



DOMESTIC WORKERS UNITE

A GUIDE FOR BUILDING COLLECTIVE POWER
TO ACHIEVE RIGHTS AND PROTECTIONS
FOR DOMESTIC WORKERS



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A joint Guide by:

International Trade Union Confederation (ITUC)

International Domestic Workers Federation (IDWF)

ILO's Global Action Programme on Migrant Domestic Workers and their Families (ILO-GAP)

International Trade Union Confederation (ITUC)

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



International Domestic Workers Federation (IDWF)

The International Domestic Workers Federation commits to unite all domestic workers at all levels (local, national and global) to overcome the exploitation and abuse experienced by domestic workers across the world. It is part of a global labour movement, seeking to join forces with all workers in the struggle to change power relations and to secure justice, dignity, security and peace.



ILO's Global Action Programme on Migrant Domestic Workers and their Families (ILO-GAP)

Funding from the European Union enabled the ILO to launch the Global Action Programme on Migrant Domestic Workers and their Families in 2013. The programme aims to tackle the underlying causes of exploitation and abuse by highlighting the challenges migrant domestic workers face, advocating for their rights, encouraging legislative reform and supporting organising and advocacy. Pilot initiatives have been implemented in five migration corridors.



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Domestic Workers Union
رعاية عاملات المنازل

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UNION
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رقم التفتيش
Syndicate Number
384
الهيئة العامة للتأمينات الاجتماعية
General Social Security Authority
مكتب العمل
Secretary
[Signature]

Domestic Workers
رعاية عاملات المنازل

INTRODUCTION

In recent years domestic workers and trade unions have moved forward on a path to end exploitation, abuse of domestic workers and modern-day slavery. They have campaigned and bargained for rights and protections including the right to a minimum wage, access to social protection and a minimum weekly rest. They have mobilised and organised to build collective power and successfully bargained for change. Today around 15 million domestic workers enjoy more rights and protections in labour law thanks to 22 ratifications of ILO Convention 189 on decent work for domestic workers (C189) and labour law reforms in a total of 48 countries.

The 16th of June 2011 – with 16th June now celebrated as International Domestic Workers Day – marks the historical adoption of C189 and its accompanied Recommendation 201 (R201). For the first time an international labour instrument was adopted by governments, employers and unions which recognises domestic work as work and the minimum rights domestic workers should enjoy. This triggered the momentum for action: teams in 90 countries launched advocacy campaigns, lobbied members of parliament and started tripartite negotiations. They were supported by the global 12 by 12 campaign, launched by the International Trade Union Confederation (ITUC) in coordination with the International Domestic Workers Federation (IDWF) and the International Union of Food and Allied Workers (IUF) on 12 December 2011, aiming at 12 ratifications of C189.

The 12 by 12 campaign was first launched to achieve 12 ratifications of ILO Domestic Workers' Convention 189 by the year 2012. It is now called the 12 + 12 campaign.

Domestic workers have gained in strength. More than 100,000 domestic workers have joined the union. In Argentina domestic workers have negotiated their first collective bargaining agreement. Dozens of new unions were formed including in Pakistan, Ghana, Lebanon and Mexico and many affiliated to national trade union centers. In 2014 the IDWF was founded at its Congress in Uruguay (2014), becoming the first Global Union Federation led by women. More domestic workers have stepped forward as activists and leaders and to speak to the media and at hearings about their exploitation and abuse. While once operating in the shadow, domestic workers are increasingly respected by ministries of labour and members

of parliament at the social dialogue and collective bargaining level. The majority of the 67 million domestic workers are women; many are migrants, child domestic workers and come from indigenous or poor communities.

Organising and standing united, speaking with one voice as an alliance of domestic workers and unions, and being supported by allies, has delivered the change. This change is not a given. It requires continuous action to hold governments accountable for the implementation and enforcement of labour laws and to urge them to ratify C189 and adopt labour reforms. Only then will domestic workers be free from modern-day slavery.

The IDWF will continue to build domestic workers power and aims to double its membership of domestic workers to 670,000 by 2020. The ITUC's Congress decided in 2014 that the domestic workers 12 + 12 campaign remain a priority and committed to organise more domestic workers – in cooperation with the IDWF – and to push for more ratifications and reforms. As part of these efforts, the [ITUC](#) and the [IDWF](#) have partnered with the [ILO Global Action Programme on Migrant Domestic Workers](#) to provide tools for national and migrant domestic workers to organise for their rights.

This Guide aims to inspire and support domestic workers, their union and union activists and leaders to continue and strengthen their advocacy campaigns. The first chapter describes the path towards the adoption of C189. A brief history of the IDWF and their plans for the next years is provided in chapter 2. In the next chapter we feature ITUC's 12 + 12 campaign. Chapter 4 provides an overview of countries that have ratified C189 and adopted labour-law reforms since 16 June 2011. In Chapter 5, we present a number of advocacy campaigns which have paved the way to rights and protections of domestic workers. Chapters 6 and 7 captures the key strategies to build advocacy campaigns and organise domestic workers. Resources are listed in chapter 8 and include a list of our publications, links to social media – where you can share your story – and our contact information.

This Guide is a co-production of the ITUC, the IDWF and the ILO Global Action Program on Migrant Domestic Workers and their families.

01. THE PATH TOWARDS THE ADOPTION OF ILO CONVENTION 189



“For too long, the value of our work wasn’t recognised. Convention 189 (C189) is finally helping to change that because now domestic workers have the same international standards as all other workers¹.”

Myrtle Witbooi, President of the International Domestic Worker Federation (IDWF).

RECOGNITION

For far too long, the majority of the world’s 67.1 million or more domestic workers had no rights at work because the work they performed was not perceived or recognised as real work: in society, in law or in practice. In many countries they were not covered by labour legislation and had no rights to form unions. A turning point was the historic adoption of ILO Convention 189 (C189) concerning Decent Work for Domestic Workers (and its accompanying Recommendation no. 201). For the first time in history domestic work was recognised as work by an international labour standard of the ILO.

The Convention sets minimum standards for the rights and protections domestic workers should enjoy, giving recognition to the economic and social value of domestic work and affirming that domestic workers have the right to decent work like any other. The regulation of working hours, rest days, the minimum wage and the right to social security are all protected under the Convention, which also includes measures to prevent or stop abuse at the workplace. The Convention provides specific protections for migrant domestic workers, “live-in” domestic workers and those trapped in child and forced labour.

**CHECK THE RESOURCE PAGE:
ILO brochure “Convention 189 and
Recommendation 201 at a glance” with tips on how
the Convention can be implemented²**

CREATING A UNITED VOICE

The adoption of C189 was the culmination of years of coordinated effort by domestic workers' organisations and their allies in the trade union and NGO movements. It is the story of a growing mobilisation among domestic workers coming together, forming a movement, becoming increasingly visible and making their voices heard.

It started in Latin America where domestic workers had been organising for rights and protections for decades. Domestic workers' organisations from different countries formed a regional organisation CONLACTRAHO (Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar) in 1988 in Bogotá, Colombia. The organisation grew in strength and in 2005 played a leading role in a meeting organised by the ILO in Montevideo together with the regional Trade Union Women's Committee of the Americas. This meeting resulted in the Montevideo Declaration, whose signatories called on the ILO to adopt a Convention on Domestic Workers. Following this, at its April 2006 Conference, CONLACTRAHO resolved to work for an ILO Convention to protect domestic workers' rights.

Domestic workers in other regions – Africa, Asia, North America – joined the call at an international conference in Amsterdam in November 2006³ on “Respect and Rights: Protection for Domestic/Household Workers”. The conference led to the founding of the International Domestic Workers Network (IDWN) and initiated plans – in cooperation with the ITUC and IUF – for a coordinated push for an ILO Convention on domestic work.

PREPARING FOR THE ILO PROCESS

In March 2008 the ILO Governing Body approved a proposal by the Workers' Group to include a discussion on a standard-setting instrument on the agenda of the International Labour Conference (ILC). This was a first victory and the green light for further mobilisations and action. The IDWN created a platform of demands. The ITUC mobilised its affiliates worldwide to respond to the ILO questionnaire to provide arguments and evidence as to why a Convention for domestic workers was needed. The ITUC also organised regional consultations with national centres and domestic workers' unions and produced an Action Guide⁴ for unions and domestic workers on how to lobby for the Convention. WIEGO's briefing note on “Informal Workers in Focus: Domestic Workers⁵” outlined why a Convention was important. Momentum grew: more and more unions and domestic workers' leaders worked in alliance to strategise and get ready for the negotiations on a Convention.

“The relationship between domestic workers' associations and trade unions became much stronger, leading to their demands being voiced at the ILO. It was clearly thanks to the Workers' Group in the ILO that this subject has been put on the agenda. The mere prospect of a Convention created great enthusiasm both among domestic workers and in the trade unions. Their mobilisation attracted the attention of governments and employers, even before the existence of a Convention. “

Luc Demaret, ILO, in an interview for Union View, 2010⁶.

DOMESTIC WORKERS AT THE ILO

The first discussion by the International Labour Conference (ILC) on “Decent Work for Domestic Workers” took place in June 2010. Many domestic workers took part, either as members of their official national trade union delegation or of the IDWN delegation⁷. Consultations and collaborations continued at the national and regional level. Domestic workers and the trade union movement, coordinated by the ITUC and the IDWN, lobbied governments and employers and built alliances with human and migrant rights groups to help build a critical mass and develop strategic approaches to ensure victory.

Several contentious issues arose during the negotiation of the Convention, including that of labour inspection versus the right to privacy of the employer family, a minimum wage versus the inability of families to pay a minimum wage, a contract versus the belief that domestic workers do not need a contract since they are considered as part of the family, and regulation of working time versus the belief that it is impossible to record the exact hours worked. But the consistent messages from the Workers’ Group, including domestic workers, that domestic workers should have rights just like any other worker created momentum and led to growing support for a Convention among governments and a number of employers. Victory came with the adoption of Convention 189 on 16 June 2011 at the 100th ILC. Many victories have followed: Uruguay ratified the Convention within a year, on 14 June 2012. The second ratification, by the Philippines⁸ on 5 September 2012 automatically meant that the Convention came into force exactly one year later. On 17 July 2015 Portugal became the 22nd country to ratify C189. The campaign for more ratifications continues.

“Winning C189... was a real victory for everyone involved. Such progress was possible only because of the involvement of all parties, and the central role of domestic workers themselves. It was extraordinary to see how unions took it to their heart, and how they let the domestic workers take the lead....”

Diana Holland, member (and former Chair) of the ITUC Women’s Committee and Assistant General Secretary for Equalities of the Unite Union, UK.

“Domestic workers won one of the best fought and most justified victories ever on 16 June 2011 when C189 was adopted. The voices, experiences and visions of domestic workers themselves were finally heard and respected not only within the trade union movement but also by governments and many employers.”

Ron Oswald, General Secretary, IUF global union for food and allied workers⁹



DOMESTIC WORKERS
ARE WORKERS
NOT SLAVES
THEY NEED
THEIR RIGHTS

DOMESTIC WORKERS
NEED CONVENTION 189
ON DECENT WORK
FOR DOMESTIC
WORKERS
TO BE RATIFIED
BY THE GOVERNMENT

WE ARE WORKERS
LIKE OTHERS
WHY DONT YOU
GIVE US?
OUR SALARIES?
OUR LEAVE?
OUR FREEDOM?
OUR CONTRACTS?
OUR SOCIAL SECURITY?

HAKUJWAFANYAKAZI
MWAJUMBANI
ZILICANISHWA KWENYE
MKATABA WA
SHIRIKALA KAZI DUNIANI
NAMBAA 189
Mkataba KA. 189 unahusu nini?

TANZ
ILO No. 189 W
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02. DOMESTIC WORKERS UNITE: THE INTERNATIONAL DOMESTIC WORKERS FEDERATION

The International Domestic Workers' Federation began as a network of domestic workers' organisations whose principal aim was the adoption of an international convention to protect its members' rights. Today it is a fully-fledged democratic membership-based global federation of domestic workers, campaigning for the ratification and implementation of that Convention, and pursuing its stated objective of protecting and advancing domestic workers' rights everywhere.

VISION:

"We the members of the International Domestic Workers Federation (IDWF) commit ourselves to unite into a powerful force to overcome the exploitation and abuse experienced by domestic/household workers across the world." Preamble to the IDWF Constitution.

DOMESTIC WORKERS UNITE

In November 2006 the Dutch National Trade Union Centre FNV hosted a conference in Amsterdam called "Respect and Rights - Protection for Domestic/Household workers!". It was attended by domestic workers' organisations, trade unions and NGOs from throughout the world, and produced a set of recommendations on achieving better protection for domestic workers. Domestic workers' organisations began networking with the support of the IUF and Women in Informal Employment Globalising and Organising (WIEGO), the ITUC, the Global Labour Institute (GLI) and the ILO. Three years later, at the International Labour Conference (ILC) in Geneva in 2009, the International Domestic Workers Network (IDWN) was officially launched by leaders of domestic workers' organisations from across the world¹⁰. Its main objective was to win an ILO Convention to protect the rights of domestic workers (see previous section).



Following the adoption of C189 in 2011, the network's Steering Committee decided to transform the IDWN into a formal "federation" of domestic workers' organisations. The Founding Congress was held from 26 to 28 October 2013 and the IDWN became the International Domestic Workers Federation (IDWF)¹¹. Forty-seven national or local domestic workers' member-based organisations became formal members of the new Federation¹².

ORGANISING AND REPRESENTING DOMESTIC WORKERS

IDWF creates domestic workers' organisations in places where there are none and strengthens existing organisations by:

- » connecting workers' organisations to the global federation;
- » capacity building programmes and exchange of best practice;
- » advocacy and awareness campaigns; and
- » leveraging the support of strategic partners.

Less than two years after its official founding, the IDWF increased its number of affiliates from 47 to 58 organisations and its trade union membership among domestic workers from 282,737 to 325,218. In 2015, the first-ever domestic workers' unions were founded in Lebanon, Ghana, Mexico, Lesotho and the Philippines, thanks to bottom-up organising in collaboration with the IDWF, domestic workers' leaders and trade unions in the countries. In places where there are multiple domestic workers' organisations, the IDWF encourages the formation of a national federation or network to foster unity. This has led to the merger of domestic workers' unions in Benin and Zambia. Elsewhere, such as India and Peru, regional and national platforms have been formed to foster unity and common actions among various organisations.

Now that domestic workers have their organisations, they can speak for themselves and increasingly are invited to meetings with governments and other lawmakers in their countries. New domestic workers' leaders have emerged in many countries, including migrant domestic workers. In some countries, they have even gained positions in national trade union centres, standing shoulder to shoulder with their counterparts in other sectors.

Based on its Action Plan set out by its 2014 Congress, the IDWF developed a Five-Year Strategic Plan for 2016 – 2020¹⁴. Goals include:

- » Double current membership – among domestic workers and migrant domestic workers – by 2020;
- » campaign for the ratification of C189;
- » the enactment of domestic workers' legislation;
- » capacity building and women's leadership training;
- » international representation.

ORGANISING IN MEXICO:

Mexico's first ever domestic workers' union SINACTTRAHO was launched in September 2015, the culmination of a long struggle for the rights of Mexico's two million domestic workers. Fifteen years earlier Marcelina Bautista, a former domestic worker, created the Centre for Support and Training of Domestic Workers CACEH. CACEH's outreach efforts, including training and education programmes for domestic workers, led to the formation of SINACTTRAHO, which has been accepted into affiliation by Mexico's National Union of Workers (UNT). The union will continue CACEH's work of raising public awareness of domestic workers' rights and will push hard for the ratification of C189. Representatives of the IDWF attended the founding of the SINACTTRAHO¹³.

INFORMATION AND COMMUNICATION

Information sharing is key to the IDWF's action, and in 2014 with the support of the ILO it set up its communication network. The Network allows IDWF member organisations to post their organisation profile, share resources and campaign materials, and news about activities, allowing network members to provide mutual support. By the end of 2015, there were over 10,000 registered members. Today the IDWF makes extensive use of its website and Facebook page to post updates on activities and achievements and provide resource material for its members. The next step will be to build a database of wages and working conditions of domestic workers in each country and territory¹⁵.

“It took a lot of work to get to where we are today, and thank you to everyone who played a part. But there are still millions who are exploited. The new Federation will have a big task ahead. But, with the right leadership, we will ‘take the world by storm’. We are slaves no more. We are workers, with the same rights as other workers. The impossible dream is becoming a reality. This is for you, about you. Make your voices heard today!”

Myrtle Witbooi¹⁶, President of the IDWF

03. ITUC'S 12 BY 12 CAMPAIGN: DEMANDING RIGHTS AND BENEFITS FOR DOMESTIC WORKERS

SEIZING THE MOMENTUM

Following the historic adoption of Convention 189 in June 2011, the trade unions' and domestic workers' organisations seized the momentum to push for its ratification by ILO Member States. On 12 December 2011, the ITUC launched the 12 by 12 campaign in partnership with the International Domestic Workers' Network (IDWN) and the International Union of Food and allied workers (IUF). The campaign set ambitious goals: 12 ratifications of C189 by the end of 2012, while at the same time organising and strengthening unions of domestic workers.

“The reality of the vast majority of domestic workers today is simply slavery, (...) Trade unions, domestic workers' associations and their allies are changing this reality by demanding through the 12 by 12 campaign rights and benefits for this category of workers who are underpaid, not recognised and not respected¹⁷.”

Sharan Burrow, ITUC General Secretary

ALLIANCE BUILDING

Before the official launch of the campaign, strategies were presented to stakeholders at a regional meeting in Asia in November 2011 and regions were mobilised, resulting in numerous campaign launch events on 12 December 2011. The key to what would become a highly successful campaign was alliance building, the close partnership between the ITUC and the IDWF and their consistent messages to encourage cooperation between domestic workers and national centres. In addition, the ITUC initiated 12 by 12 campaign activities in a number of targeted countries and asked its affiliates, domestic workers and allies to sign up to the campaign. This resulted in stronger or new national coalitions (national centres, domestic workers' unions and associations, human rights, women's and migrant organisations) and campaigns in around 90 countries. International allies joined the 12 by 12 campaign – including the IDWF, ETUC, IUF, PSI, Human Rights Watch, Amnesty International, Anti-Slavery International, Migrant Forum Asia, SOLIDAR, Caritas, Global March Against Child Labour – which added significant strength to the national advocacy and organising campaigns.

“The list of ratifications of C189 and legal reform is impressive. Much of them are results of years of hard work. Today, we should celebrate. Tomorrow we will work even harder to make sure each one of them is implemented.”

Elizabeth Tang, General Secretary, IDWF

CAMPAIGNING STRATEGIES

The partnerships and alliances forged ensured coordinated high-profile events could take place around the world. Domestic workers and their allies were mobilised to take action on key dates such as 8 March, International Women's Day, and 16 June, which is now celebrated as International Domestic Workers' Day. Another key date was 12 December 2012 (12.12.12) when 12 by 12 teams in over 50 countries organised events such as marches, demonstrations and concerts¹⁸. Social media, particularly the 12 by 12 website and Facebook page, as well as e-networks, were used to post news of activities and achievements and to provide campaign participants with the resources they needed for educating, training and lobbying. Advocacy work included formal and informal meetings with parliamentarians, letters to ministers and getting high-profile figures to champion the cause. The campaign was also promoted at key meetings, such as trade union conferences, including photo shoots with everyone wearing aprons bearing the 12 by 12 logo. By the time of the ITUC Congress in Berlin in May 2014, 14 countries had ratified the Convention and many more had adopted labour law reforms. New unions were formed and 40,000 domestic workers had joined a union. It was agreed at Congress to continue the campaign as 12 + 12, aiming at 12 plus 12 ratifications, effective implementation in law and practice, labour law reforms and organising 100,000 more domestic workers by 2018.



THE 12 BY 12 CAMPAIGN IN ACTION:

Hundreds of domestic workers in South Africa organised by the South African Domestic and Allied Workers' Union [SADSAWU] – supported by COSATU – took to the streets of Pretoria in 2012 and picketed outside the office of the Department of Labour to demand the acceleration of the ratification of ILO Convention 189 and its accompanying Recommendation No.201¹⁹. They won. In June 2013 South Africa officially ratified C189.



“At CC.OO. Construcción y Servicios we have launched a campaign to collect signatures for the ratification of C189. On 1 May, across the whole of Spain, we saw people coming out on the streets with placards and aprons supporting domestic workers’ demands for equal rights and the ratification of C189.”

Palmira Maya, State Secretary of the Federación de Construcción y Servicios, CC.OO., Spain

Philippines: Members of the Technical Working Group (TWG) of the Philippines together with musician Noel Cabangon, put on their 12 by 12 aprons. They pledged to continue working together to promote decent work for Filipino domestic workers. The Philippines ratified C189 in 2012 and adopted the Domestic Workers Bill early 2013.

Costa Rica: On 12.12.12 a demonstration took place in front of the Congress. Public buses carried billboards referring to the 12 by 12 campaign and demanding the ratification of C189²⁰. The campaign made an impact: in January 2014 Costa Rica ratified C189.

TUCA launched its ratification campaign “Camino a la Ratificación del C189” in August 2011 quickly after the adoption of the Convention and opened a blog spot to report on the ratification process in Latin America²¹. As of 2016, 12 Latin American countries have ratified C189.



“All of this has been achieved by identifying the fundamental needs and challenges of domestic workers’ organisations in terms of training and organizing, implementing political lobbying plans for the ratification of C189 and/or national legislation to regulate paid domestic work and by creating alliances, developing coordination and action with national and regional trade union organisations, committed NGOs and social movements.”

Alexandra Arguedas, Gender Equality Coordinator, TUCA

IMPACT OF THE 12 BY 12 CAMPAIGN

- » **Rights:** Fifteen million domestic workers have seen their rights in law improved, including the right to a minimum wage or higher wage, access to social protection, regulation of working time and written contracts. Thanks to the Convention millions of informal economy workers have become part of the formal sector and have won the right to organise, form trade unions and engage in collective bargaining.
- » **Labour law reforms:** There have been reforms in 48 countries including Brazil, Argentina, Philippines, Spain, United States (seven states), Chile, Uruguay, Vietnam, India, Singapore, Venezuela, Thailand, Ireland, Finland, Italy, Belgium, Germany and more. Among the 38 countries, 22 have ratified C189.
- » **Organising:** Over 100,000 domestic workers are now organised, and new unions have been created in many countries including Paraguay, Dominican Republic, Guatemala, Costa Rica, Sri Lanka, Colombia, Egypt, Angola, Swaziland, Pakistan, Angola, Brazil, Lebanon, Lesotho and Ghana.

The 12 by 12 campaign was first launched to achieve 12 ratifications of ILO Domestic Workers’ Convention 189 by the year 2012. It is now called the 12 + 12 campaign.

“I have never seen so much potential for change in such a short time span.”

Marieke Koning, Equality Officer, ITUC

REACHING OUT TO DOMESTIC WORKERS IN THE DOMINICAN REPUBLIC:

Organisers from the national centres in the Dominican Republic reach out to domestic workers to educate them about their rights, how to build new unions and how to change national laws covering their sector. They set up stalls in the street, handing out information leaflets, and visit workers in their homes at weekends, because the workers are too afraid to talk about their rights in the houses of their employers. They also hold meetings to talk about the benefits C189 can bring and explain how domestic workers can build alliances with the union.

Source: Equal Times video

04. WINNING LEGAL RIGHTS AND PROTECTIONS

Since the adoption of C189 on 16 June 2011, domestic workers have won legal rights and protections in 48 countries and 22 of them have ratified ILO Convention 189. Major labour law reforms have been adopted in Chile, Argentina and Brazil. Other achievements reached were new collective bargaining agreements, higher minimum wages and the right to social protection. An estimated 15 million domestic workers (will) benefit from these wins – as described in the global maps.

THE 22 COUNTRIES THAT HAVE RATIFIED C189

1. URUGUAY (16 JUNE 2012)

The domestic workers' union and the Housewives' League reached a collective bargaining agreement (in 2013), which includes a wage increase. They agreed to form a bipartite commission to establish categories according to skills and responsibilities. This will be used for wage setting in the next collective bargaining process. All provisions cover national and migrant domestic workers alike.

2. PHILIPPINES (5 SEPT 2012)

The Kasambahay Law (adopted on 18 January 2013) requires contracts, an improved minimum wage, social security, and public health insurance for domestic workers. It prohibits recruitment fees and makes private employment agencies liable, along with employers, for provision of wages and benefits.

3. MAURITIUS (13 SEPT 2012)

In 2012 the government decided to pay the workers' contribution to the National Pension Fund and for the transitional unemployment benefits (for those domestic workers earning up to 3,000 rupees monthly), which enhances the social protection cover of domestic workers and encourages domestic workers to ask their employer to pay their part of the contribution.

4. NICARAGUA (10 JAN 2013)

The Labour Code is due to be amended in order to reduce working hours, provide overtime compensation, daily and weekly rest periods and mandatory written contracts.

5. ITALY (22 JAN 2013)

New provisions of a renewed collective agreement (2013) include a minimum wage increase, regulation of remuneration for holidays and paid annual leave; the right to paid leave for migrant domestic workers to pursue training; the right for live-in domestic workers to leave the household during their mandatory daily two-hour break, and the right to be informed about any health and safety risks. It further regulates daily and weekly rest times, on-call and stand-by time, paid holidays, sick pay, and severance pay. The worker is covered when there is an employment contract. The CBA also applies to migrant and undocumented domestic workers.

6. BOLIVIA (15 APRIL 2013)

A model contract was adopted by the tripartite commission on domestic workers, composed of the DWs Union (FENATRAHOB), Employers of DWs (Liga de Amas de casa) and the Ministry of Labour, urging all concerned parties to adopt it (a written contract is not mandatory by law).

7. PARAGUAY (7 MAY 2013)

A new law on domestic workers was passed (in 2015) to guarantee equal rights comparable to workers in other sectors. It expanded rights in areas such as working time, pension rights and paid maternity leave. Although the minimum wage for domestic workers increased from 40 per cent to 60 per cent of the national minimum wage, the goal to reach the national minimum wage was not met.

8. SOUTH AFRICA (20 JUNE 2013)

Labour legislation establishes an uninterrupted weekly rest period of 36 hours for domestic workers. It may be converted, by agreement, to a minimum of 60 consecutive hours every second week.

The law also establishes a minimum wage for domestic workers as part of their basic conditions of employment, and it is revised every year.

9. GUYANA (9 AUGUST 2013)

10. GERMANY (20 SEPT 2013)

Since 2015 domestic workers – including migrant domestic workers – enjoy the right to the general minimum wage.

11. ECUADOR (18 DEC 2013)

In 2014 higher penalties for non-compliant employers of DWs regarding registration and payment of social security contributions were established (up to seven days' prison). It was accompanied by a campaign and fiscalisation of 25,000 households per year. Previous legal reform had established equal treatment with workers in other sectors.

12. COSTA RICA (20 JANUARY 2014)

The National Tripartite Body (Consejo Superior de Trabajo) is carrying out an evaluation to extend minimum wages to domestic workers and to improve effective social security coverage.

13. ARGENTINA (24 MARCH 2014)

A new law (2013) on domestic workers, is granting them the same rights as workers in other sectors, including working hours, paid maternity leave, paid holidays, the minimum wage, a yearly bonus and compensation in case of layoffs or dismissal, compulsory social security coverage and collective bargaining. It set a minimum age of 16 and provides additional protections for live-in domestic workers. All provisions cover migrant domestic workers. The first collective agreement (2015) was reached and negotiated by the domestic workers union UPACP.

14. COLOMBIA (9 MAY 2014)

In 2013 a new policy was adopted to increase the number of benefits of social protection to domestic workers' (including those working part-time) by granting them the right to register with a family welfare fund institution.

15. IRELAND (28 AUGUST 2014)

The government developed key policies for domestic workers including labour inspections in private homes, a code of practice for the sector and new measures to protect domestic workers in embassies (2014).

16. SWITZERLAND (12 NOV 2014)

In 2010 (in effect as of 2011), a new minimum wage was set at the national level through consultation with the social partners. In 2011, a standard contract was issued in consultation with the SIT workers' union, including a minimum wage, wage scale, a 45-hour working week and 8-hour working day, paid annual leave, holidays, weekly rest, and a number of other labour protections.

17. FINLAND (8 JAN 2015)

Finland amended the Act on the Employment of Household Workers and extended the Working Time Act to domestic workers. It ensured that au pairs were covered if they are deemed to be in an employment relationship.

18. DOMINICAN REPUBLIC (15 MAY

2015)

In 2015, the government granted the right to two weeks of paid annual leave after having completed a full year of service, and a 13th-month salary to be paid no later than 20 December each year. The government has undertaken a campaign to increase the registration of domestic workers for social security.

19. BELGIUM (10 JUNE 2015)

Belgium extended its law to secure the right to social protection to all domestic workers, no matter the number of hours worked.

20. CHILE (10 JUNE 2015)

An amendment to the legislation was adopted in 2014 extending working time limits of 45 hours a week to domestic workers – to guarantee equal treatment with workers in other sectors. A non-discrimination provision prohibits the compulsory wearing of a uniform in public places. Previous amendments had established equal treatment in other areas including minimum wage, compulsory social security, written contracts and paid maternity leave. All provisions cover migrant domestic workers.

21. PANAMA (11 JUNE 2015)

22. PORTUGAL (17 JULY 2015)

UNITED STATE OF AMERICA

10. GERMANY



15. IRELAND

19. BELGIUM

FRANCE

22. PORTUGAL

SPAIN

MOROCCO

CAPE VERDE

18. DOMINICAN REPUBLIC

21. PANAMA

VENEZUELA

04. NICARAGUA



12. COSTA RICA



09. GUYANA



14. COLOMBIA

BRAZIL

11. ECUADOR



06. BOLIVIA



NAMIBIA

07. PARAGUAY



13. ARGENTINA

20. CHILE

01. URUGUAY



■ THE 22 COUNTRIES THAT HAVE RATIFIED C189

■ COUNTRIES THAT HAVE ADOPTED LABOUR REFORMS AND POLICIES SINCE THE ADOPTION OF C189



COUNTRIES THAT HAVE ADOPTED LABOUR REFORMS AND POLICIES SINCE THE ADOPTION OF C189

BAHRAIN

In 2012 Bahrain extended provisions of its labour law to domestic workers, including those related to labour contracts, wage calculation, annual leave, dispute settlement and the right to freedom of association.

KEY ELEMENTS: Contracts - Wages - Leave - Freedom of Association

BANGLADESH

Bangladesh adopted its first-ever "Domestic Workers Welfare and Protection Policy" (in 2015). Domestic workers will be entitled to the benefits under the existing labour law, including periods of rest. It set the minimum age at 14, entitles domestic workers to four months of maternity leave, obliges employers to compensate for accidents and does not allow them to deduct fees such as the cost of clothing) from the salary of domestic workers. The government will introduce a "helpline" for domestic workers and initiate an awareness campaign.

KEY ELEMENTS: Labour law extended to domestic workers - Maternity leave

BOTSWANA

The ILO provides technical assistance in establishing a minimum wage for domestic workers and evaluating the overall level and (required) adjustment mechanisms for this minimum wage.

KEY ELEMENTS: Minimum wage

BRAZIL

Constitutional reforms (in 2013) have given domestic workers equal labour rights as workers in other sectors including overtime pay, unemployment insurance, a pension, a maximum 8-hour working day, and 44-hour working week. A new collective agreement (26 August 2013) – valid in 26 municipalities – includes a wage floor for live-in domestic workers which rises depending on their responsibilities. In 2015, a new law was passed (Lei complementar 150, supplementing Constitutional provisions) granting domestic workers (who work more than two days a week for the same employer) the same rights as other workers, including working time, social security benefits and paid maternity leave.

KEY ELEMENTS: Law – Constitutional reform

CAPE VERDE

The Government set new minimum wage levels, including a minimum wage for domestic workers.

KEY ELEMENTS: Minimum Wage

ETHIOPIA

The ILO provides assistance to improve the situation of migrant domestic workers by establishing electronic registration and training facilities for migrants and information centres in different parts of the country.

KEY ELEMENTS: Migrant domestic workers

FRANCE

Domestic workers enjoy comprehensive rights in France through the labour law and through three collective agreements. The earliest agreement is from 1999, the most recent from 2012.

KEY ELEMENTS: Collective bargaining agreement

HONG KONG

The Hong Kong government will issue a draft code of conduct for employment agencies in the first quarter of 2016.

KEY ELEMENTS: Employment agencies

INDIA

Seven states have fixed minimum wages for domestic workers, and ten states have established Welfare Boards (currently in function in the states of Kerala and Tamil Nadu) registering the placement agencies that recruit domestic workers.

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.

KEY ELEMENTS: Minimum wages - Health insurance - Prohibition of sexual harassment

INDONESIA

In Indonesia the law on migration and a draft bill on domestic workers are under review.

KEY ELEMENTS: Draft law under review

JORDAN

An insurance scheme was introduced in 2015 extending life, accident and health insurance to migrant domestic workers and reimbursing employers if the worker leaves their employ. This arrangement incentivises employers to cover the recruitment costs in full and limits their hold on the workers' mobility and freedom of movement (including the practice of withholding of workers' passports).

KEY ELEMENTS: Insurance scheme, migrant domestic workers

KENYA

Kenya's industrial court ruled in December 2013 that verbal contracts with domestic workers can confer rights and can be enforced. The judge ruled that domestic workers are covered by the national minimum wage and other provisions of the employment law. A domestic workers bill was submitted to the parliament in 2015.

KEY ELEMENTS: Draft law under review - Minimum wage

MALAWI

Increased the minimum wage for domestic workers to MWK 687 per day.

KEY ELEMENTS: Minimum wage

MOROCCO

Adopted legislation regulating the conditions of work and employment of domestic workers including extension of social protection and establishing a minimum working age of 15.

KEY ELEMENTS: Social protection - Minimum working age

NAMIBIA

Regulations relating to Domestic Workers under the Labour Act were passed to give domestic workers the minimum wage, a 45-hour week, maternity leave, the right to join trade unions and other rights.

KEY ELEMENTS: Minimum wage - Maternity Leave

NEPAL

New regulations on migration and domestic work were put in force in April 2015 by the Council of Ministers. The deployment ban was lifted and a new age limit established (for women 24 and younger). It also establishes that DWs will only be sent to countries after reaching bilateral agreement and all DWs will be recruited and placed through registered agencies.

KEY ELEMENTS: Migration governance

SINGAPORE

Singapore introduced legislation granting a weekly day off for foreign domestic workers under work permits issued or renewed from January 2013 onwards. In 2016 a new minimum wage for migrant domestic workers that applied to Filipino and Indonesian workers only was introduced.

KEY ELEMENTS: Weekly rest

SPAIN

2012 Labour reforms have made the inclusion of domestic workers on the social security register compulsory (by 2015 425,000 were registered, an increase of 130,000 since 2012). The reforms also cover working hours, weekly rest days, annual leave, the minimum wage and severance pay. The 2011 Royal Decree on Domestic Workers also provides for a model contract and that no deductions can be made from the minimum wage as "payment in kind" for accommodation or upkeep.

KEY ELEMENTS: Social security - Minimum wage - Working hours - Rest days - Annual leave

TANZANIA

Adoption of a revised tripartite action plan to improve the rights of domestic workers and ratify C189 (2015). The government increased the minimum wage for domestic workers (by 55 per cent in 2013), which is revised every three years by a tripartite body.

KEY ELEMENTS: Minimum wage

THAILAND

In 2012, Thailand enacted Ministerial Regulation No 14 (B.E. 2555) providing that all domestic workers are entitled to certain conditions including: one day off each week, paid sick leave and paid overtime for working on holidays. It also prohibits the employment of domestic workers under 15 years of age. Exclusions remain including working hours' limitations, minimum wage coverage and social security protection.

KEY ELEMENTS: Weekly rest - Sick leave - Paid overtime - Minimum wage

UKRAINE

Ratification of C189 was included in the Government Action Plan - Cabinet of Minister Decree #450-r (2015). The draft law # 3734 "On Amendments to Legal Acts to Regulate and Formalise Employment of Domestic Workers" was registered in the Verkhovna Rada, the Ukraine Parliament (2015).

KEY ELEMENTS: Draft law under review

UNITED STATES

A Domestic Workers' Bill of Rights has been adopted in seven states: New York, Hawaii, California, Massachusetts, Oregon, Connecticut and Illinois. The bills give domestic workers essential rights and protections including the right to be paid no less than the minimum wage, the right to be paid for all work hours, the right to at least one day off a week, the right to meal and rest periods. The bills also include protection against harassment. On 22 August 2015 the Federal Court of Appeal ruled that the Department of Labor had full authority to extend basic wage protections like overtime pay and a minimum wage to over two million home care workers.

KEY ELEMENTS: Adoption of Bill of Rights - Minimum wage

VENEZUELA

The Labour Act adopted in 2012 (reglamentada in 2013) provides a 40-hour week, two weekly rest days, paid holidays, and a minimum wage to domestic workers. It gives domestic workers the same rights as other workers.

VIETNAM

Decree (No. 27) and its accompanying Circular No. 19) require employment contracts to be signed by the domestic worker and their employer and mandates to cover: a wage not to be lower than the regional wage, minimum rest periods, 12 days annual leave, insurance and public holiday payments, occupational, health and safety, accommodation expenses and bonuses.

KEY ELEMENTS: Employment contract

ZAMBIA

A Tripartite plus Technical Working Group on Domestic Workers developed a code of conduct for employers of domestic workers. "Maid Centres" were used for training and dissemination. In 2013 the government increased the minimum wage for domestic workers.

KEY ELEMENTS: Minimum wage Code of conduct

ZIMBABWE

Zimbabwe is in the process of bargaining labour law reforms at national level which cover domestic workers.

KEY ELEMENTS: Labour law review

05. CAMPAIGNING AND BARGAINING FOR CHANGE

This chapter puts the spotlight on stories and cases from around the world, showing how domestic workers and trade unions successfully bargained and campaigned for change. They applied various strategies to mobilise, organise, achieve ratification of C189, realise labour law reforms and a new collective bargaining agreement. One overarching and common approach which proved to be key to campaigning and bargaining for change is that of building strategic alliances – between domestic workers and unions, supported by allies – to speak with one voice and maximise the pressure on governments.

5.1 MINIMUM WAGES

Domestic workers are usually among the lowest paid workers – if they get paid at all. In many countries domestic workers are still not covered by the labour legislation that protects most other workers, including minimum wage legislation. Through the campaigns surrounding Convention 189 and the growing recognition of domestic work as “work”, the situation is gradually changing. For many, the right to a minimum wage and the fight for a living minimum wage continues.

India: Campaigning for minimum wages

The National Domestic Workers’ Federation (NDWF) of India had been campaigning for a minimum wage, and had recommended to its own members and other members of the IDWF network that they develop advocacy programmes including public meetings and signature campaigns, media campaigns and meetings with the policy makers²⁴.

India has not yet ratified C189, but by June 2015 seven states had fixed minimum wages for domestic workers and ten states had established Welfare Boards registering the placement agencies that recruit domestic workers. In August 2015 the Indian government announced it had prepared a draft domestic workers’ policy that includes a number of recommendations to protect domestic workers, including a minimum monthly wage.

South Africa: An advocacy campaign on the street and in the parliament

On 7 July 2013 South Africa ratified ILO Convention 189, which was an historical day for SADSAWU, the biggest and oldest union of domestic workers in Africa. The ratification was achieved after two years of pressuring the government, lobbying members of parliament and organising marches and protests. This was not the first achievement of SADSAWU: their advocacy work throughout the years has resulted in improvements for domestic workers in the national legislation including a higher minimum wage²⁵.

Philippines: Implementing the Kasambahay Law (adopted on 18 January 2013)

The law provides that domestic workers – through their unions or associations – may ask for an increase in the minimum wage by filing petitions with the Regional Tripartite Wages and Productivity Boards (RTWPBs), which are mandated to release wage orders for workers at the regional level. Representatives of trade unions, employers and the government, supported by the ILO, are in the process of studying the appropriate minimum wage nationwide and across regions. It is set to initiate an organisation of employers of domestic workers. Meanwhile, a unified registration system is in the final stages of development. This will enable domestic workers to register with any one of the three mandatory social protection institutions such as the Social Security System, Philippine Health Insurance Corporation and Home Mutual Development Fund, and get registered for all three²⁶.

ROBAI'S STORY: COURAGEOUS DOMESTIC WORKER WINS SIGNIFICANT LEGAL VICTORY IN KENYA:

Robai Musinzi, a domestic worker in Kenya, dared take her employer to court for wrongful dismissal. She had worked for him for four years but only had a verbal contract. A year-long legal battle was won in December 2012 when an industrial court awarded her a total of KES 175, 533 (about USD 2,000), including the equivalent of two months' pay and compensation for her summary dismissal. The judgment by the Industrial Court effectively recognised that in law a verbal contract is a contract that can confer rights and can be enforced. Hence, it established the legal precedence that domestic workers, whether they have a written or verbal contract, are covered by the country's Employment Law, including the right to the national minimum wage and all other provisions of the law²⁷.

“Domestic workers in South Africa have been very fortunate, as once again when they received a new minimum wage which is legal and compulsory for all employers to pay. Also, legally all migrant workers are covered and have the right to the same wage and labour laws.”

Myrtle Witbooi, President of IDWF and General Secretary of SADSAWU, South Africa

US: CAMPAIGNING LEADS TO LEGAL VICTORY:

Domestic workers in the US are among those to have formed their own organisation, the National Domestic Workers' Alliance (NDWA), which campaigns for a domestic worker “Bill of Rights” at the state level, for regulatory changes at the national level, and for the ratification and implementation of important ILO Conventions, notably C189, at the global level. So far the Alliance has achieved a Domestic Workers' Bill of Rights in seven states: New York, Hawaii, California, Massachusetts, Oregon, Connecticut and Illinois. Domestic workers' coalitions and alliances in these states have campaigned hard for these rights, principally through organising and advocacy campaigns, with the support of the National Domestic Workers Alliance (NDWA). Campaigns are run State by State, mobilising domestic workers and their allies to take part in public actions, social media messages and emailing Senate members to support the adoption of the Bill of Rights²⁸.

The Bills give domestic workers essential rights and protections including the right to be paid no less than the minimum wage, the right to be paid for all work hours, the right to at least one day off a week, the right to meal and rest periods. The bills also include protection against harassment



5.2 SOCIAL PROTECTION

The ILO estimated that in 2011 75 to 80 per cent of the world's population had no access to social protection and lived in a state of social insecurity. Domestic workers have remained one of the least protected groups, particularly migrant domestic workers who work largely in the informal sector, excluded from social security legislation with little or no access to justice²⁹.

Some industrialised European countries do have explicit coverage of domestic workers under social security legislation, however. Austria, Belgium, Denmark, France, Germany, Italy, Portugal, Spain and Switzerland (Canton of Geneva) have included domestic workers in workers' compensation schemes; Belgium, France, Germany, Greece, Italy, Netherlands, Portugal, Spain and Switzerland (Canton of Geneva) have included domestic workers in general health care schemes; Belgium, France, Germany, Greece, Italy, Portugal, Spain and Switzerland (Canton of Geneva) have included domestic workers in retirement schemes. In some cases, these rights have been extended through collective agreements, such as in France and Belgium. In Belgium, France and the Canton of Geneva in Switzerland, domestic workers access social protection through service voucher systems, combined with model contracts, which help to formalise domestic work. Where domestic workers are represented by their own associations or trade unions, they are more likely to have their rights respected³⁰.

India: an early example:

India was an early example of good practice with the adoption of the Unorganised Workers Social Security Act 2008, one of the first steps towards ensuring social protection for domestic workers. Since then many state governments have implemented this Act in their states, setting up State Social Security Boards* and providing welfare schemes under this Act including pensions. The extension of Rashtriya Swasthya Bima Yojana (RSBY - health insurance for below- poverty families) to domestic workers was one of the first schemes under this programme. (*The states that have constituted the State Social Security Boards are Karnataka, Chhattisgarh, West Bengal, Assam, Odisha, Gujarat, Kerala, Rajasthan, Andhra Pradesh, Jharkhand, Tripura and Andaman & Nicobar Islands)³¹.



Dominican Republic:

CNUS and a coalition of other unions and organisations helped move a bill to Congress that would provide domestic workers with social security coverage. Eulogia Familia, vice president of CNUS, said getting the bill introduced involved “one-on-one interviews with key legislators to raise awareness” and meetings with government agencies responsible for shaping the legislation. Domestic workers’ participation was fundamental to these meetings, enabling legislators and policy-makers to learn firsthand about the often daunting working conditions the women face. Further, says Familia, domestic workers could convince legislators “that they and their families are an important social group and that their vote will help elect” them. Following this outreach, the National Social Security Council issued a resolution to conduct studies on the best way to incorporate domestic workers into the social security system³².

Union and government collaboration in Paraguay

In Paraguay, just over ten per cent of domestic workers were registered with the Instituto de Previsión Social (IPS), despite the fact that registration is compulsory in law. In December 2013 an awareness-raising campaign was organised to improve registration rates. People like Librada Maciel, who has been a domestic worker for over 20 years and is now the secretary-general of the domestic workers’ union in Itapúa, took part together with representatives from the government, employers’ and workers’ organisations on the major push to promote the registration of domestic workers in Paraguay. The campaign targeted urban and rural areas. Advocacy materials were available in both Spanish and Guaraní. Messages were widely shared on radio and TV as well as the IPS webpage, and posters were used strategically in public places such as transport hubs and social and health centres. Messages were adapted to the different types of audience, some aimed at domestic workers and others targeted to their employers, reminding them of their legal obligations.

Librada was also actively involved in a new campaign in 2014 to promote registration. With the support of the ILO, the three domestic workers’ organisations of Paraguay – the Sindicato de Trabajadoras Domésticas del Paraguay (SINTRADOP), the Asociación de Trabajadoras Domésticas and the Sindicato de Trabajadores de Itaipu (SINTRAIPU) – collaborated with the Ministry of Labour to produce a leaflet calling on employers to register them with the IPS. The brochure was distributed to 20,000 households, attached to the electricity bill to make sure that employers would not throw it away. Domestic workers’ registrations in the IPS increased sharply and by February 2015, there were 799 new employers registered with the social security authority³³.

“The least we can do is to consider ourselves as workers to bring domestic workers into the formal economy or ensure these women have a salary slip. So that they can get social security, and life insurance. There are one and a half million of us domestic workers but only 25 per cent of us are officially recognised as employees. That is too low. But it is very important that these sisters join a union, that they get registered so they have protection.”

Stelle Marys Zalazar, Secretaria general Sindicato de empleadas de casa de familia, San Juan, Argentina



5.3. CONTRACTS REQUIRED BY LAW

C189 ARTICLE 7:

“Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements”

Examples where contracts are required by law for domestic workers can be found in the Philippines: the 2013 Domestic Workers Act requires the employer and the domestic worker to enter into a written contract which must be in a language understood by both the employer and the domestic worker, and available in three copies: for the employer, the employee, and for registration with the local authorities. In Brazil, according to law, domestic workers who work more than three or more days for the same employer must be hired under a registered contract and have many of the rights of any other workers, which include a minimum wage, paid holidays and a weekly day off. In practice unfortunately, many employers fail to offer a contract³⁴. In a number of countries, a so called “standard contract” or “model contract” has been introduced. This may provide more clarity to the conditions of work. However, a standard contract will only secure rights and protections when embedded in labour law.

» **In the Geneva Canton in Switzerland**, the SIT workers’ union (Syndicat interprofessionnel de travailleuses et travailleurs) secured the adoption of a “standard employment contract” by the cantonal authorities, via the Chamber of Collective Labour Relations. The contract is enforceable by the courts, and includes a wage rate set in consultation with the trade union organisations and on the basis of common practice. The SIT obtained income protection insurance in case of sickness for domestic workers who are employed for at least 32 hours a week by the same person (and it hopes to extend this coverage to all domestic workers).



Ireland: Migrant domestic workers successfully campaign for ratification of C189

The Domestic Workers Action Group (DWAG) – supported by the Migrant Rights Centre Ireland (MRCI) – was very successful in convincing the Irish Government to ratify C189 and to take advantage of Ireland’s Presidency of the Council of the European Union in 2013 to push through recommendations at the EU level to enable other Member States to ratify C189. The government developed key policies for domestic workers including labour inspections in private homes, a code of practice for the sector and new measures to protect domestic workers in embassies. These achievements were no coincidence: it took ten hard years of mobilising domestic workers, building critical analysis of issues and taking collective actions to put domestic work on the agenda:

- » Grassroots organising with workers;
- » Actions on the streets to highlight the value of domestic work and the hidden exploitation in the family homes in Ireland and strategic;
- » Building strategic alliances with trade unions, employers and community and voluntary sectors and;
- » A theatre play launched in 2011 accompanied by a well-planned media and campaign strategy with political asks and targets; and
- » Teaming up with musicians in 2012 to explore how to engage new audiences through music and spoken word. This created new platforms, and women gained confidence to represent their own issues through music, on stage, and in the media, both locally and nationally targeting the Minister for Jobs, Enterprise and Innovation.

By August 2012, the campaign was reaching a climax. DWAG used a number of actions in a final push to get the Irish government to commit. Allies of the campaign were invited to join a global day of action calling on the Irish Government to ratify. The Solidarity Stroll saw domestic workers, trade unions, employers, civil society organisations, community and voluntary sectors, children and supporters take to the street to walk in solidarity with domestic workers around the globe and call for ratification. A petition was launched using the deadline of 12 December 2012, and signatures were gift wrapped in boxes and delivered to the Minister on 12 December by 12 members of DWAG with the message “give domestic workers a gift this Christmas, commit to ratification”. In 2014 Ireland officially ratified C189.



“The ratification of the Domestic Workers Convention was a major step by the Irish Government towards recognising the importance of the work carried out in private homes. It is important to ensure that au pairs are also covered by employment legislation.”

Jane Xavier, Domestic Workers Action Group, Ireland

EUROPE: DECISION OF THE EUROPEAN UNION IN SUPPORT OF C189:

The European Union Council of Ministers’ Decision, in December 2013, authorised Member States to ratify ILO Convention 189. The Decision was first proposed by the European Commission in March 2013 and endorsed by the European Parliament. The Decision does away with objections from some Member States that certain EU Directives constituted a barrier to ratification of C189.

5.4 REGULATION OF WORKING TIME AND LEAVE

Working time

Domestic workers have often been exempt from the working time regulations contained in national labour laws. This is addressed in Convention 189 which calls for “measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave” (Article 10). While some of those countries that now specifically recognise domestic workers in their labour legislation do regulate working hours, at least in theory, many problems remain, particularly for live-in domestic workers who are still often expected to provide around-the-clock service.

Guidelines to limit the hours of live-in domestic workers

The ILO has provided a policy brief on the working time of live-in domestic workers, which sets out the following guidelines aimed at restricting working time:

- » In working time regulation, define normal hours of work, rules regarding standby, rest periods and breaks, and encourage workers and employers to negotiate clear work schedules, including start times and end times.
- » Limit standby time and overtime hours, and define how these periods are to be remunerated.
- » Set adequate periods for short breaks during the day, and daily rest to ensure domestic workers have time to get adequate rest.
- » Set strict conditions under which night work can be performed and sleep/daily rest can be interrupted.
- » Ensure that domestic workers are allowed to leave the household for their periods of break, daily rest, and weekly rest.
- » Ensure compensatory rest in case of exceptional work during rest periods, especially at night, irrespective of financial compensation.
- » Require employers to document the domestic worker's work schedule as well as any extra hours worked.”³⁵

Tanzania: Recording working time - an awareness-raising tool

The International Domestic Workers Network (IDWN) and the Conservation, Hotels, Domestic, Social Services and Consultancy Workers Union (CHODAWU) of Tanzania carried out a training workshop in April 2013 with the support of the ILO on recording working time for domestic workers. The aim was to teach the 20 participants, all live-in domestic workers, how to calculate and record their own working time and remuneration, and how to estimate working time in relation to the tasks they performed. They were also given information on their legal rights, specifically regarding working time and remuneration according to Tanzanian labour law, and more generally their rights as workers under the Labour Relations Act, including their rights to rest days and leave.

The workshop concluded that filling a time sheet was the best strategy for recording and understanding working hours and the tasks performed each day, and the link between working time and remuneration. A task force was set up to ensure that the forms used in the workshop continued to be used by domestic workers, filled in appropriately and collected after completion³⁶ Similar training workshops were carried out in the Philippines (FFW), Thailand (Homenet) and Bolivia (FENATRAHOB).

Chile: New law dramatically reduces working time

Chile approved in October 2014 an amendment to the law governing domestic workers' rights that came into force in October 2015. One of the most significant changes was the reduction to 45 working hours a week for live-out domestic workers. They have to be given at least one day off a week and at least 30 minutes for meal breaks. Overtime is limited to a maximum of 15 hours per week. For live-in workers, the law sets a minimum of 12 hours' rest per day, with at least nine hours between the end of one working day and the beginning of the next, and at least three hours' rest spread out during the working day, including mealtimes. Sunday is a day of rest, with a second day that should in principle be Saturday but can be changed to another day, or part of, by common accord.

Chile's domestic workers' union, the Sindicato de Trabajadoras de Casa Particular (Sintracap), had campaigned long and hard for these new rights, but said there was still

more to be done. President Michelle Bachelet was a strong champion of the proposed bill when she signed it in April 2014, promising to continue to protect workers' rights³⁷. The government of Chile ratified C189 on June 2015. Chile's labour Minister praised the role of domestic workers' organisations and unions of domestic workers (SINTRACAP, SINDUTCAP, ANECAP and the Foundation of Older Workers Margarita Pozo) in the creation and formulation of the bill, which provides legal protection to domestic workers in areas not covered previously³⁸.

5.5 REST AND LEAVE DAYS

Rest days and leave days are essential for all workers to protect their physical and mental health. This right has not always been respected for domestic workers, particularly live-in domestic workers who risk not only their health but social isolation if they are not given time off. For migrant domestic workers, paid annual leave is of special significance, as it may be their only opportunity to see their family.

Consecutive 24 hours' rest period per week – respected or exceeded in many countries. C189 stipulates that weekly rest "shall be at least 24 consecutive hours". The ILO notes that in many countries labour legislation already provides domestic workers with 24 hours of weekly rest, or more. Labour legislation in both Uruguay and South Africa establishes an uninterrupted weekly rest period of 36 hours for domestic workers, and for Argentina it is 35 hours. In Uruguay, the specified weekly rest period includes the whole day on Sunday, while in South Africa it may be converted, by agreement, to a minimum of 60 consecutive hours every second week. Worldwide, almost half of all domestic workers (25.7 million, or 49.0 per cent of the total) are entitled to a weekly rest period of at least 24 consecutive hours. These workers are protected on the same terms as other wage workers in their country (and in a small number of cases, they actually enjoy more generous treatment)³⁹.

Singapore: Making legislation work

Singapore introduced legislation granting a weekly day off for foreign domestic workers under work permits issued or renewed from January 2013 onwards. Although a significant and welcome step, legislation only counts if there is effective enforcement. The organisation "Transient Workers Count Too (TWC2)" surveyed the level of enforcement and published its report on "The Right to Rest: The effectiveness of the 'day off' legislation for foreign domestic workers"

on International Domestic Workers' Day (16 June) 2015. TWC2 surveyed 195 foreign domestic workers about their access to rest days and adequate compensation. Of those surveyed within the period of 2013-2014, 41 per cent said they had four days off per month, 24 per cent of domestic workers received two days off per month, 23 per cent had only one day off per month and 10 per cent had no days off at all. If their sample is representative, said TWC2, it means that approximately 22,000 domestic workers in Singapore do not have a day off at all.

The report went on to make recommendations to the Government of Singapore including increased public awareness, better enforcement through random checks, extending the rest day provisions in the Employment Act to domestic workers, introducing a full 24-hour rest day, adequate compensation for working on a day off, and the introduction of minimum compulsory leave, including at least two rest days per month⁴⁰.

Paid annual leave: Latin America takes the lead.

ILO statistics show that many countries have already extended entitlement to paid annual leave to domestic workers. In Spain, for example, domestic workers have the right to 30 days of annual paid leave, of which at least 15 must be consecutive. In Zambia, the labour legislation entitles domestic workers to accrue not less than two days of paid leave per month, while in Mozambique the entitlement to annual leave for domestic workers is linked to the number of years in the job, rising from 12 days in the first year to 30 days from the third year onwards. For just under half of all domestic workers across the world (approximately 25.7 million), equal entitlements to annual leave are already a reality. The legal coverage for domestic workers with respect to annual leave is especially good in Latin America and the Caribbean, where almost all domestic workers in the region are entitled to annual leave under similar conditions as workers in other sectors (Costa Rica provides longer annual leave for domestic workers than for other workers). In the developed countries, Africa and Eastern Europe and the CIS, the share of domestic workers with a right to annual leave on the same terms as other workers ranges between 55 per cent and 71 per cent. In Africa, where 57 per cent of domestic workers have the same entitlement, another 42 per cent are guaranteed a period of paid annual leave, albeit shorter than for other workers. Legal coverage is the weakest in Asia and the Middle East, where 97 per cent and 99 per cent of domestic workers,

respectively, have no entitlement to annual leave under national legislation. Leave arrangements therefore depend entirely on the discretion of the employer, and holidays are often only granted for national festivals³⁹.

Philippines: Achieving rights and protections for domestic workers

A Technical Working Group (TWG) was established in 2009 which included ITUC affiliates, domestic workers, Migrant Forum Asia and other allies as well as the Department of Labour and Employment and the ILO. The TWG facilitated a unified position – built on tripartite consultations – on ILO Convention 189 at the ILO Conference and its ratification in 2013. Unions, domestic workers and Migrant Forum Asia coordinated advocacy and lobby efforts to speak with one voice to secure ratification of C189 and the adoption of the Domestic Workers’ Bill in 2013. They held regular meetings, island-wide consultations by tripartite partners, developed common campaign materials and campaign kits. Planned celebrations and public events on key dates (Labour day, International Domestic Workers’ Day, Migrant Workers’ Day, etc.) shared stories of domestic workers in the (social) media, provided capacity building programmes and, last but not least, organised hundreds of domestic workers. They engaged Senator Jinggoy Estrada, chair of the Senate Labour Committee who authored the Domestic Workers Bill in the Philippines, as the first champion of the 12 by 12 campaign. And they organised a concert with musician Noel Cabangon as part of the 12-12-12 Global Action Day to celebrate the ratification of C189 and the adoption of the Domestic Workers Bill. They learned the importance of:

- » Sharing knowledge, expertise and resources among members of the network, and sharing their experiences with other teams at regional and global level;
- » Pooling the competencies of people of the different unions and domestic workers organisations and carrying out research;
- » Preparing for strategic discussions on wages, freedom of association and securing implementation of the new law;
- » Developing a campaign plan (with advocacy strategies, a communication and media plan), targeting key people in the government and creating an ever expanding network of allies; and
- » Having open lines of communication.



“By recognising that decent work principles should be embedded in domestic work, the Philippines and the world are finally coming to terms with their humanity. Workers’ rights and decent work should not be limited to certain types of workers only, but to all kinds of workers,”

Sonny Matula, President of the Federation of Free Workers (FFW) , Philippines

5.6 MIGRANT DOMESTIC WORKERS

According to 2015 ILO estimates, 11.5 of the 67 million domestic workers globally⁴¹ are migrants, often forced to leave their home countries owing to urgent needs and a lack of employment opportunities, aggravated by gender discrimination. In several regions they are often particularly vulnerable to exploitation by recruitment agencies and can find themselves trapped in their country of destination by employers who confiscate their passports. Since the majority live in the home of the employer, they are heavily dependent on the employer's permission to leave the house or are even locked up. Other common problems are related to long working hours, no leave days, non-payment of wages, as well physical and sexual abuse. Migrant domestic workers in an irregular situation face even more discrimination and exploitation.

In the Middle East, the "kafala" or sponsorship system ties migrant workers to individual sponsors for the contract period; workers have no say in their working conditions, and cannot terminate their employment contracts. Isolated, with no knowledge of their rights, or even of the local language, these migrant domestic workers, an estimated 73 per cent of whom are women, are particularly vulnerable.

They can be helped, however, thanks to solidarity, networking, and better regulation.

Hong Kong: Strategic plan against recruitment agencies

IDWF and the Hong Kong Federation of Asian Domestic Workers Unions (FADWU) is conducting a strategic campaign to tackle illegal and excessive recruitment fees in Hong Kong and the Philippines. Hong Kong and the Philippines are the countries of destination and origin with better protection for migrant domestic workers. Yet, illegal and excessive charges by recruitment agencies which lead to forced labour of domestic workers are still rampant. According to a survey⁴³ of Filipino domestic workers in Hong Kong, 90 per cent of respondents are paying higher fees than allowed in law.

International solidarity helps migrants set up rights network in Jordan

Migrant domestic workers (MDWs) in Jordan officially formed their own workers' rights network on 19 September

2015. The initiative began in early 2014 when the AFL-CIO's Solidarity Center approached leaders in migrant worker communities to discuss plans to combat the trafficking of vulnerable domestic workers and assist those experiencing rights abuses. Like in many countries in the Middle East, migrant workers cannot form unions to improve their working conditions and until the creation of the network, very few knew their rights and had no one to assist them.

Forty-two domestic workers' leaders from the largest communities in Jordan – Filipino, Bangladeshi, Sri Lankan and Indonesian – took part in training covering workers' rights, human trafficking, legal assistance and building networks. This core group then began monthly meetings to discuss issues, learn from studies and hear from guest speakers on migrant domestic workers' issues. Network leaders began to bring new domestic workers to the meetings, and by September 2015 a total of 268 domestic workers had participated in the training workshops and network meetings. Indrani, a Sri Lankan migrant domestic worker, explains that thanks to the network "we know how to help each other ... domestic workers know how we are helping, now they are asking to come."

Domestic workers also learn about the meetings through the legal clinic the Solidarity Center launched in October 2014 in partnership with the Adalah Center for Human Rights Studies. The clinic takes place after each meeting, helping workers whose employers have confiscated their passports, for example, or failed to pay them for months or even years. By September 2015 more than 85 domestic workers had sought assistance at the legal clinic⁴⁴.

ILO's Global Action Programme on Migrant Domestic Workers and their Families

The project has facilitated the conclusion of bilateral agreements between trade unions in countries of origin and destination in five migration corridors, helped found the first domestic workers' union in the Arab world (Lebanon's Domestic Workers' Union) and the first domestic workers union in Lesotho, influenced the passing of legislation in favour of greater protections for domestic workers in Paraguay, supported the development of a skills development programme for migrant and national domestic workers in Argentina, contributed to the new foreign employment regulations for domestic workers in Nepal, and to the elaboration of a code of conduct of employers of migrant domestic workers in Malaysia⁴⁵.

Organising MDWs in Lebanon

There are over 250,000 migrant domestic workers in Lebanon, from at least ten different countries in Asia and Africa. The majority come from Ethiopia, Bangladesh and the Philippines, while others are from Nepal, Madagascar, Cameroon, Sri Lanka, Congo and Kenya. In 2012 the ILO, together with the National Federation of Employees' and Workers' Unions in Lebanon (FENASOL), the IDWF and three national NGOs, set about organising these workers under the umbrella of FENASOL. The partners brought together community leaders from the Philippines, Nepal, Sri Lanka, Bangladesh, Ethiopia, Cameroun, Madagascar and Congo. They met once a week for seven weeks to discuss the importance of organising domestic workers and to communicate the importance of organising to their compatriots. These meetings created synergies between the community leaders and solidarity around their identity as workers in the same sector rather than around nationality. These women recruited their compatriots, who in turn recruited others. The union, with around 500 members, held its founding congress in January 2015 – near the FENASOL offices in Beirut in the presence of representatives from the EU, the International Labour Organisation (ILO), the International Trade Union Confederation (ITUC), the International Domestic Workers' Federation (IDWF) and the Arab Trade Union Confederation (ATUC). The Domestic Workers' Union has encountered great resistance from the authorities. The domestic workers continue to meet, however, with the same courage and determination as the day they founded their union: "I am anxious and happy. Happy because I have heard too many abominable stories to sit back and do nothing. At the same time, the Labour Ministry hasn't yet given its verdict on our union. But we are not waiting for them, we're moving forward," said Rose, a domestic workers from Cameroon, at the founding Congress⁴⁶.

Networking and knowledge sharing in Thailand

In Thailand, the Network of Migrant Domestic Workers says about 15 of its 75 Burmese members have at least one day off each week. Now they are trying to expand their network to assist women who are younger, unable to speak Thai or English, and more vulnerable.

Suay Ing is one worker whose situation has improved since she has learned about her rights. The eldest of four children of migrant construction workers from Myanmar, Ing was 14 when she was trafficked to Bangkok by a broker who promised her a job and abandoned her. In 2013, aged 29, she plucked up the courage to leave her abusive boss. She started to learn about her rights and, armed with greater knowledge, she got decent pay, days off and reasonable hours. Over time, Ing began sharing her experiences with other domestic workers, and she now offers advice on how to find safe, fair employment with the Network of Migrant Domestic Workers.



"I tell domestic workers to ask about their days off, about whether or not they will have their salaries cut if they go home, (...) If the domestic workers ask these questions, then the employers know they can't take advantage of them."⁴⁷

Suay Ing, Domestic worker

South Africa: Organising migrant domestic workers

SADSAWU began to organise migrant domestic workers in South Africa in 2013. It has formed a special committee led by its president, Hester Stephens, to plan and lead the organising drive. Supported by the Global Action programme on Migrant Domestic Workers, SADSAWU has carried out a successful campaign. By the end of 2015, over 500 Zimbabwe workers were included in its membership.

Rural to urban migration:

Unions reaching out in India Sonia Rani, a project coordinator for the Self-Employed Women's Association, SEWA, outlines three facets of the Federation's organising efforts in Delhi:

- » SEWA Bharat has attempted to reach out to live-in MDWs through local domestic workers, who sometimes work in the same apartments as the migrant workers. Local domestic workers, who have already been organised by the Federation, inform MDWs about their rights and hand out SEWA organising pamphlets. MDWs are encouraged to contact SEWA in case of need, and the organisation can arrange for their return home.
- » SEWA has also worked to sensitise Resident Welfare Associations (RWAs) in Delhi. Through occasional meetings with RWAs, SEWA has sought to encourage them to create rules for domestic workers' welfare, in particular with regard to time off and minimum wages.
- » SEWA runs sensitisation campaigns in origin states such as Bihar, West Bengal, Orissa and Kerala. These seek to raise awareness of safe migration among aspiring domestic workers, government officials, women's groups, villagers, and other stakeholders, through innovative means including role-play, drama, posters, and wall paintings.

Between February 2014 and April 2015, SEWA, reached out to a total of 15,333 migrant domestic workers in the states of Delhi, Bihar, and West Bengal. The organisation rescued six domestic workers in Delhi and two in Bihar, and has handled cases relating to non-payment of wages, domestic violence, and rape⁴⁸.

Maria's story: Life-changing legal reforms

Paraguayan worker Maria Perez explains how much her life has changed since she first arrived in Argentina over 25 years ago to find employment as a domestic worker. At that time, she had no labour rights, but in 2004 Argentina passed a new national migration policy and in March 2013, after decades of labour organising, a new law on domestic workers. The new law effectively formalised the domestic work sector for nationals and migrants alike. The Domestic Workers' Law updated and expanded domestic workers' labour rights by recognising maternity leave, paid holidays, minimum wage, a yearly bonus and compensation in case of layoffs or firing. It restricts working hours to eight per day and 48 per week. "I work now as a live-out worker from Monday to Friday. I have a contract and I know my rights. After many years working in Argentina, I will be able to retire and have my pension paid in Paraguay." Maria has also joined the Domestic Workers Union (UPACP) and enrolled in the vocational training course the UPACP provides free of charge to its affiliates.

"I received a diploma. I framed it and I hung it on the wall. I feel so proud of myself....Since the passing of the laws, I have made sure to tell all my friends from Paraguay who also work as domestic workers to request a work contract from their employers and claim the new benefits. Most of them are now part of the formal economy."

Maria Perez, Domestic worker⁴⁹

Supporting live-in migrant domestic workers in the UK

The problem of dependency for mostly live-in migrant domestic workers is not unique to the Gulf States. In the UK the charity Kalayaan (a Filipino word for freedom) helps migrant domestic workers, many of whom have to live with their employers. Since the British government introduced tied visas in April 2012 in an attempt to limit immigration, migrant workers have become dependent on their employers for everything – their immigration status, visa and job, making them very vulnerable to abuse. If they leave, even to flee abusive conditions, they are in breach of immigration laws.

The workers Kalayaan supports come mainly from the Philippines, Indonesia, India, Thailand and Nepal. Some report physical abuse, others report psychological abuse, being forbidden to go out unaccompanied, a lack of privacy and no time off. Kalayaan helps them by providing practical advice and support such as help in retrieving passports from employers and practical emergency assistance. It also provides training in accessing healthcare and mainstream services, English-language courses and support with reading and writing letters or forms, and puts them in touch with organisations such as Justice 4 Domestic Workers, which provides emergency support and shelter for migrant domestic workers who have escaped abusive situations. Domestic workers are also given access to training activities across a range of skills.



Working in alliance to stop the exploitation of migrant domestic workers in the Gulf

The countries in the Gulf employ an estimated 2.4 million domestic workers who are in urgent need of protection. Most are young migrant women from Asian and African countries who face multiple forms of abuse, including long hours, no pay, no freedom of movement, verbal, physical and sexual abuse, even death. The kafala system in the Gulf ties migrant workers to their employer, and in the case of domestic workers who work and live in the private households, this leads to many being trapped in abusive situations. One such example is the story of Iscah Achieng's⁵⁰ a young Kenyan woman who faced death threats and attempts of torture while being trapped in the house of her employer in Saudi Arabia, before finally managing to escape. "She wanted me to work more and more. I would wake up at 6 a.m. and then I would work for almost 18 to 20 hours a day. Seven days a week, no rest," Iscah says. "When I asked when I would be paid, she said it would cost me my life." There are thousands of Iscahs waiting to be rescued each day from slavery and life-threatening situations.

An analysis by the International Trade Union Confederation (ITUC), "Facilitating Exploitation," (November 2014) highlighted how gaps in national labour laws in GCC countries either partially or completely exclude domestic workers. A Human Rights Watch report, "I Already Bought You," (October 2014) and an Amnesty International report, "My Sleep is My Break," (April 2014) found common patterns of abuse against domestic workers in the United Arab Emirates and Qatar respectively, including unpaid wages, no rest periods, excessive workloads, food deprivation, and confinement in the workplace. In several cases, domestic workers reported physical or sexual abuse and had been in situations of forced labour, including trafficking.

On 23 November 2014, the ITUC, Amnesty International, Human Rights Watch, IDWF and Migrant Forum Asia released a joint press statement⁵¹ – signed by unions, domestic workers and other allies around the globe – and participated at an event hosted by the Kuwait University Law School to discuss the rights of migrant domestic workers.

The recommendations to the Gulf governments included:

- » Establish and enforce comprehensive labour law protections for migrant workers, including domestic workers;
- » Reform the kafala (sponsorship) visa system to ensure that workers can change employers without being required to first obtain their consent;
- » Remove the "exit permit" requirement in Saudi Arabia and Qatar;
- » Strengthen regulation and monitoring of labour recruitment agencies, including eliminating recruitment fees for workers; and
- » Ensure that migrants have access to justice and support services.

On 24 June 2015 Kuwait's National Assembly adopted its first ever law giving domestic workers enforceable labour rights. It grants domestic workers the right to paid weekly breaks and paid annual leave, compensation for overtime for work beyond 12 hours/day, among other rights. The law prohibits assigning the domestic worker to "any dangerous work that could humiliate the worker's dignity" and prohibits both PEAs and employers from charging any (direct or indirect) fees for employing the workers or arranging for them to stay. Although the draft law does not strengthen domestic workers' access to courts, in theory the law exempts domestic workers from legal fees in labour disputes and requires civil courts to examine their cases within a month of referral from the domestic labour department. The law was supposed to come into force in January 2016. However, the new law was repealed by the Supreme Court on 16 December 2015, probably due to the provisions on leave and holidays, and returned to the Parliament for revision.

This backlash is no surprise. In 2013 the Gulf Cooperation Council (GCC) was on the verge of adopting a standard contract for domestic workers for all six of its Member States. The Gulf States had all supported the adoption of C189, but their proposed standard contract fell far short of ILO standards and provided no protection for workers against abuse or violence. The GCC claimed in November 2014 that it was working on a revised version of its contract, but by early 2015 it appeared to have abandoned the idea, claiming that it would not have the authority to introduce binding changes.

5.7 PREVENTION OF CHILD AND FORCED LABOUR

Forced Labour:

For some (migrant) domestic workers, the circumstances and conditions of their work amount to forced labour: where employers have forbidden them from leaving the home; withheld or not paid wages; used violence or threats of violence; withheld their passports or identity document; limited their ability to have contact with family; or deceived them about their rights in order to compel them to work⁵².

- » **Building pressure in Mauritania to end trafficking for forced labour:** In 2015, the Mauritanian trade unions received complaints of trafficked women workers who had returned from Saudi Arabia. All of them reported how they were promised decent wages and jobs in Saudi Arabia as nurses and teachers, only to find themselves employed as domestic workers, working for a few dollars a day. Their passports had been confiscated, and they were not allowed to leave without permission from their employer. Many had suffered from sexual harassment. Some reported being beaten and locked up in a room without food or water for a week. Others were threatened with rape for complaining about working conditions. When they asked to return home to Mauritania, their employers refused. The workers in this case were victims of trafficking for forced labour. A delegation of Mauritanian trade unions and the ITUC had a meeting with the Minister of Labour in Mauritania resulting in a commitment of the Minister to stop the outbound labour migration to Saudi Arabia until there is better protection of the workers. It immediately closed the agencies involved. He also committed to start the legislative process to ratify ILO's Forced Labour Protocol⁵³.

Child Labour:

The International Labour Organisation (ILO) estimates that globally 7.4 million children below the age of 15 work in domestic service, most of them in the developing world. Domestic work is the largest employment category for children worldwide. Many of them work up to 18 hours a day and often are not paid; a few others receive payments, but usually very low. While many regard domestic work as a "safe" form of employment, in reality physical, verbal and sexual abuse routinely accompany this type of work. Some children are trafficked into forced labour⁵⁴.

- » **Reducing Children in Domestic work in Bihar, India:** Since 2006, the National Domestic Workers' Movement (NDWM) has put 700 child domestic workers aged between 6 and 18 back to formal school after they have run away from their employers. To do this, the NDWM works in cooperation with the local government who refer to them the child domestic workers rescued. Through a program involving three hours a day and six days a week in six shelter homes, the children receive education and training on literacy, culture, awareness of rights and issues of human trafficking. Most of the mothers of these children are domestic workers; they are also the target of outreaching and organising, creating firm support of the program and the organisation.
- » **Global March Against Child Labour – uniting key organisations:** The Global March Against Child Labour brings key players together – such as community-based and non-governmental organisations and trade unions – in an international network that works towards the goals of eliminating and preventing all forms of child labour and ensuring the access of all children to free, meaningful and good quality public education. In mobilising its constituents, the Global March also engages with the United Nations, international and inter-governmental agencies. It has been a long standing partner of the ILO, particularly its International Programme on the Elimination of Child Labour (IPEC), as well as UNICEF and others⁵⁵.
- » **Working with local leaders in Uganda and Tanzania:** A number of organisations in Uganda directly enlisted local officials and community leaders to enable them to reach child domestic workers. For example, the organisation "WAYS" in Kampala maintains contacts with community groups, including parish development committees and women's groups, as a way of identifying child domestic workers at risk of abuse⁵⁶.

Kivulini, an organisation based in Mwanza, Tanzania, works closely with leaders at the lowest structure of local government. Street-level officials have right of access to people's homes – no special permit is necessary. Since they know all the local households, they know where young domestics are employed, and whether there is conflict in the household. They are trusted by both employers and domestics.

5.8 FREEDOM OF ASSOCIATION

New unions were established around the world – and for many domestic workers it was the first time in history to win the right to join and form a trade union in their country:

Sri Lanka:

The Domestic Workers Union got its registration on 5 March 2012. This is a historic landmark for workers in Sri Lanka as it is the first domestic workers union to receive official recognition. Another landmark is that this union is truly democratic in its leadership and decision making process. The union is led by domestic workers themselves who are members in a collective leadership structure with joint presidents and joint secretaries. They have organised 1,300 domestic workers and see scope for a significant increase in the near future.

Mexico:

The country's first domestic workers' union, SINACTTRAHO was registered in 2015, and the National Union of Workers (UNT) approved SINACTTRAHO's affiliation. Domestic workers from states like Colima, Chiapas, Puebla, Guerrero, Mexico City and elsewhere around the country voted to form the union and elected an executive committee. "I am very excited for today because it is a historical victory for the domestic workers in Mexico," says Isidra, a domestic worker attending the event to mark the founding of the union. "From now on, we will have rights and no one will be able to take them away from us. Our rights will be respected, no more low salaries and disrespectful treatment. Our work is valuable."

Pakistan:

The Pakistan Workers Federation (PWF) formed the Domestic Workers' Trade Union, the very first union of its kind in Pakistan. "We take care of some of the most important things in our employers' lives, their homes, their children, their food, but our work is not considered important," said Shamshad, who was also a domestic worker and is now the Vice President of the PWF. "Now that I have the skills and I am part of a trade union, I feel confident in negotiating better wages and terms and conditions for work".



06. MINI GUIDE: STRENGTHENING ADVOCACY CAMPAIGNS

Advocacy is about sending out a clear message, making your message known and convincing those that have the power to make decisions which can protect domestic workers' rights to apply the provisions of Convention 189 in law and practice. Based on campaigns around the world, we have extracted key elements for strengthening your advocacy campaigns.

Create networks and form alliances: Follow the example of the 12 + 12 campaign, which has formed a global alliance⁵⁷ to maximise the pressure on governments. At the national and local level, alliances can be built to push for reforms collectively and monitor implementation:

- » Alliances among domestic workers' organisations, trade unions and national trade union centres allow you to focus and speak with one voice, adding more power to your advocacy campaign.
- » Broaden the alliance by inviting other groups to join your campaign and to support its goals – such as women's, human rights and migrant workers' rights organisations, teachers' organisations in the case of child domestic labour, and other civil society organisations.

Working together

In Bangladesh: The Domestic Workers Rights Network (DWRN) advocates for the Domestic Workers' Protection and Welfare Policy which the Bangladesh government promised to adopt in 2015. The Network mobilises immediate protests whenever there is a case of abuse against a domestic worker. Ten trade union centres in the DWRN have been committed to organising domestic workers since December 2012. The network, formed in 2005, consists of more than 30 member organisations including the National Domestic Women Workers Union (NDWWU), 14 trade union centres, human rights, women's and labour NGOs working with domestic workers.

In Indonesia: The Action Platform KA PPRT was formed in 2012 to speak with one voice and to increase pressure on the government and includes Jala-PRT (domestic workers) and three national centres: KSBSI, KSPI, and KPSPI. Their mission: to convince the government to adopt a draft bill on domestic workers and ratify ILO Convention 189. Their strategy: lobbying legislators to join the discussion on the bill, lobbying members of national and local parliaments and well-known personalities. Rallies are organised to keep up the pressure on the government as well to sensitise the public through (social) media. Capacity building programs (on leadership, advocacy, unionism) assist domestic workers to build strong unions. Members of the Action Platform KA PRT have committed to organising domestic workers.

In Italy: Cooperation between the three national centres (UIL, CISL and CGIL) and local unions led to important victories for (migrant) domestic workers in Italy. Thanks to a strategic advocacy strategy, Italy was the first European country to ratify ILO Convention No 189. A new collective bargaining agreement (CBA) for domestic workers was reached providing for wage increase, greater protection for working mothers and paid leave. The CBA covers two million working women and men and came into effect on 1



July 2013. Twenty-one associations of employers and trade unions signed the CBA after nearly two years of negotiations. Italian unions have a long history of organising and providing services to (migrant) domestic workers.

Latin America: TUCA's⁵⁸ campaign "Trabajo Decente para las Trabajadoras del Hogar" run in conjunction with the 12 + 12 campaign initiated alliances between national centres, domestic workers' organisations, women's rights groups and other NGO's. The advocacy of these alliances resulted in a chain of "wins": 12 ratifications of C189 and labour reforms in Uruguay, Bolivia, Ecuador, Nicaragua, Chile, Paraguay, Dominican Republic, Colombia, Brazil and Argentina.

Plan strategies and set goals:

Have clearly identifiable goals, including the ratification of C189, the adoption of new legislation and policies in line with C189 to protect domestic workers' rights, the lifting of legal and administrative barriers to the right to organise, and ensure that domestic workers and their employers are informed of their rights; check out the 12 + 12 campaign page, the IDWF website, the ILO resource pages for information or use the contact information on the resource page.

Develop campaigns and campaign materials:

Have a clear campaign message and materials explaining what C189 is, what domestic workers' rights are, what they can do to enforce those rights and what rights the union is campaigning for. Raise awareness among the public of the value of domestic work, and the urgent need to prevent exploitation. Materials could include posters, leaflets, T-shirts, badges, stickers, etc., bearing a clearly identifiable campaign logo.

Mobilise around key dates:

Meetings, rallies, demonstrations, photo shoots, etc. can be planned around key dates such as 8 March: International Women' Day; 1 May: International Workers' Day; 16 June: International Domestic Workers' Day; 7 October: World Day for Decent Work; 18 December: International Migrants' Day. Be creative by showing key messages at sports and cultural events. In Lebanon, DWs union participated in the Beirut marathon wearing T-shirts with key messages and demands – a good opportunity to spread the message, since it was picked by the media.

Mobilising around the world on International Domestic Workers' Day: 16 June 2015:

On today's International Domestic Workers' Day – which marks the historical adoption of ILO Convention 189 on 16 June 2011 - mobilisations will take place around the globe to call for respect and justice for all domestic workers – domestic workers and unions plan actions on the street, petitions and rallies including in Indonesia, the UK, Mexico, the US, Senegal, Cambodia and India to keep up the pressure on governments to ratify C189 and adopt labour reforms⁵⁹.

Mobilise and protest against abuse:

Many domestic workers working behind closed doors are abused and even killed, but their suffering passes unnoticed. Such cases are evidence of the lack of legal protection. Demonstrations, petitions and press conferences about these cases, as soon as they arise, can make the public and government aware of the issues surrounding domestic workers.

Sri Lanka: Public awareness raising through taking action against an abuse case – Domestic Workers Union.

Abuse of domestic workers always go unpunished, with employers simply paying money to the police and silencing the case. Domestic Workers Union, Sri Lanka, took immediate action in a case of rape and abuse by a Supreme Court judge in Sri Lanka. The police only investigated as a result of their protest, which was the first time that the media and the public were made aware of the Domestic Workers Union and domestic workers' rights. As well as forcing the police to take action and raising public awareness, the case led to many more women turning to the union⁶⁰.

Use the media, especially social media:

Send press releases about events, rallies, campaigns, to the written press and include quotes from domestic workers. Use local or even national radio stations where possible. Use the internet, with a website and Facebook page for campaign updates, as well as Twitter, and YouTube. Show what domestic workers and their allies can achieve. The IDWF has a communications network, www.idwfed.org, composed of a Facebook page, Facebook group, Twitter and a YouTube channel, which enables its members and supporters to share news and thoughts.

Using television to spread the message:

In January 2015 the Centre for the Support and Training of Domestic Workers (Centro de Apoyo y Capacitación de Empleadas del Hogar - CACEH) took part in the television programme “Dialogues in Confidence” on Channel 11 in Mexico City. The two-hour programme analysed the current situation of domestic work in Mexico, the violation of human rights and discrimination faced by domestic workers. The head of CACEH, Marcelina Bautista, also spoke about the progress made in terms of organisation and the training available for the sector. To access the interview: <http://disq.us/8lu8uv>⁶¹

Lobby government ministers:

Write to them, send petitions, invite them to your events. Particular pressure should be put on those governments that voted in favour of C189 at the ILC but have not yet ratified it. Press for improvements in laws and regulations, including the provision of adequate social protection for domestic workers, including migrant domestic workers. The ITUC and IDWF affiliates arrange meetings with labour ministers and invite them to forums. In some countries, the ministers for women’s and children’s welfare are also involved.

Lobbying ministers in Germany:

In Germany, the unions organised a working group on C189, including the IDWN, who – as part of their lobbying efforts for ratification – lobbied key members of the German parliament. Germany ratified C189 in 2013⁶².

Attend major national conferences and debates on issues relevant to domestic workers to make sure domestic workers voices are heard. This could be done through trade union delegations.

Initiate dialogue with employers and employers’ organisations, placement agencies and other stakeholders to promote the ethical recruitment and employment of domestic workers. Demand model contracts for the employment of (migrant) domestic workers in conformity with the provisions of C189⁶³.

My Fair Home Campaign

The IDWF and the ILO together launched the My Fair Home Campaign, www.idwfed.org/myfairhome. The campaign aims to advise the public and in particular the employers of domestic workers on how to apply the principles of C189 in their homes⁶⁴.

Hold tri-partite meetings:

Bring employers and government representatives together with domestic workers’ trade unions and associations to agree on a time bound plan to ratify C189, adopt labour law reforms and regulation of placement agencies. C189 clearly states that governments must ensure the respect of domestic workers’ fundamental rights at work (Article3), ensure fair terms of employment, (Article 6) and stresses the importance of written contracts setting out working conditions and specifying the name of the employer. Hence, the need for all parties concerned to come together. In Tanzania a firm commitment was made and an action plan adopted at a 12 + 12 tripartite session on 28 August 2015 to ratify C189 immediately after the elections in 2016. Mr. Ayubu, Labour Commissioner, pledged that “the government is ready to ratify the Convention and this may be implemented during the next Parliamentary session after the election”.

07. MINI GUIDE: ORGANISING AND CAPACITY BUILDING

Since the adoption of C189, 100,000 domestic workers have been organised and some 20 new unions of domestic workers have been created. In 2015 alone domestic workers' unions have been created in Pakistan, Mexico and Ghana.

Organising strategies:

Reach out using personal contacts: Domestic workers' trade unions in Africa carry out a mapping exercise to identify the strategic areas where domestic workers are found, such as residential areas, marketplaces, churches/mosques, bus-stops, tap water areas. In the Dominican Republic, national centres set up stalls in the street and visit domestic workers in their homes to tell them that they have rights and how the union can help them⁶⁵. In Bolivia, as part of a national strategy to promote ratification of C189, the domestic workers' union FENATRAHOB, set up tables in parks and market places with information leaflets and posters in different cities simultaneously, sometimes using megaphones to call to passers-by⁶⁶. In some cities they had the support of local governments. In the Philippines a former domestic worker who is now an organiser for LEARN, a labour NGO, visits barangays in Manila, talking to people like street vendors and security guards who have contact with domestic workers. Contacts are also made through the LEARN day care centre. This ground work resulted in the formation of the first domestic workers' union, UNITED, on 26 April 2015. By the end of the year, it had 425 paid up members, and barangay officers and mayors were helping to organise domestic workers.

Reach out to migrant domestic workers: Use organisers fluent in domestic workers' native languages, organise events around cultural and religious holidays, translate rights materials in relevant languages, and set up help desks in airports and shopping malls. With the support of the ILO's Action Programme for Migrant Domestic Workers and their families, SADSAWU is currently conducting a campaign in South Africa to reach out to Migrant Domestic Workers and UPACP (Union de Personal Auxiliar de Casa

Particular) in Argentina is developing a cell phone application to reach out to migrant domestic workers and to inform them about their rights. And GEFONT, based in Nepal, has undertaken advocacy and awareness raising activities in Lebanon as well as pre-departure and post-arrival trainings for domestic workers in Lebanon. Some of its future plans in expanding its work in Middle Eastern countries will focus on organising MDWs in Qatar, Lebanon, UAE, Malaysia, Hong Kong and Korea. And SENTRO, a union based in the Philippines, works closely with the union in Malaysia (MTUC) and in a process to register a union for Filipino migrant domestic workers in Malaysia. They are building a campaign with unions in Cambodia (CDWN) and Nepal (GEFONT) for campaign collaboration.



Partnership leads to historic creation of domestic workers' organisation in Lebanon

A range of initiatives led to the historic creation of a national domestic workers union in Lebanon in January 2014, uniting local and migrant domestic workers. The Lebanese trade union FENASOL organised domestic workers beyond national divides. At the same time GEFONT had developed a network of Nepalese domestic workers (NARI), using community based organising. The union has not yet been officially recognised by the government of Lebanon⁶⁷.

Be visible and identifiable: When recruiting, especially in the street or door-to-door, wear a union T-shirt, caps or aprons with your campaign logo, to be easily identifiable, and have posters or banners clearly displayed on street stalls.

Build alliances: Domestic workers' groups can come together to form bigger, stronger alliances, and join or form partnerships with the trade unions. In the United States, domestic workers cannot form trade unions, but the National Domestic Workers' Alliance has formed a partnership with the AFL-CIO national centre. In Indonesia the IUF-AP and the IDWF worked together with the Tunas Mulia Domestic Workers' Union to help it consolidate its organisation. In Hong Kong, the IDWN worked in partnership with HKCTU and AMC (Asian Migrants Centre) to help create and consolidate the FADWU domestic workers' unions' federation. In Latin America, a wave of cooperation between domestic workers and national centres led to the foundation of several unions of domestic workers, like in Brazil and Mexico, and the affiliation of their unions to national trade union centres, like in Chile.

Better organisation means better protection

Organised networks – such as the ones the Filipinas, Indonesians and Thais have set up in Hong Kong – have helped to give women support and information to protect themselves. In Thailand, for example, the Network of Migrant Domestic Workers says about 15 of its 75 Burmese members have at least one day off each week.... Now they are trying to expand their network to assist women who are younger, unable to speak Thai or English, and more vulnerable.⁶⁸ And the Italian unions – who have a long history in organising domestic workers – concluded collective agreements covering domestic workers, including migrants, and were the first European country to ratify C189 on 22 January 2013.

Use the media, both print and electronic: This has proved to be an effective organising tool. In Guinea– Conakry, SINED uses radio in all local languages, and this has attracted domestic workers to join it. In Tanzania, CHODAWU also uses radio, interviewing union officials or domestic workers early in the morning when the employers have gone to work and domestic workers are working alone in the house⁶⁹. Domestic workers' unions affiliated to FENATRA-HOB in Bolivia take part in radio programmes on women's issues, and talk about the legislation on domestic work, minimum wages, health and safety, etc. Provide details on how workers can contact the union⁷⁰. Use social media, such as Facebook, Twitter and YouTube, to spread your message and report on successes.

Use information leaflets: Develop simple information leaflets and flyers explaining to domestic workers what their rights are, and how they can join your union or association. Give clear contact details. Translate them into languages the workers can understand. Distribute them in the street, door-to-door, at public information meetings, in shops, on street stalls, at train and bus stations. Use straightforward language and clearly identifiable logos.

Organise meetings and awareness-raising sessions:

These can be used to inform workers about their rights, how they can network, organise and communicate. Use T-shirts, flyers, posters, etc., and have union recruitment forms ready to hand out for those who wish to join⁷¹. Set a central place and regular time for meetings so that as word spreads, workers know where to go and when.

Set up domestic workers' committees in residential locations: Give the committees the responsibility to recruit members within a locality, and collect dues and submit them to the union officials. This builds ownership and commitment among domestic workers' leadership at grassroots level. Hold the meetings when domestic workers are free, for example on Sundays, and when union officials can come to talk about domestic workers' issues⁷².

COSATU in South Africa and KSBSI in Indonesia

encourage their members who employ domestic workers to sign them up to the union. In the case of South Africa, it has led to an immediate increase of hundreds of members for the domestic workers union SADSAWU. The CNUS in the Dominican Republic formed a union and organised 2,000 domestic workers in 2012 who now have access to social protection. The women's section of NTUF in Sri Lanka initiated activities to organise domestic workers, which were followed by the commitment of 350 trade union activists and leaders to organise these workers in their districts⁷³.

Capacity Building

Organise training sessions: Important topics for training include organising skills, leadership development, legal rights including those enshrined in C189, trade union rights, political education, gender issues and vocational training⁷⁴. Training is also needed for simple, practical skills such as recording working time, notably for live-in domestic workers.

Share best practices: For example, through the distribution of documentation on advances in domestic workers' organising, including innovative methods, campaign victories, bargaining models, legal and social protections and other activities of domestic workers' organisations that contribute to improving the working and living conditions of domestic workers.

Coordinated action can strengthen efforts to regulate and improve the working conditions of (migrant) domestic workers. In Hong Kong China, Indonesia and Kerala (India), for example, workers have come together to determine and coordinate baseline standards in the industry and promote those standards at the point of hire. The standards are either set down in a standard contract or promoted by an intermediary organisation managing hiring in the industry. In Zambia, domestic workers' organisations negotiated a code of conduct now used by intermediary agencies as a standard for setting contractual terms. Intermediary agencies distribute the Code of Conduct to employers, refer to it when setting contractual terms at the point of hire, and have agreed to negotiate salaries above the minimum wage and to enforce the contracts. The agencies report salaries 19 to 130 per cent above the statutory minimum wage, and a high degree of compliance, despite a lack of systematic enforcement⁷⁵.



RESOURCES

IDWF

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- » IDWF Facebook: <https://www.facebook.com/IDWFED> - https://www.facebook.com/events/509_213469229449

ITUC

- » 12 + 12 website: <http://www.ituc-csi.org/domestic-workers-12-by-12?lang=en>
- » 12 + 12 Facebook: https://www.facebook.com/groups/231_305920281513/
- » ITUC-UN Women Briefing Kit: Domestic Workers Count Too: Implementing protections for domestic workers <http://www.ituc-csi.org/briefing-kit-domestic-workers> (English only)
- » Equal Times – articles on domestic workers: <http://www.equaltimes.org/domestic-workers-569#.VvPkwhBf02w>

ILO GAP:

- » ILO GAP resource page: http://www.ilo.org/global/topics/labour-migration/projects/WCMS_222567/lang--en/index.htm
- » ILO: Resource page on Domestic Workers <http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm>

ILO CONVENTION 189 and RECOMMENDATION 201

- » ILO: “Convention 189 and Recommendation 201 at a glance” Available in English, Arabic, French, Spanish, Portuguese and Bahasa http://www.ilo.org/travail/whatwedo/publications/WCMS_170438/lang--en/index.htm
- » ILO: “Convention C189 and Recommendation 201 on Decent Work for Domestic Workers”. Available in English, Arabic, French, Spanish, Portuguese and Turkish http://www.ilo.org/travail/whatwedo/publications/WCMS_168266/lang--en/index.htm
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Legislation

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Statistics and Legal Protection

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Campaigning for decent work for domestic workers

- » ILO policy resources and tools: Making decent work a reality for domestic workers.
http://www.ilo.org/global/topics/domestic-workers/WCMS_429114/lang--en/index.htm
- » Human Rights Watch, IDWN & ITUC. "Claiming Rights: Domestic Workers' Movements and Global Advances for Labor Reform". November 2013
http://www.ituc-csi.org/IMG/pdf/globaldw1013_brochure_lowres_spreads.pdf
- » ILO. "Achieving Decent Work for Domestic Workers: An organizer's manual to promote ILO convention no. 189 and build domestic workers' power". 2012
http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf
- » ILO. "Decent Work for Domestic Workers in Asia and the Pacific: Manual for Trainers". Available in English, Chinese and Indonesian. 2012.
http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_184194.pdf

Organising tools and resources

- » ILO. "Achieving Decent Work for Domestic Workers: An organizer's manual to promote ILO Convention no. 189 and build domestic workers' power". 2012
http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_181344.pdf
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Migrant domestic workers

- » ILO. "Global Action Plan on migrant domestic workers and their families".
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- » ILO. "Good practices database - Labour migration policies and programmes".
http://www.ilo.org/dyn/migpractice/migmmain.listPractices?p_lang=en&p_othertheme=11
- » ITUC: Facilitating Exploitation: A Review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Council Countries
<http://www.ituc-csi.org/gcc-legal-and-policy-brief> (English only)
- » ILO. "No one should have to work this way": documenting the abuse faced by Asian migrant domestic workers.
http://www.ilo.org/asia/info/public/features/WCMS_322606/lang--en/index.htm

Live-in domestic workers

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- » ILO. "Ending child labour in domestic work and protecting young workers from abusive working conditions". 2013.
http://www.ilo.org/ipecc/Informationresources/WCMS_207656/lang--en/index.htm
- » ILO-IPEC. "Guidelines on the design of direct action strategies to combat child domestic labour". 2007.
http://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_4045/lang--en/index.htm

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