

# Domestic Care Workers at the interface of Migration & Development

Presented to the Global Forum on MIGRATION &  
DEVELOPMENT Accra, 21-22 September 2011

Session 2: Policies and legislation for domestic workers

J . Amri-Lawson, Senior Advisor, ILO

# Presentation Content

- Introduction
- New ILO Convention on Domestic Workers
- Related International Conventions
- Summary provisions
- Envisaged measures
- Some good practices
- Next Steps
- Conclusion and references

# Introduction

- ILO –Social Justice and decent work
- Mandated to set international standards to regulate the world of work
- International Labour Conventions
- International Labour Recommendations
- Adoption and supervision

# New Convention: Context

- ILO estimates indicate a minimum of 52.6 million domestic workers worldwide, out of whom some 83 per cent are women;
- Domestic work accounts for no less than 7.5 percent of female wage employment worldwide.

# New ILO Convention: Context(2)

- In Africa, ILO estimates indicate 5.3 million domestic workers, 71 per cent of whom are women (this is a minimum estimate based on officially available statistical data);
- Women in domestic work represent 13.6 percent of female wage employment in Africa;
- Africa 3rd after Asia and Latin America and the Caribbean re: total number of domestic workers.

# Decent Work for Domestic Workers

## Convention No 189 and Rec 201

- Adopted at the 100th Session of the International Labour Conference in Geneva in June 2011;
- Historic /First international legislation for domestic work;
- Premised on domestic workers not being “servants” nor “members of the family” nor second-class workers;
- Particular attention to migrant domestic workers, live-in domestic workers and child domestic workers.

# Decent Work for Domestic Workers Convention No 189 and Rec 201(2)

- First time international instruments are applied to an essentially informal segment of the global workforce;
- Ensuring domestic workers have the same respect and rights as workers in the formal economy;
- guarantees minimum labour protection to domestic workers at par with other categories of workers, while allowing for considerable flexibility in implementation;

# Some African Countries have legislation covering domestic workers

- Some African countries have legislation covering working conditions of domestic workers, such as South Africa, which has one of the world's leading labour laws including on domestic workers;
- Mali, Zimbabwe and Mozambique have recent legislation;
- Zambia has very recently enacted, for the first time, the Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011;
- However, in many countries domestic workers still remain excluded from social and labour laws, or the existing laws provide for lesser protection than for other workers.



# Convention 189 Call for legislative review

- Overall, the ILO's assessment is that some African countries have addressed domestic work in their labour legislation;
- However, the new ILO standards call for legislative review as some of the laws are getting out of date and new strategies in strengthening implementation and enforcement of these laws are needed.

# C 189 Complements other ILS on migrants workers

- Migration for Employment Convention (Revised) 1949 (No 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143)
- International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990
- The three Conventions serve as international charter for migrant workers and their families and have inspired many countries to develop migration legislation.

# C 189 Complements international commitments

- CEDAW General Recommendation No 26 on women migrant workers which recognizes the human rights and security risk to women while pursuing opportunities presented by migration.

# Convention No 189 seeks to extend scope of labour and social laws

- Extending the scope of labour and social laws and policies and seeking ways to build an appropriate institutional capacity for their implementation is a major step for advancing gender equality and ensuring women's equal rights and protection under the law.

# Summary Provisions of Convention 189

- Protection and promotion of human rights;
- Protection against abuse, harassment and violence;
- Fair terms of employment and decent working and living conditions;
- Information on terms and conditions of employment;
- Working time; remuneration; OSH;

# Summary Provisions of Convention 189 (2)

- Social security;
- Protection for particular groups of domestic workers:
  - Child domestic workers;
  - Live-in workers;
  - Migrant workers.
- Private employment agencies;
- Compliance and enforcement;

# Ratification, entry into force and ILO Supervision

- The Convention will enter into force after the registration of the 2<sup>nd</sup> ratification;
- Enters into force by any ratifying Member 12 months after ratification;
- Ratifying Members submit reports to ILO on measures taken to implement the Convention with 1<sup>st</sup> report due 12 months after entry into force;
- Committee of Experts examine reports by Governments and observations by workers' and employers' organizations

# Envisaged measures

- Clarify institutional responsibilities, training for enforcement officials and judges, broad awareness raising and information campaigns and legal and other assistance for domestic workers;
- Measures to combat child labour should pay particular attention to child domestic work;
- The protection of migrant domestic workers from abusive practices by private employment agencies and schemes for the protection of African domestic workers abroad more generally.
- The example of the Philippines is worth studying in this regard.



# Envisaged measures(2)

- Enhance the legislation protecting domestic workers in countries benefiting from the services of migrant domestic care workers;
- Identifying and addressing protection gaps affecting domestic workers to improve working conditions of migrant domestic workers;
- Policies and laws should recognize the social and economic value of domestic care work and provide protection on an equal footing with other workers.

# Envisaged measures(3)

- Specific attention is required to live-in domestic workers (e.g. freedom to negotiate with their employers on whether to reside in the household, ensure freedom of movement, privacy, limitation of in-kind payments, minimum standards as regards accommodation and food, time-off to search new accommodation and employment in case of termination).

# Some good practices

- In *Uruguay*, efforts to formalize the domestic work sectors with labour inspectorate having a special unit for domestic work;
- *Switzerland* set a binding minimum wage for domestic workers;
- *Jordan* has regulation on domestic work;
- *France*, a simplified system for declaration and payment of social security contributions (known as *cheque emploi service*) has helped to protect domestic workers' rights;
- A number of countries have launched or intensified their efforts towards legal and policy reform regarding domestic work, including *China, India and Indonesia*. *Philippines* has a domestic workers bill pending in Parliament.

# The next steps

- In relation to Convention 189, the responsibility lies with governments, workers' and employers' organizations at the national level to review the new instruments and identify measures that may be necessary with regard to their application and ratification of the Convention;
- ILO developing a series of tools to assist in the implementation of the Convention No. 189 and Recommendation No. 201, some of which are already available on the ILO's global web-portal on domestic workers.

## The next steps(2)

- Cooperation between sending and receiving countries to ensure the effective protection of migrant domestic workers' rights, including in areas such as social security and regulation and monitoring of employment agencies. This is an area GFMD could make a contribution by providing for developing such cooperation.

# In conclusion

- The ILO stands ready to work with governments, workers' and employers' organizations, as well as other international organizations and fora, such as the GFMD, to support on-going and new efforts to promote decent work for domestic workers.

# Reference

- For more information contact:
  - Conditions of Work and Employment Branch, ILO  
Route des Morillons 4, CH-1211 Geneva 22,  
email: [travail@ilo.org](mailto:travail@ilo.org) web: [www.ilo.org/travail](http://www.ilo.org/travail);
  - More info through ILO web-portal on domestic  
work <http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm> ;
  - Text of Convention and Recommendation  
<http://www.ilo.org/global/standards/lang--en/index.htm>



**THANK YOU VERY MUCH**

THANK YOU