minimum wage, provides paid leave for migrant domestic workers to pursue training, and sets out live-in domestic workers' right to leave the house during breaks.

INDIA

In May 2012, the government extended the Rashtriya Swasthya Bima Yojana (RSBY) health insurance scheme to domestic workers. A 2013 law prohibiting sexual harassment in the workplace also includes domestic workers and sets out complaint mechanisms and employers' obligations to provide a safe working environment.

THAILAND

An October 2012 ministerial regulation entitles domestic workers to at least one day off each week, paid sick leave, and paid overtime for work on holidays.

UNITED ARAB EMIRATES

The Federal National Council approved a draft law providing domestic workers with a weekly day off, paid holidays, annual leave, and sick leave.

KENYA

In December 2012, a landmark court ruling placed domestic workers under the protection of the labor law, providing them a minimum wage and social security benefits.

TANZANIA

In July 2013, the government increased the minimum wage for domestic workers by 55 percent.

NAMIBIA

The first Wages Commission for Domestic Workers was established in May 2012 to recommend a new minimum wage for domestic workers.

ZAMBIA

In July 2012, the government increased the minimum wage for domestic workers by 68 percent.

SINGAPORE

The government set a two-month cap on recruitment fees that can be deducted from a domestic worker's salary. Beginning in 2013, foreign domestic workers are entitled to a weekly day of rest.

PHILIPPINES

In January 2013, a new law requires contracts, an improved minimum wage, social security, and public health insurance for domestic workers. It also prohibits recruitment fees and makes private employment agencies liable, along with employers, for provision of wages and benefits.

I. BACKGROUND

My employers slapped me on my face, kicked me and pulled my hair, and threw shoes at me. Sometimes they hit me with [a] stick. They said I was too slow. I worked all the time. I had no rest day. Sometimes they would give me dinner but I would not get lunch. I went to bed without food sometimes. My neighbors saw this and they used to give me bread. One day, I jumped from the fence and ran away.

—CHEY SREY LINA, CAMBODIAN DOMESTIC WORKER
RECOUNTING HER EXPERIENCES WORKING IN MALAYSIA
AT AGE 16³

Millions of people, the vast majority of them women and girls, are employed in private homes as domestic workers. The ILO estimated in 2013 that there were at least 53 million domestic workers around the world as of 2010.⁴ This figure does not include children below the legal working age, typically set at 15 or 16 years old. An estimated 11.5 million children under the age of 18 are engaged in domestic labor worldwide.⁵ The ILO said there are reasons to believe that the overall estimate undercounts domestic workers, and that the global number could be close to its earlier estimate of 100 million domestic workers.⁶

Globally, one in every 13 female wage workers is a domestic worker (7.5 percent). The ratio is as high as one in four in Latin America and the Caribbean (26.6 percent) and almost one in three in the Middle East (31.8 percent).⁷ Large numbers of women and girls migrate between countries for domestic work—especially from Asia to the Middle East—generating billions of dollars in remittances they send back to their countries of origin.

Demand for domestic work is increasing in many countries, and, according to the ILO, is especially pronounced in Asia and the Pacific and in Latin America and the Caribbean.⁸ A number of factors contribute to this trend, such as aging populations needing care, jobs that offer workers little flexibility to manage competing household responsibilities, increases in women's formal labor force participation, high levels of individual income inequality within countries, and





At a protest to demand that Lebanese authorities take measures to protect domestic workers, an Eritrean woman, left, carries a banner in Arabic that reads: “On International Women’s Day we support the rights of the foreign domestic workers.” Beirut, Lebanon, March 8, 2009.

© 2009 AP Photo/ Grace Kassab

increasing labor migration related to income differences and economic disparities between countries.⁹

Despite the importance of domestic work to individual households and to national economies, many domestic workers are subject to a shocking array of labor and criminal abuses, and their work is often unprotected and unregulated. Cultural norms that devalue “women’s work” inside the home mean that domestic

workers are often regarded as “helpers” rather than employees entitled to basic labor rights.

Many governments consider domestic work as part of the informal sector—or do not consider it ‘work’ at all—often excluding domestic workers from national labor laws that protect other workers, leaving them without legal rights to a minimum wage, overtime pay, rest days, annual leave, workers’ compensation, or social

security. Exclusion from key labor protections places many domestic workers at the mercy of their employer regarding their health, security, and terms of employment. In countries where domestic workers are included under labor laws, enforcement is the greatest challenge. Labor officials and police may not be trained to identify or handle complaints from domestic workers competently and may treat them dismissively.

Entrenched social norms, the lack of legal protection, and poor enforcement of the protections that do exist contribute to many domestic workers being grossly underpaid and forced to work unrelentingly long hours, seven days a week for months or years on end. They may be expected to be “on call” around the clock, for example, to feed or care for infants during the night. The ILO has said that in Saudi Arabia, domestic work was the sector with the highest average working hours in 2009, at 63.7 hours worked per week.¹⁰ In Nepal, a 2008 government study found that while the average actual hours of work of the general employed population was 39 hours per week, domestic workers worked on average 52 hours per week.¹¹

Unpaid wages—for months and sometimes years—are one of the most common labor abuses faced by domestic workers. Furthermore, domestic workers are often paid a small fraction of what their counterparts earn in the formal sector. Some employers withhold wages as a method to prevent the worker from leaving and finding alternative employment, or make illegal or arbitrary deductions from their workers’ salaries.

Unlike workers in other sectors, a large number of domestic workers live in their employer’s home, where deep isolation and power imbalances between the worker and employer place them at heightened risk of an array of abuses. Some domestic workers are locked in their employer’s house and ordered not to leave, or threatened with substantial fines if they fail to complete their contract. Domestic workers interviewed by Human Rights Watch have reported a barrage of verbal and psychological abuse as well as physical violence from their employers ranging from slaps to severe burnings and beatings using hot irons, shoes, belts, sticks, electrical cords, and other household items.¹² Sexual harassment and violence from recruiters, employers, and employers’ family members is also a risk. In some cases, domestic workers are trapped in situations of forced labor, trafficking, and slavery.¹³



Domestic workers and their allies march to the Cambodian Ministry of Labor on Human Rights Day, December 10, 2012, to urge the government to ratify the Domestic Workers Convention.

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Children are among the most vulnerable of those in domestic work. The ILO estimates that 73 percent of children in domestic work are girls and one-third (3.5 million) are between ages 5 and 11.¹⁴ Alarming, the most recent ILO statistics find that while child labor in other sectors has declined in recent years, the number of children in child domestic labor increased by 9 percent between 2008 and 2012.¹⁵ Some employers deliberately seek children for domestic work, believing that they are easier to control and can be paid less. In Indonesia, for example, child domestic workers interviewed by Human Rights Watch said they earned (US\$0.02-0.05) an hour, which was one-tenth of the normal minimum wage.¹⁶ National laws setting a mini-

imum age for employment are often not enforced for domestic work, allowing employers to exploit children with no consequences.

International migrants are another category of domestic workers who face a heightened risk of abuse, due to exploitative recruitment practices, restrictive immigration policies, language barriers, poor access to redress, and other factors. In many countries, employers routinely confiscate the passports or work permits of migrant domestic workers, leaving the worker vulnerable to arrest or deportation if they try to change employment or escape abuse. In Malaysia, migrant domestic workers must forego months of wages to pay for unregulated fees to unscrupulous recruitment agencies. In Kuwait, Human Rights Watch found that embassies of labor-sending countries received more than 10,000 complaints from domestic workers in 2009 for nonpayment of wages, excessive working hours, and physical, sexual, and psychological abuse.¹⁷



Hundreds of domestic workers organized by the South African Domestic and Allied Workers' Union (SADSAWU) rallied in April 2013 before the Office of the Department of Labour to speed South Africa's ratification of the ILO Domestic Workers Convention. South Africa ratified the convention in June 2013.

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ILO delegates celebrate the final result of the vote on the Domestic Workers Convention. International Labour Conference, 100th Session, Geneva. June 16, 2011.

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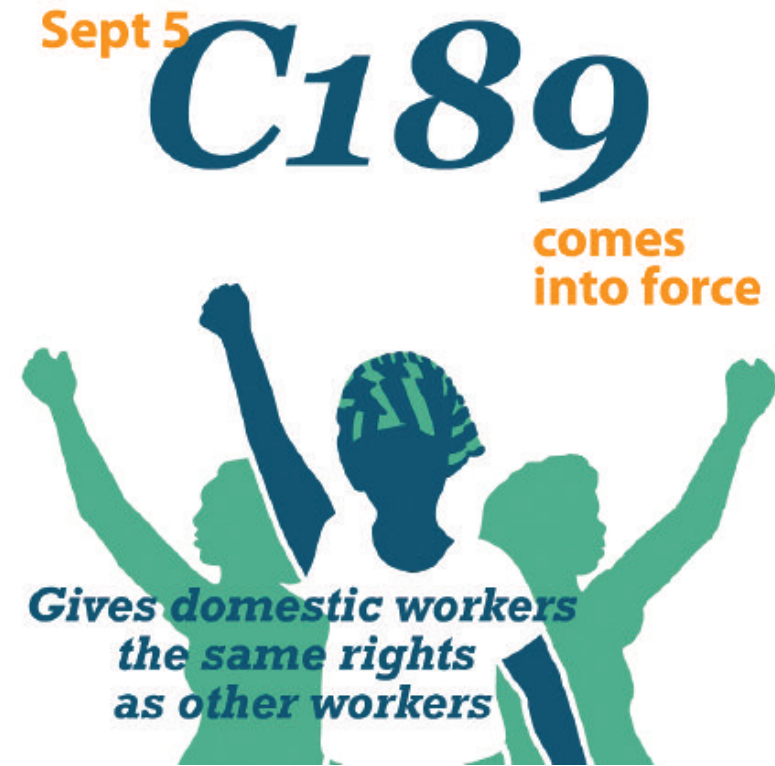
II. RATIFICATIONS OF THE DOMESTIC WORKERS CONVENTION

If someone had told me 45 years ago that we would be here today, I would not have believed it. We do not have to be slaves anymore. But the fight is not over. We need to go back home. We need to campaign. We need to be sure that what we vote for is implemented. We must not rest until our governments ratify the Convention.

—MYRTLE WITBOOI, ILO DOMESTIC WORKERS COMMITTEE WORKING GROUP, GENEVA, JUNE 10, 2011

Uruguay and the **Philippines** were the first two countries to ratify the Domestic Workers Convention (C189). As of mid-September 2013, ten countries had officially ratified it, remarkable progress compared to other ILO conventions given the complexity of linked legal and ratification processes that often take many years.¹⁸ Several other countries are in various stages of conducting consultations, adopting requisite national legislation, and completing ratification formalities with the ILO.

Latin America and the Caribbean is the global leader in terms of ratifications. Five countries from the region have ratified C189 (**Uruguay, Nicaragua, Bolivia, Paraguay, and Guyana**), and others including **Colombia, the Dominican Republic, and Ecuador** are close to finalizing their ratifications. This progress reflects a rich history of activism on domestic workers' rights and in many places, strong collaboration between trade unions and domestic workers. Trade unions in Latin America were the first to launch a regional ratification campaign after the ILO's initial adoption of C189 in 2011.¹⁹ Significant progress to advance national ratification processes has also occurred in **Argentina, Brazil, Chile, and Costa Rica**.



A banner distributed by the International Domestic Workers Network (IDWN) to celebrate the Domestic Workers Convention coming into legal force on September 5th, 2013.

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Africa has two ratifications—**South Africa** and **Mauritius**. Other countries have initiated national ratification processes. For example, **Tanzania** has a tripartite agreement among trade unions, employers' representatives, and the government to ratify C189 by June 2014. Other African countries making public commitments or showing momentum to ratify the Convention after 2014 include **Senegal, Ghana, Kenya, Zimbabwe, and Guinea**.

In **Europe and Central Asia**, **Italy** and **Germany** have ratified C189 so far. In July 2013, the Council of the European Union adopted a draft decision authorizing EU member states to ratify C189 "in the interests of the [European] Union."²⁰ This decision, which awaits approval from the European Parliament before it is formally adopted, helps pre-empt arguments by member states on potential conflicts between EU directives and ratification of C189. **Belgium** and **Ireland** have publicly declared their intentions to ratify C189.

The **Philippines** is the only country from **Asia and the Pacific** to ratify the Domestic Workers Convention. According to a 2013 ILO study, 21.5 million domestic workers—or 41 percent of the estimated global total—are employed in Asia.²¹ Numerous countries in the region have low ratification rates of ILO conventions generally and activists promoting C189 have struggled to place it high on the national agenda in their countries. The region's domestic workers, trade unions, and migrants' rights groups have focused on building awareness and political will to lay the groundwork for future ratifications. The most active dialogue is taking place in **Indonesia, India, Nepal, Australia, and New Zealand**.

There have been no ratifications from countries in **North America**. Despite being a vocal advocate for the Conven-

tion, the **United States** has an extremely low ratification rate of ILO conventions and is unlikely to ratify the treaty in the next few years. Local domestic workers' organizations and trade unions are concentrating on pushing for state-level legal reforms.

There have also been no ratifications from the **Middle East and North Africa**. The domestic workers' rights movement remains relatively small, young, and isolated in many countries in the region. In the **Gulf**, where most domestic workers are international migrants, tight restrictions on freedom of movement, prohibitions on labor organizing, and complete exclusion of domestic workers from national labor codes have meant that there has been little opening or capacity for ratification campaigns.

During the Universal Periodic Review (UPR) of states by the United Nations Human Rights Council, 13 countries have accepted recommendations from other states to consider ratification of the Domestic Workers Convention.²² In contrast, the **United Kingdom**, which abstained from the vote adopting the convention, rejected the recommendation to consider ratifying the Convention during its UPR.



A poster distributed by the California Domestic Workers Coalition after Governor Jerry Brown signed the Domestic Workers Bill of Rights into law. The bill provides overtime pay for domestic workers in the state of California.

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III. IMPROVED NATIONAL LABOR PROTECTIONS

You don't achieve progress from one day to the next, but over a long period of many years.... Before we were vulnerable and invisible; but with the new law, now people are aware of us.

—MIGUELINA COLQUE, DOMESTIC WORKER ACTIVIST FROM BOLIVIA²³

The adoption of the ILO Domestic Workers Convention on June 16, 2011 was a tremendous victory, but the true test of these new standards is how they are integrated into national laws and how effectively they are implemented.

Since 2011, and typically as the culmination of longer-term campaigning over many years, dozens of countries have improved legal protections for domestic workers at the national and subnational levels. The International Labor Organization (ILO) has played a key role in supporting these efforts, including through research, dissemination of information, trainings, and technical guidance to policy makers on designing effective labor protections for domestic workers.²⁴

The examples below represent a sample of the reforms that have taken place worldwide since 2011.



Comprehensive Labor Reforms

- **Argentina** adopted a new domestic work law in March 2013 providing for maximum working hours of 48 hours per week, a weekly rest period, overtime pay, annual vacation days, sick leave, and maternity protections.²⁵ Article 15 of the law provides additional protections for live-in domestic workers, including a three hour break between morning and afternoon work and a clean, furnished room for the domestic worker's exclusive use.²⁶ The law sets 16 as the minimum age for domestic work and additionally prohibits workers between 16 and 18 years from live-in arrangements or working more than 36 hours per week.²⁷
- **Brazil** adopted a constitutional amendment in March 2013 that entitles its estimated 6.5 million domestic workers in the country to overtime pay, unemployment insurance, pension, a maximum 8-hour work day, and 44-hour work week.²⁸ In July 2013, the first collective bar-

On May 6, 2013, the Union of Household Workers of Chile (SINTRACAP) organized a meeting with Michelle Bachelet, the former president of Chile and former executive director of UN Women. Engaging top political leaders has been a key strategy to foster support for a marginalized issue.

© 2013 Sindicato Interempresas de Trabajadoras de Casa Particular (SINTRACAP)

gaining agreement in Brazil covering domestic work improved the wages of domestic workers in 26 municipalities in São Paulo state.²⁹

- In December 2012, a court in **Kenya** ruled that verbal contracts between domestic workers and their employers confer rights and are enforceable. The landmark ruling placed domestic workers under the protection of the employment law, extending to them the national minimum wage and social security benefits.³⁰ The National Social Security Fund (NSSF) posted advertisements and engaged with media to raise public awareness about employers' obligation to register domestic workers and contribute to social security funds.³¹



95 domestic worker representatives from groups in 17 countries launched the Africa Domestic Workers Network (AFDWN) in Cape Town, South Africa on June 16, 2013.

© 2013 IDWN/ Erna Curry

- The **Philippines** enacted the Domestic Workers Act in January 2013, requiring contracts and extending an improved minimum wage, social security, and public health insurance to an estimated 1.9 million domestic workers in the country. This legislation sets out mechanisms for a swift response to abuses by employers

and access to redress for domestic workers.³² The new law also prohibits employment agencies and employers from charging recruitment fees and makes private employment agencies liable, along with employers, for payment of wages and provision of benefits.³³

- In **Spain**, a legally binding Royal Decree issued in November 2011 improved existing legal protections for domestic workers. The decree sets out requirements for a minimum wage, weekly and annual leave, maternity leave, and com-

penensation for stand-by time when employees are not working but required to be on call.³⁴ It also extends the restrictions in the Labor Code to domestic workers under 18 regarding hours of work, night work, and overtime. In August 2011, Spain incorporated social security for domestic workers into its General Social Security Scheme. The government reduced the administrative charges payable by employers to facilitate greater compliance with the requirements.³⁵

- In **Venezuela**, a 2012 reform of the labor law extended its provisions to domestic workers, including a 40-hour work week, two weekly rest days, paid holidays, and a minimum wage.³⁶ As a result of the reform, Article 208 of the law states that a special law governing labor relations between domestic workers and their employers will be established after broad consultation.³⁷

Incremental Reforms

Other countries have adopted measures to increase the minimum wage for domestic workers or to address gaps in social protection.

- **Zambia** increased the minimum wage for its domestic workers by 68 percent in July 2012³⁸ and **Tanzania** raised the pay of domestic workers by 55 percent in July 2013.³⁹
- In **Italy** a renewed collective bargaining agreement between unions and employers' groups, signed in April 2013, provided an increased minimum wage for domestic workers applied progressively over three years and addressed gaps in the previous agreement. Improvements included paid leave for migrant domestic workers to pursue training opportunities and the right for live-in domestic workers to leave the house during their breaks.⁴⁰ Domestic workers remain excluded from protections against dismissal for the first year after returning from maternity leave. However, the collective bargaining agreement resulted in a doubling of the notice an employer must provide after maternity leave. Italy's collective bargaining agreements are negotiated between the three main national trade union confederations (Filcams-CGIL, Fisascat-CISL, Uilucsu-UIL) and two associations representing employers—Fidaldo and Domina, linked to associations of people with disabilities.⁴¹
- In **India**, the government extended the Rashtriya Swasthya Bima Yojana (RSBY) health insurance scheme to domestic workers in May 2012, including hospitalization expenses.⁴²

India also included domestic workers in a new law prohibiting sexual harassment in the workplace in 2013. The law sets out complaints mechanisms as well as the obligations of employers to provide a safe working environment.⁴³

- In September 2013, the **United States** extended minimum wage and overtime protection to the country's estimated 2 million home care workers who provide services inside the home to the elderly and people with disabilities. Almost all of these workers are employed by home care agencies rather than directly by the households to whom they provide services.⁴⁴ Workers employed directly by the household receiving services and engaged primarily in providing companionship are still excluded from these protections.⁴⁵

In some countries, reforms have improved specific aspects of legal protection for domestic workers, but have failed to address broader exclusions of domestic workers from key protections of their national labor laws.

- In **Thailand**, an October 2012 ministerial regulation entitles domestic workers to at least one day off each week, public holidays, paid sick leave, and paid overtime for work on holidays.⁴⁶ It also makes domestic work subject to the country's minimum age of 15 for employment. The regulation includes specific protections for domestic workers between ages 15 and 18, such as rest periods and prohibition of night work. However, domestic workers remain excluded from key protections afforded other workers, such as limits to working hours, overtime pay other than for work during holidays, a minimum wage, maternity leave, and social security.⁴⁷
- In 2011, **Singapore** set a two-month cap on recruitment fees that can be deducted from a domestic worker's salary and in 2012, guaranteed domestic workers a weekly day of rest.⁴⁸ However the government did not ban salary deductions for recruitment fees completely as outlined in the Domestic Workers

Convention or address other terms of employment, such as hours of work, overtime pay, and maternity leave that fall short of protections enjoyed by other workers under Singapore's Employment Act.

- In **Bahrain**, a July 2012 overhaul of the labor law expanded a few protections to domestic workers, such as annual vacations, and codified others, including access to labor dispute mediations. The reform failed to address exclusions from basic protections such as limits to hours of work, weekly rest days, a minimum wage, and ability to leave their employers.⁴⁹

Pending Reforms

- In May 2013, the President of **Chile** presented to Congress a bill that would limit the working hours of domestic workers to 45 hours per week and grant them an additional two days off per month.⁵⁰ This bill has been approved by the Committee on Labor and Social Welfare in the Senate⁵¹
- In the **United Arab Emirates**, the Federal National Council in June 2012 approved a draft law providing domestic workers with a weekly day off, paid holidays, annual leave, and sick leave.⁵² The bill now requires presidential approval before it comes into force.
- In 2013, members of the Gulf Cooperation Council (GCC)—**Bahrain, Kuwait, Oman, Qatar, Saudi Arabia**, and the **United Arab Emirates**—were developing a region-wide contract for domestic workers. The draft contract contains improvements to existing protections in some of the countries. However, a contract is not an adequate substitution for including domestic workers in national labor laws with clear enforcement mechanisms. Furthermore, the draft falls short of standards in the Domestic Worker Convention, including those on freedom of association, protection against violence, and employment conditions equivalent to those of other workers.⁵³



Representatives of domestic workers' groups called for ratification of C189 by performing a rap to government officials from Asia on May 31, 2013 during the event entitled "Protecting Migrant Domestic Workers: Enhancing their Development Potential." Advocates have used music, dance, and art to challenge and change attitudes towards domestic work. © 2013 UN Women

and strengthened regional and global coalitions. As a result, new groups, networks, and alliances are being established and the membership of domestic worker organizations and trade unions is growing.

Organizing Domestic Workers

Domestic workers' membership in grassroots organizations and trade unions has grown dramatically in many countries. These groups, independently or in collaboration with other advocacy groups and trade unions, are employing creative strategies to increase membership among a population that is spread out and isolated in private homes. These organizations and unions have united around campaigning for national legal reforms and ratification of C189, providing services to domestic workers facing abuse, and raising public awareness on domestic workers' rights.

At the same time, domestic workers continue to face a wide range of obstacles to organizing effectively. The same factors that make domestic workers prone to marginalization and abuse can often hinder their organizing. These include gaps in legal protections, domestic workers' relative invisibility in the public eye, limited time and mobility, and poor information on their rights.

In some countries, domestic workers may be legally barred from forming their own unions or joining other unions, especially in the case of migrant domestic

IV. THE GROWING DOMESTIC WORKERS' MOVEMENT

It is not easy. We are not trained as professionals; many of us have worked in private homes for 15 to 20 years, since we were children, and so we have had few educational opportunities; we do not necessarily have the basic organizing skills. However, we are convinced that we have to win back our rights and it is through our activities that we grow and learn how to organize and defend the rights of our members and friends.

—MARCELINA BAUTISTA, SECRETARY GENERAL, THE LATIN AMERICAN AND CARIBBEAN CONFEDERATION OF DOMESTIC WORKERS, NOVEMBER 2006⁵⁴

The domestic worker movement is in a period of unprecedented growth, cooperation, and influence. The campaign for the ILO Domestic Workers Convention fueled momentum of long-standing national movements

workers. For example, **Bangladesh, Thailand,** and the **United States** deny domestic workers the right to form their own trade unions.⁵⁵ In **Malaysia** and **Singapore**, migrant domestic workers can join local unions as members, but cannot establish their own organizations.⁵⁶ Other countries, such as **Saudi Arabia** and the **United Arab Emirates**, ban trade union activity for all sectors of labor, including domestic workers. The right to freedom of association is a key human right and one of the ILO's fundamental principles; it is also outlined in the Domestic Workers Convention.⁵⁷

Other obstacles to organizing that domestic workers face include their isolation in private homes, lack of time off, low levels of education, and insecure immigration status. An activist from national trade union Hind Mazdoor Sabha (HMS) said, “domestic workers in India are often so poor that it limits their access to labor unions [because they cannot afford the dues], training programs, and information on their rights.”⁵⁸ Despite these obstacles, efforts to organize domestic workers are growing. In **India**, the National Domestic Workers' Movement (NDWM) has successfully transitioned domestic workers' associations in 11 states into trade unions, and united these groups together into one federation. The National Platform for Domestic Workers—led by the Self Employed Women's Association (SEWA)—coordinated a rally in July 2013 outside Parliament with more than 3,000 domestic workers and submitted a petition with more than 100,000 signatures from domestic workers to the prime minister, labor minister, and parliament.⁵⁹

Domestic workers groups use creative methods to reach out to other domestic workers, approaching them in parks on their days off, going out early in the morning when domestic workers buy bread, visiting night schools where domestic workers might be attending class, and using informal networks and word of mouth. To empower their members and build their own capacity, many domestic worker groups organize training and awareness-raising sessions. Nongovernmental organizations (NGOs) often play a supportive role, providing shelter, legal assistance, and other services, as well as conducting advocacy and supporting domestic workers' efforts to organize themselves.

Trade unions have increasingly encouraged drives to

increase membership by domestic workers. In **South Africa**, there has been an annual increase of approximately 700 domestic worker members to the South African Domestic Service and Allied Workers Union (SADSAWU) since 2010. SADSAWU changed its organizing strategy in 2012 to further increase membership among domestic workers by establishing recruitment desks at universities and shopping malls. In collaboration, the Congress of South African Trade Unions (COSATU) also organized a membership drive of domestic workers.

Collaborations between trade unions and domestic workers groups have been particularly strong in Latin America. In the **Dominican Republic**, Confederación Nacional de Unidad Sindical, a national trade union center, helped 2,000 domestic workers to access social security protection and to establish a union. National Centers in Latin America supported the foundation of unions for domestic workers in **Paraguay, the Dominican Republic, Guatemala, Brazil, Costa Rica,** and **Colombia**.

Outreach to children in domestic work is difficult as they are often profoundly isolated and exercise less autonomy in their employer's household than adults. Girls—often from poor rural areas—may be far from their family and social networks, or restricted from leaving their employer's home or using the telephone.

Migrant domestic workers are another group who find it particularly hard to organize, because of restrictive immigration rules and language barriers, among other factors. Recruiting organizers fluent in domestic workers' native languages, organizing events around cultural and religious holidays, publishing rights materials in relevant languages, and setting up help desks in airports and shopping malls have been key strategies to mobilize migrant domestic workers. Justice 4 Domestic Workers (J4DW) in the **United Kingdom** is an organization of migrant domestic workers originating mostly from Asia and Africa. Members of J4DW pool their financial resources to provide emergency accommodation, food, and clothing for other domestic workers in need.⁶⁰ It was founded by eight domestic workers in March 2009 and expanded its membership to approximately 600 active members.



A flyer from the June 2013 “12 by 12” ILO Domestic Workers Convention ratification campaign newsletter. On December 12, 2012, “12 by 12” campaigners in more than 50 countries coordinated their public events, providing regional and global resonance to local domestic worker campaigns.

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Building Alliances

I never even imagined that domestic workers could form associations and have programs for fellow domestic workers. Before that, I didn't have the faintest idea that I, too, have rights.

—LILIBETH MASAMLOC, FORMER CHILD DOMESTIC WORKER AND ORGANIZER FROM THE PHILIPPINES, JUNE 2011

Some of the most successful legislative and enforcement reforms have been achieved when diverse domestic workers' organizations, trade unions, advocacy groups, and other allies work in coalitions.

For example, in **Italy**, an alliance between the national organizations UIL, CISL, and CGIL, and unions TuCS, FIL-CAMS, and FISASCAT led to important victories for domestic workers. Their tactics included a strategic and coordinated lobbying campaign targeting government officials. Their results included the successful ratification of C189 as well as a new collective bargaining agreement for domestic workers.

The principal domestic workers' organizations in **Peru** joined forces to launch a string of actions pressuring the country's president to ratify C189.⁶¹ In March 2013, a group of domestic workers held a march on the streets of Lima, followed by a public rally. As a result, the government invited five representatives to speak at a congressional session on behalf of domestic workers in Peru.

In the **Philippines**, a multi-sectoral coalition known as the Technical Working Group on the Promotion of Decent Work for Domestic Workers (TWG) resulted in several concrete gains for domestic workers. Comprised of ILO representatives, local domestic worker groups, trade unions, and regional Asian NGOs—the TWG advocated for the initial adoption of the Domestic Workers Convention, the Philippines' subsequent ratification of C189, and the enactment of a national domestic workers bill—the Kasambahay Bill.⁶² The TWG engaged regularly with government representatives in the Department of Labor and Employment. Its members held educational workshops, national-level summits, and tripartite consultations with workers and employers.

Strategies to Build Public Awareness and Support

Domestic workers do the work that makes other work possible.

—SLOGAN FROM FLYER TO PROMOTE A STATEWIDE DOMESTIC WORKERS LAW, CALIFORNIA DOMESTIC WORKERS COALITION⁶⁵

Changing social attitudes towards domestic work by highlighting the ways in which it remains devalued has been another key strategy for realizing domestic workers' rights. Advocates in the **Philippines**, for example, promoted the term *kasambahay* (companion in the home) to replace more commonly used terms that are derogatory, such as *muchacha* (girl), *katulong* (help), or *inday* (provincial, implying the worker is illiterate).⁶⁶ Groups in the Middle East and Asia have engaged children of employers through essay competitions and art exhibits to explore their attitudes towards domestic workers.

Advocates of domestic workers' rights often schedule rallies, protests, press conferences, film screenings, trainings, and other events to raise public awareness around national holidays when they can garner the most media attention. For example, domestic workers and their allies in **Lebanon** have begun organizing an annual parade for Workers' Day including a celebration of the food and culture of migrant domestic workers. On December 12, 2012, '12 by 12' campaigners in more than 50 countries coordinated their public events.

In other instances, domestic workers' groups and unions have used public events and media coverage to gain access to policy makers. In March 2012, 22 leaders of the South African Domestic Service and Allied Workers Union (SADSAWU) camped outside parliament overnight to press for **South Africa's** ratification of C189, held a candlelight vigil, and publicly presented a letter of demands to the President's office. This single event attracted significant media coverage and led to a pivotal meeting with the labor minister, helping to

Global and regional domestic workers' movements

The International Domestic Workers' Network (IDWN) is a global network of domestic workers' organizations and trade unions with 42 affiliate organizations from 35 countries, representing 210,000 members. Formally launched in 2009, IDWN assists domestic workers around the world to organize and campaign for decent work and increased labor protections. IDWN—along with the International Union of Food Workers (IUF) and the International Trade Union Confederation (ITUC)—was a key player in putting the Domestic Workers Convention on the ILO's agenda. The IDWN held its founding congress in October 2013 in Montevideo, Uruguay.

The ITUC unites 315 national trade union centers and represents 175 million workers in 156 countries. ITUC spearheaded the '12 by 12' campaign in partnership with other unions and civil society groups to strive for 12 ratifications of C189 by the end of 2012.⁶³ The ITUC's secretary-general Sharan Burrow has also pri-

oritized domestic workers' rights as a key issue for organized labor around the world. The current campaign is continuing through the end of 2014 and although the campaign's goal will be met after 2012, advocacy for the campaign has fueled momentum on labor law reform and has catalyzed new alliances among domestic workers and trade unions in more than 90 countries.

Regional networks have also formed since C189 was adopted. In June 2013 the Africa Domestic Workers' Network (AfdWN) was launched in South Africa, two years after the adoption of the Domestic Workers Convention. Domestic worker activists from organizations in 17 countries participated in the launch.⁶⁴ Domestic workers' groups from the Caribbean also launched their own regional network in November 2011.



On December 12, 2012, members of the Technical Working Group (TWG), together with musician Noel Cabangon wear aprons from the global "12 by 12" ILO Domestic Worker Convention ratification campaign. The TWG, a coalition advocating for domestic workers' rights, played an important role in the Philippines adopting national domestic work legislation and ratifying the Domestic Workers Convention.

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On December 12, 2012, public buses in Costa Rica carried billboards highlighting the global "12 by 12" campaign for ratification of the Domestic Workers Convention. Unions launched a national campaign to pressure Costa Rica's government to ratify C189.

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A poster by the National Domestic Workers Alliance calling activists to join hundreds of domestic workers across the United States in a social media rally to support dignity for domestic workers (#DWdignity) and labor protections for home care workers.
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V. THE WAY FORWARD

It is a great achievement that protection for domestic workers is finally a reality. We have been working on this for a very long time.... The Domestic Workers Convention is progress, but it doesn't end here. We [need to] move forward and strengthen our efforts ... to promote more protection and rights for domestic workers.

—HELLEN RIVAS MARTINEZ, SECRETARIA DE GÉNERO, CONFEDERACIÓN DE TRABAJADORAS RERUM NOVARUM (CTRN), COSTA RICA, SEPTEMBER 30, 2013

The development of the ILO Domestic Workers Convention not only established robust global standards to address gaps in existing laws and practices, it has helped catalyze the growing reach of the international domes-

tic workers' movement and fostered strengthened collaborations between domestic workers' organizations and trade unions. The new standards have influenced both the timing and content of national level reforms.

Widespread ratification of the Convention is a key strategy for sparking national debates about the value of work inside households, improving national protections, and ending generations of marginalization, discrimination, and exploitation of domestic workers. Protecting domestic workers' rights to freedom of association and to bargain collectively ensures they have the ability to advocate for and claim a wide range of rights.

Governments, the International Labor Organization, employers, workers, and civil society advocates should share models and experiences of effectively protecting domestic workers' rights. Creating new standards and extending national labor protections to domestic workers has been a critical first step, but the more challenging and important next step will be enforcing these rights and ensuring these changes are felt as concrete improvements in the lives of domestic workers.

LIST OF RESOURCES

- **'12 by 12' campaign page on the International Trade Union Confederation (ITUC) website**
<http://www.ituc-csi.org/domestic-workers-12-by-12>
- **International Domestic Workers Network (IDWN)**
<http://www.idwn.info/>
- **Human Rights Watch domestic workers web portal**
<http://www.hrw.org/topic/womens-rights/domestic-workers>
- **Key ILO resources on domestic workers**
<http://www.ilo.org/global/topics/domestic-workers/lang-en/index.htm>
- **Text of the ILO Domestic Workers Convention, 2011 (No. 189) and the ILO Domestic Workers Recommendation, 2011 (No. 201)**
<http://labordoc.ilo.org/record/441256?ln=en>

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⁵ ILO, *Marking Progress against Child Labour: Global Estimates and Trends 2000-2012* (Geneva: ILO, 2013), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf (accessed September 25, 2013), p. 7.

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⁵⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art 22; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art 8; ILO Convention No. 189 concerning Decent Work for Domestic Workers (Domestic Workers Convention), adopted June 16, 2011, entered into force September 5, 2013, art 3(3).

⁵⁸ International Domestic Workers’ Network (IDWN), International Trade Union Confederation (ITUC), and Human Rights Watch (HRW) correspondence with Suryakant Bagal, general secretary, HMS-Maharashtra Council, June, 13, 2013.

⁵⁹ “National Event of Domestic Workers in India,” SEWA August 2013 Newsletter No. 52, <http://www.sewa.org/enewsletter/Current-E-News-Letter.asp> (accessed October 4, 2013).

⁶⁰ “Justice for Domestic Workers: The Self Help Group for Migrant Domestic Workers,” last modified April 8, 2013, <http://www.j4dw.org/> (accessed August 5, 2013).

⁶¹ ‘12 by 12’ Campaign partners include the International Domestic Workers’ Network (IDWN), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), Public Services International (PSI), the European Trade Union Confederation (ETUC), Human Right Watch (HRW), Solidar, Amnesty International, Migrant Forum Asia, World Solidarity, Anti-Slavery International, Caritas, FOS, and the Global March against Child Labour. <http://www.ituc-csi.org/domestic-workers-12-by-12> (accessed September 25, 2013).

⁶² *Kasambahay* refers to “companion in the home.”

⁶³ ‘12 by 12’ partners include the International Domestic Workers’ Network (IDWN), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), Public Services International (PSI), the European Trade Union Confederation (ETUC), Human Right Watch (HRW), Solidar, Migrant Forum Asia, World Solidarity, Caritas, and the Global March Against Child Labour.

⁶⁴ IWDN, Story Report on the Launch of the African Domestic Workers Network, June 16, 2013, <http://www.idwn.info/news/story-report-launch-africa-domestic-workers-network> (accessed August 18, 2013).

⁶⁵ California Domestic Workers Coalition, “Domestic workers do the work that makes other work possible,” flyer, <http://www.domesticworkers.org/sites/default/files/AB241Flier.pdf>.

⁶⁶ Human Rights Watch interview with Cecilia Flores-Oebanda, president, Visayan Forum, June 11, 2010.