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FIRST ITEM ON THE AGENDA

Follow-up to the resolution concerning efforts to make decent work a reality for domestic workers worldwide: Progress report

Purpose of the document

As a framework for follow-up to the 2011 resolution concerning efforts to make decent work a reality for domestic workers worldwide, the Office prepared a strategy for action which was presented to and discussed by the Governing Body in November 2011. The present document provides an update on the strategy's implementation. The Governing Body is invited to provide guidance regarding the implementation of the strategy in the next biennium, to request the Director-General to draw on it when pursuing action in the areas of critical importance for priority action identified in the programme and budget, and to organize a high-level global conference on decent work for domestic workers (see the draft decision in paragraph 31).

Relevant strategic objective: Social protection, fundamental principles and rights at work, employment.

Policy implications: See paragraphs 26–31.

Legal implications: None.

Financial implications: None.

Follow-up action required: See draft decision (paragraph 31).

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: GB.312/INS/3; GB.312/PV, paragraphs 16–55.

I. Background

1. The resolution concerning efforts to make decent work a reality for domestic workers worldwide, adopted by the International Labour Conference alongside the Domestic Workers Convention, 2011 (No. 189), and Recommendation, 2011 (No. 201), has guided the corresponding ILO strategy for action (2011–15), which was discussed by the Governing Body in November 2011.¹
2. Since June 2011, interest in improving the living and working conditions of domestic workers has spread across the regions, leading to an increase in demand for ILO assistance in this area. Legislative reforms regarding domestic workers have been completed in numerous countries, including Argentina, Bahrain, Brazil, Spain, Philippines, Thailand and Viet Nam. In several other countries, new regulatory and policy initiatives are being taken, including in Angola, Austria, Belgium, Chile, China, Finland, India, Indonesia, Jamaica, Morocco, Namibia, Paraguay, United Arab Emirates and United States.
3. As at 1 September 2013, nine ratifications have been registered for Convention No. 189 (Plurinational State of Bolivia, Guyana, Italy, Mauritius, Nicaragua, Paraguay, Philippines, South Africa and Uruguay), which entered into force on 5 September 2013. Several other member States have initiated ratification procedures or have stated their intention of doing so.² The global “12 by 12” campaign to promote the rights of domestic workers and the ratification of Convention No. 189, launched by the International Trade Union Confederation (ITUC) in partnership with the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) and the International Domestic Workers’ Network (IDWN), has contributed to these developments.
4. International agencies, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), international dialogue processes such as the Global Forum on Migration and Development (GFMD) and non-governmental organizations (NGOs) have also helped draw global attention to domestic workers. Reference to Convention No. 189 has frequently been made in the context of the United Nations human rights mechanisms, including the Human Rights Council’s Universal Periodic Review. The European Union, in cooperation with the Office, organized an informal meeting of labour ministers on Convention No. 189, coinciding with the 102nd Session (2013) of the International Labour Conference.

II. The implementation process of the ILO strategy for action

5. The ILO strategy has served as a unifying framework for ILO country-level, regional and global actions concerning domestic work. The Office has ensured coherence in the implementation of the strategy through four principal instruments: (i) institutional mechanisms for coordination and information sharing among units at headquarters, in field offices and at the International Training Centre of the ILO (Turin Centre); (ii) the

¹ GB.312/INS/3, GB.312/PV, paras 16–55.

² According to the information available to the Office, ratification procedures are under way in Argentina, Belgium, Colombia, Costa Rica, Dominican Republic, Ecuador, Germany, Mexico and Switzerland. Several governments, including those of Benin, Jamaica, Indonesia and Ireland, have expressed their intention to ratify.

translation of the global strategy into region-specific strategies; (iii) actions undertaken within the programme and budget framework; and (iv) joint products and projects among ILO units and field offices under more than one programme outcome.

6. A technical working group, consisting of several departments at headquarters and the Turin Centre, and focal points in the regional offices, has: facilitated a mapping of ILO activities at the global, regional and country levels; maintained the flow of information and coordination with regard to ongoing and planned work; and initiated joint activities. Information sharing is supported further by the ILO's global web portal on domestic workers,³ which presents the products and activities being developed throughout the Office. An internal monitoring scheme, which tracks national developments regarding policies and regulations relating to domestic work, keeps the ILO's global team on domestic work up to date with changes observed worldwide.
7. In the light of the views expressed by Governing Body members in November 2011 regarding the different contexts of domestic work across the regions, the ILO regional offices for Asia and the Pacific, Africa and the Americas developed region-specific strategies within the framework of the ILO global strategy. Each regional strategy provides a situational analysis, highlighting issues, challenges and priorities based on actual demands from constituents.
8. Under the Programme and Budget for 2012–13, 20 country programme outcomes identify domestic workers as a specific target group in a range of policy areas (working conditions, labour migration, workers' organizations, child labour, forced labour, freedom of association and gender equality and non-discrimination). The Office also addressed domestic work under other country programme outcomes and responded to ad hoc requests as appropriate (for example, requests for comments on draft legislation and for legal advice regarding the Convention or the ratification process).
9. New technical cooperation projects have been designed to combine action to protect and empower the most vulnerable groups with efforts to address gaps in domestic work policy frameworks, while promoting awareness and the implementation of the Convention and Recommendation. Such projects include: the project funded by the United States Department of Labor entitled "PROMOTE: Decent work for domestic workers to end child domestic work (2013–16)"; the European Union-funded "Global action programme on migrant domestic workers and their families (2013–15)" and project to develop a tripartite framework for the support and protection of Ethiopian and Somali women domestic migrant workers to the Gulf Cooperation Council States, Lebanon and Sudan; the Swiss-funded advocacy strategy on the promotion of Convention No. 189 in the Arab States; and the "Work in freedom" programme recently launched by the United Kingdom's Department for International Development and the ILO. A number of partnership agreements have provided support for domestic work-related activities within gender mainstreaming projects.
10. The Office has continued to seek the cooperation of other relevant international organizations interested in promoting decent work for domestic workers. Cooperation has taken place in the context of country-level operational activities, as well as international conferences and meetings. The ILO joined UN Women and the International Organization for Migration in providing technical inputs to the 2012 GFMD Summit, and cooperates with the Organization for Security and Co-operation in Europe regarding protection of domestic workers employed in diplomatic households.

³ www.ilo.org/domesticworkers.

III. Highlights of achievements

11. Activities under the ILO strategy may be categorized into two mutually reinforcing components: (i) country-level assistance; and (ii) knowledge building and sharing. The Office gave top priority to supporting governments, social partners and domestic workers in bringing about changes in the working and living conditions of domestic workers. The Office also paid attention to building a good knowledge base on domestic work, drawing in part on these initiatives, to inform policy dialogue and decision-making, reinforce national institutional capacities, and thereby enhance the impact of country-level actions.

A. Country-based action

12. The ILO strategy initially aimed to assist ten to 15 countries, including both countries that aimed to ratify Convention No. 189 and others presently not envisaging ratification. Demand from ILO constituents was the primary driver for defining country assistance. Additional criteria were used, notably, the opportunity for success (for example, the commitment of the tripartite constituents) and the available capacity of the Office to extend support. The Office relied on different means of action and provided support in varying degrees of intensity, according to the national context and the needs expressed by national constituents. The matrix set out in the appendix presents an overview of the assistance provided to 36 countries in connection with relevant country programme outcomes, indicating main areas of ILO action.

13. The exclusion – either partial or total – of domestic workers from the protection of labour and social security legislation was a principal challenge for most countries that requested ILO assistance. Exclusion from legal coverage is a major cause of informality and vulnerability to rights’ abuses and unacceptable forms of work for these women and men. Convention No. 189 provided a stimulus for many initiatives to reform law and policy, and, in some countries, it facilitated the conclusion of reform processes that had started even earlier. Support for policy and legal reforms generally involved a combination of interventions by the Office, including the review of existing national law and practice regarding domestic workers, studies on terms and conditions of employment, policy research, the facilitation of social dialogue, training for constituents, technical inputs and comments on draft legislation and policies, and support for awareness raising among concerned stakeholders and the public at large.

14. For example, in **Brazil**, the ILO facilitated dialogue among constituents and other stakeholders, which contributed to the enactment in March 2013 of a constitutional reform establishing equal labour rights for domestic workers. In **India**, the ILO has supported the Government’s policy directions to extend the coverage of minimum wage legislation and of the health insurance scheme, Rashtriya Swasthya Bima Yojana, to domestic workers, by studying actual practices in seven states and holding a national knowledge-sharing workshop on experiences and lessons learned. In the **Philippines**, the ILO contributed to the enactment of the Domestic Workers’ Act and the ratification of Convention No. 189 through its support to multi-stakeholder consultative processes, analysis of the domestic work sector and policy advice. In **Zambia**, national standards on domestic work are being reviewed in the context of the ongoing labour law reform process, which the ILO is supporting.

15. In some countries, ILO assistance focused on specific categories of domestic workers who are exposed to particular risks, namely, migrant workers and child workers, as highlighted by Convention No. 189. For example, in **Nepal**, orientation programmes conducted at the local level by the Ministry of Labour and Employment with ILO support significantly increased awareness and knowledge among communities about the risks of trafficking,

regular and safe migration channels, and rights at work for women and girls considering overseas employment as domestic workers. In **Lebanon**, the national syndicate of private employment agencies benefited from joint support from the ILO and the Office of the High Commissioner for Human Rights in developing a code of conduct. The ILO-funded research on the availability of services for migrant domestic workers helped trade unions and NGOs collaborate on a referral mechanism and union facility that supports domestic workers in addressing grievances. In **Malawi**, the ILO-supported national action plan to combat child labour led to the establishment of a protection and monitoring system under which traditional authorities register children above the legal minimum age who go into domestic work, and community child labour committees, with support from the Malawi Congress of Trade Unions, monitor working conditions.

- 16.** As envisaged in the ILO strategy, the Office has helped build the capacity of national trade unions to respond to the needs of domestic workers and give them a voice in the trade union movement, and that organizations of domestic workers and of employers of domestic workers to play a role in improving working conditions and employment practices in the sector. For example, with ILO assistance, the national domestic workers' federation in the **Plurinational State of Bolivia** implemented an information campaign throughout the country, which, in turn, enabled it to promote ratification of Convention No. 189 and engage in social dialogue, including through a recently established tripartite consultation forum involving the League of Housewives of Bolivia representing employers. In **Zambia**, the Zambia Federation of Employers received support from the ILO to promote domestic workers' rights under national law and the Convention and disseminate a code of conduct for employers of domestic workers through training workshops for agencies that recruit and place domestic workers in two major cities. In **Uruguay**, aided by capacity-building workshops and information materials provided by the ILO, the national domestic workers' union and the League of Housewives (acting as an employers' association), conducted information campaigns on the rights and responsibilities of domestic workers and their employers and adopted measures to promote compliance, including a manual for employers of domestic workers and domestic workers.
- 17.** The implementation of the ILO strategy since November 2011 has shown the importance of coordinated support under several programme outcomes. While some countries were engaged in a comprehensive regulation of domestic work, others were more oriented towards a particular aspect of working conditions (for example, working time), particular groups of domestic workers (for example, children or migrants), or particular issues (for example, forced labour) in domestic work. Although only some countries were or are engaged in the ratification process, the Convention and Recommendation guided the work in most countries.
- 18.** In many countries assisted by the ILO, organizations of domestic workers and trade unions have played a significant role in promoting the ratification of the Convention, raising awareness of the legitimacy of extending labour rights to domestic workers, and compliance with regulations governing working conditions. Where they existed, the participation of organizations of employers of domestic workers in policy consultations and awareness campaigns was highly valuable.
- 19.** Some aspects of the regulation of domestic work are particularly challenging and often raised questions from constituents, in particular those relating to the practical application of working time standards for live-in domestic workers, ensuring compliance and the formalization of employment, and guaranteeing access to freedom of association and collective bargaining for both workers and employers. As confirmed by the knowledge-sharing forums (see paragraph 20), there is a need to extend the knowledge base in these areas.

B. Building and sharing knowledge

20. While national experiences are creating practical knowledge about how to address issues regarding domestic work, many knowledge gaps remain. Against this background, the Office organized regional tripartite knowledge-sharing forums in the Americas, Africa, Asia, the Arab States and Europe. Each forum focused on policy themes corresponding to an expressed need in a region, namely: working time and remuneration; enforcement and compliance: formalization; the protection of migrant and child domestic workers; and the organization of domestic workers.⁴ Feedback from participants indicates that the forums helped them to clarify issues, learn about alternative approaches and key challenges, and identify priorities for action at the country level. The forums demonstrated that, while some “good practices” existed, they had yet to be defined in a number of areas, notably those mentioned in paragraph 19.
21. To further address these gaps, knowledge generated through research and knowledge-sharing forums is systematized into a range of materials, such as guides, manuals, working papers, thematic policy briefs and fact sheets, which are accessible to constituents and partners through the ILO global web portal on domestic workers. Of note is the ILO 2012 publication *Effective protection for domestic workers: A guide to designing labour laws*, which presents, in a user-friendly manner, legal provisions protecting domestic workers in a wide range of countries from a diversity of legal systems. The guide is a tool for countries considering reforms to improve protection for domestic workers and for ILO training programmes, including for targeted audiences such as judges and legal practitioners. Policy resources for constituents are also being produced on: working time and remuneration; compliance and enforcement; and organizing domestic workers.
22. The Office developed a methodology that has made it possible, for the first time, to estimate the numbers of domestic workers worldwide and assess the extent of the legal protection of domestic workers across the regions. These results were published in 2013 in *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, a report that was widely disseminated and attracted extensive coverage by national and international media.⁵ The report highlights that, while domestic work represents a significant share of global wage employment, these workers remain largely excluded from the protection enjoyed by workers generally. The estimates will be used as a benchmark to monitor the growth of the domestic work sector and developments in extending legal protection.
23. New estimates of child domestic workers were also produced and published in *Ending child labour in domestic work and protecting young workers from abusive working conditions*. The report reveals that over 10 million children engaged as domestic workers are in child labour situations, sets the scene for a better understanding of this phenomenon, and identifies possible policy responses. Released on the World Day against Child Labour, 2013, which focused on child domestic work, this report also received extensive national and international media attention.
24. The Office designed two new methodologies for assessing the situation of domestic workers in a context of high informal employment: (i) a national household survey aimed

⁴ A further forum is scheduled to take place in Latin America in November 2013, addressing social security for domestic workers.

⁵ Including print and live television coverage by major outlets such as Associated Press, Al Jazeera, BBC International, CNN, O Globo and Le Monde. Coverage included hundreds of news stories immediately following the launch in January 2013, but also prolonged attention to the report’s findings and figures in media coverage on domestic work throughout the year.

at determining the magnitude of domestic work and the features of domestic workers and their employers; and (ii) qualitative research on working conditions and employment practices in domestic work. These methodologies have been applied on a pilot basis in the United Republic of Tanzania, Zambia and the Philippines, and the lessons learned will be featured in an assessment guide to facilitate more and improved data collection on domestic work. In Europe, a qualitative methodology on labour market integration trajectories of migrant domestic workers was developed and related research in four countries illustrated the particular vulnerability of these workers to discrimination and poor working conditions arising from a combination of both their employment and their migration status.

25. Several other recent publications and tools include components on domestic workers, for instance a policy resource guide on the informal economy and a study regarding human trafficking in the Middle East. A new e-learning tool on the detection and investigation of forced labour cases includes components on domestic workers. Sessions on domestic workers and the new instruments were integrated into several relevant courses offered by the Turin Centre, which also implemented courses specifically on domestic work at the national, subregional and interregional levels.

IV. The way forward

26. As presented above, since the adoption of the Convention and Recommendation in June 2011, many countries have undertaken legislative and policy reforms with a view to improving the living and working conditions of domestic workers. While it is too early in most cases to draw conclusions on their impact, such reforms signal a broad interest among constituents in addressing decent work deficits in this sector. The Office has been supporting such processes of change by providing technical assistance to more than 36 countries on different policy areas and in a variety of forms.
27. For countries that have adopted the said reforms, the next and tougher challenge is to put in place adequate institutions and to build capacities to effectively implement the new regulations and policies and measure the results generated. Some countries have already requested assistance from the Office for this phase of implementation and measurement. In addition, demand for ILO support continues to come from countries that are amending or developing legislation or envisaging ratification. In this regard, the 2011 resolution of the International Labour Conference called on the ILO to promote, through appropriate initiatives, the widespread ratification of the Convention and the effective implementation of the new instruments. The momentum is not expected to diminish. For these reasons, the Office should maintain its support on domestic work, guided by the ILO strategy which has proven to be relevant and responsive to the diverse national demands and contexts.
28. Through knowledge sharing among the tripartite constituents, country-level assistance, research and data collection and tools development, the overall knowledge base on domestic work has grown substantially in recent years. With the implementation of the reforms recently adopted and, moreover, with the measurement of their employment and socio-economic outcomes, more lessons could be drawn on the effectiveness of different mechanisms and policy options for improving, in practical terms, the working conditions of domestic workers. In order to strengthen its capacity to provide evidence-based policy advice, it is of critical importance that the Office devote a significant share of its overall efforts on domestic work to the measurement of the impact of reforms.
29. Domestic work is among the sectors with the highest share of informal employment. It accounts for a substantial portion of total informal employment in many developing countries. Moreover, domestic workers are highly vulnerable to unacceptable forms of

work, as evidenced by the high incidence of child labour, exposure to sexual abuse and other forms of violence, slave-like conditions and forced labour in domestic work. Domestic workers' vulnerability to rights abuses and the informality of employment relationships in domestic work reinforce each other. Domestic work is therefore at the crossroads of two of the areas of critical importance for priority action established under the Programme and Budget for 2014–15, namely, formalization of the informal economy and protection of workers from unacceptable forms of work. In this respect, successes in making decent work a reality for women and men domestic workers will advance the ILO's agenda on these two areas of critical importance, while generating practical lessons, approaches and tools that constituents could use to formalize informal employment and protect workers from unacceptable forms of work in other sectors.

30. Finally, the rights and working conditions of domestic workers have gained, beyond the ILO, high international visibility. Agencies of the United Nations system and international NGOs have engaged in communication campaigns and other actions for addressing issues relating to domestic workers. In this regard, the Office considers that the organization by the ILO of a global conference on decent work for domestic workers, that would bring together ILO constituents and other interested stakeholders, including representatives of relevant international organizations, the academic community, civil society and domestic workers, would be timely and beneficial. That conference would provide an opportunity to take stock of developments across the world since the adoption of Convention No. 189, share knowledge, systematize lessons regarding how best to formalize domestic work and protect workers employed in this sector and sustain international interest in this field. At the same time, the conference would be an opportunity for the ILO to affirm its international leadership in making decent work a reality for domestic workers, while ensuring better coherence and coordination of approaches in this field, and to communicate its renewed commitment to address informal employment and unacceptable forms of work. No resources have been provided in the Programme and Budget for 2014–15 for such a conference. Should the Governing Body agree that a global conference on decent work for domestic workers would be an appropriate course of action, the Office will seek extra-budgetary contributions to cover its cost.

Draft decision

31. *The Governing Body requests the Director-General:*

- (a) *to take into account the guidance given by the Governing Body in further pursuing the strategy for action towards making decent work a reality for domestic workers worldwide and to draw on it when developing and implementing priority action in the areas of critical importance for priority action identified in the Programme and Budget for 2014–15;*
- (b) *to organize a high-level global conference on decent work for domestic workers as set out in paragraph 30 before the end of the 2014–15 biennium, subject to the availability of resources.*

Appendix

Countries that have received ILO support and areas of action

Country	Ratification assistance	Supporting law and policy reform	Building national capacities through technical assistance and training	Promoting the organization of domestic workers (w) and employers of domestic workers (e)	Awareness raising and advocacy	Developing the knowledge base on domestic work (surveys, law and practice reports, situation analysis, etc.)
Bolivia, Plurinational State of	√	√	√	√ (w,e)	√	√
Brazil	√	√	√		√	√
Cambodia		√	√			
Chile		√			√	
China		√			√	
Costa Rica	√	√	√	√ (w)	√	
Cote d'Ivoire		√			√	√
Dominican Republic	√					√
Ecuador						√
El Salvador			√		√	
Ethiopia		√	√		√	
Ghana		√			√	√
India		√		√ (w)		√
Indonesia		√	√	√		√
Jordan		√	√			√
Kenya						√
Lebanon		√	√		√	√
Madagascar			√			√

Country	Ratification assistance	Supporting law and policy reform	Building national capacities through technical assistance and training	Promoting the organization of domestic workers (w) and employers of domestic workers (e)	Awareness raising and advocacy	Developing the knowledge base on domestic work (surveys, law and practice reports, situation analysis, etc.)
Malawi			√		√	
Mexico		√			√	
Morocco			√		√	
Namibia		√	√			√
Nepal		√	√			
Niger			√		√	
Panama						√
Paraguay	√	√	√		√	
Peru		√	√		√	√
Philippines	√	√	√	√ (w,e)	√	√
Portugal					√	
Tanzania, United Republic of		√	√	√ (w)	√	√
Thailand		√			√	√
Togo						√
Turkey					√	√
Uruguay	√		√	√ (w, e)	√	√
Viet Nam						√
Zambia		√		√ (e)	√	√