



THE ILO DOMESTIC WORKERS CONVENTION

NEW STANDARDS TO FIGHT DISCRIMINATION,
EXPLOITATION, AND ABUSE

INTRODUCTION

At least 53 million people, the vast majority women and girls, are employed in private homes as domestic workers.¹ They carry out essential tasks for the household, including cooking, cleaning, laundry, shopping, and caring for children and elderly members of the employer’s family.

Domestic workers contribute substantially to the global economy, constituting 7.5 percent of women’s total wage employment worldwide.² Migrant domestic workers provide billions of dollars in remittances for their countries of origin. Domestic work is not only an important livelihood for workers, but also enables employers to better their standard of living by maintaining employment outside the home.

Despite their important contributions, discrimination, gaps in legal protections, and the hidden nature of their work place domestic workers at risk of a wide range of abuses and labor exploitation. Around the globe, domestic workers endure excessive hours of work with no rest, non-payment of wages, forced confinement, physical and sexual abuse, forced labor, and trafficking. Children—who make up nearly 30 percent of domestic workers—and migrant domestic workers are often the most vulnerable.³

In many countries, domestic workers are excluded from national labor laws, leaving them no legal right to limits on their hours of work, a minimum wage, or adequate rest. A 2009 survey of 70 countries by the International Labor Organization (ILO) found that 40 percent did not guarantee domestic workers a weekly day of rest, and half did not impose a limit on normal hours of work for domestic workers.⁴ Without legal protection, domestic workers are at the mercy of their employers.

Domestic worker in Zanzibar. © 2003 International Labor Organization/M. Crozet.





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

NEW GLOBAL STANDARDS

On June 16, 2011, ILO members – governments, trade unions, and employers’ associations – voted overwhelmingly to adopt the ILO Convention Concerning Decent Work for Domestic Workers (Domestic Workers Convention, No. 189). This groundbreaking treaty establishes the first global standards for domestic workers.

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

Since the Convention’s adoption in 2011, dozens of countries have taken action to strengthen protections for domestic workers. Several countries from Latin America, Asia, Africa, and Europe have already ratified the Convention, while others have pledged to do so. Many others are undertaking legislative reform to bring their laws into compliance with the new standards. Already, millions of domestic workers have benefited from these actions.

¹ International Labor Organization, *Domestic Workers Across the World: Global and regional statistics and the extent of legal protection* (Geneva, ILO, 2013), p. 19.

² *Ibid.* p. 2.

³ Since 2000, Human Rights Watch has investigated conditions for domestic workers in nearly 20 countries. To access reports detailing our findings, please visit: <https://www.hrw.org/topic/womens-rights/domestic-workers>

⁴ ILO, *Decent Work for Domestic Workers, Report IV (1)*, International Labor Conference, 99th Session 2010 (Geneva, ILO, 2009), p. 50.

PROGRESS FOR DOMESTIC WORKERS

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

UNITED STATES

The state of Hawaii adopted a Domestic Workers Bill of Rights in April 2013, providing domestic workers with minimum wage, overtime, and other protections. Similar bills are pending in other states.

DOMINICAN REPUBLIC

The Senate approved a draft law approving the Convention in July 2012; it is pending in Congress.

MOROCCO

In May 2013, the Moroccan government approved a draft bill that would ensure domestic workers a contract, weekly day off, paid annual leave, and a minimum wage, among other provisions. It must still be adopted by Parliament.

COSTA RICA

In September 2012, the Legislative Assembly approved a draft law approving the Convention.

VENEZUELA

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

ARGENTINA adopted a new domestic workers law in March 2013 setting maximum working hours, a weekly rest break, annual leave, sick leave, and maternity leave.

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

CHILE

The Chamber of Deputies approved a bill regarding working time for domestic workers in September 2012.

- Countries that have ratified the Domestic Workers Convention**
 » BOLIVIA, ITALY, NICARAGUA, MAURITIUS, PARAGUAY, PHILIPPINES, SOUTH AFRICA, URUGUAY
- Countries that have pledged their intent to ratify**
 » BELGIUM, BENIN, COLOMBIA, INDONESIA, IRELAND, JAMAICA, KENYA, TANZANIA
- Countries that have enacted or are pursuing legal reforms to strengthen protections for domestic workers**

GERMANY
 The German *Bundestag* and *Bundesrat* each approved a draft law adopting the Convention in May and June 2013. The law is due to enter into force in September 2013.

INDIA
 In May 2012, the government extended the Rashtriya Swasthya Bima Yojana (RSBY) health insurance scheme to domestic workers, and in 2013 included domestic workers in a new law prohibiting sexual harassment in the workplace.

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

VIETNAM
 A new Labor Code enacted in June 2012 includes a section regarding domestic workers.

SPAIN
 A Royal Decree issued November 2011 ensures domestic workers the minimum wage, maximum working week of 40 hours, and minimum daily rest periods.

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

ZAMBIA
 In July 2012, the government increased the minimum wage for domestic workers, with their base pay increasing by 68 percent.

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

PHILIPPINES
 In January 2013, a Domestic Workers Act was signed into law, mandating contracts, a minimum wage, social protection, and other benefits for domestic workers.

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

SOUTH AFRICA
 The government of South Africa ratified the Domestic Workers Convention on June 7, 2013.

WORLDWIDE ACTION FOR DOMESTIC WORKER RIGHTS

Trade unions, domestic workers, and their allies are active in more than 92 countries to push for domestic workers' rights and ratification of the Domestic Workers Convention. A "12 by 12" campaign launched by the International Federation of Trade Unions (ITUC), together with the International Domestic Workers Network and other partners, sought 12 ratifications of the convention in 2012 and organized thousands of events and meetings in more than 50 countries.



Domestic workers in downtown Lima participate in a demonstration to demand respect for human and labour rights, including a minimum wage, 8-hour days, social security, and holidays, June 15, 2012. The placards (L-R) read, "We all have the same dignity and rights." and "We demand the ratification of the 189 ILO convention."

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Enrique Castro-Mendivil

- In Bangladesh, a network of 25 social and political organizations formed a human chain outside the National Museum to urge recognition of 1.3 million domestic workers in the labor law.
- In Cambodia, IDEA activists marched to the Ministry of Labor where domestic workers and allies delivered a petition urging legislation to better protect domestic workers.
- In Costa Rica, public buses carried billboards referring to the '12 by 12' campaign and calling for ratification of the Domestic Workers Convention.
- In India, 500 domestic workers and their allies participated in a public awareness meeting in Jabalpur and presented a communiqué to Prime Minister Singh urging ratification of the convention. In Delhi, Caritas organized a gathering of 3,000 people, mostly domestic workers, to focus on trafficking and forced labor.
- In Ireland, trade unions, domestic workers and their allies delivered a petition to the Minister for Jobs asking him to give a gift to domestic workers at Christmas by committing to ratify the Domestic Workers Convention.
- In Senegal, a national coalition organized demonstrations throughout the country to urge ratification of the convention, including a large gathering before the National Assembly in the capital.
- In South Korea, a flashmob in central Seoul performed the dance moves of the song "Gangnam Style" but with the words "Domestic Worker Style." The flashmob was organized by trade unions and domestic worker organizations.

Domestic workers unions and associations continue to grow. In 2012, domestic workers established new unions in Angola, Colombia, Costa Rica, the Dominican Republic, Egypt, Guatemala, Paraguay, and Sri Lanka.

Source: '12 by 12' Campaign 2013 newsletter. For more information about the '12 by 12' campaign, see <http://www.ituc-csi.org/domestic-workers-12-by-12> or join the campaign on '12 by 12' Facebook: <https://www.facebook.com/groups/231305920281513/>

KEY PROVISIONS OF THE CONVENTION

The Domestic Workers Convention (C 189) requires governments to provide domestic workers with the same basic labor rights as those available to other workers, to protect domestic workers from violence and abuse, to regulate private employment agencies that recruit and employ domestic workers, and to prevent child labor in domestic work. The following is a brief summary of its provisions:

- Article 3: domestic workers should enjoy the **ILO fundamental principles** and rights at work: 1) freedom of association; 2) elimination of forced labor; 3) abolition of child labor; 4) elimination of discrimination
- Article 4: **protections for children**, including a minimum age and ensuring that domestic work by children above that age does not interfere with their education
- Article 5: **protection from abuse**, harassment, and violence
- Article 6: **fair terms of employment**, decent working conditions, and decent living conditions if living at the workplace
- Article 7: information about **terms and conditions** of employment, preferably in written contracts
- Article 8: **protections for migrants**, including a written job offer before migrating and a contract enforceable in the country of employment. Countries should cooperate to protect them and specify terms of repatriation
- Article 9: **prohibits confinement** in the household during rest periods or leave, and ensures domestic workers can keep their passports/identity documents
- Article 10: **equal treatment with other workers** with regards to hours of work, overtime pay, and rest periods, taking into account the special characteristics of domestic work;
- Article 11: **minimum wage coverage** where it exists
- Article 12: **payment at least once a month** and a limited proportion of “payments in kind”
- Article 13: right to a **safe and healthy working environment** (can be applied progressively)
- Article 14: equal treatment with regard to **social security, including maternity protection** (can be applied progressively)
- Article 15: **oversight of recruitment agencies** including investigation of complaints, establishing obligations of agencies, penalties for violations, promoting bilateral or multilateral cooperation agreements, and ensuring recruitment fees are not deducted from domestic workers’ salaries
- Article 16: **effective access to courts**
- Article 17: effective and accessible **complaints mechanisms, measures for labor inspections, and penalties.**

The accompanying Domestic Workers Recommendation (No. 201) provides member states with non-binding guidance for strengthening protections for domestic workers and ensuring conditions of decent work.



(above) Domestic workers rejoice after the result of the vote on the Domestic Workers Convention. International Labour Conference, 100th Session, Geneva. June 16, 2011.
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(cover) Domestic workers and their allies march to the Cambodian Ministry of Labor on Human Rights Day, December 10, 2012, to urge the government to ratify the Domestic Workers Convention.
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For more information on Human Rights Watch's work on domestic workers, please visit:
<https://www.hrw.org/topic/womens-rights/domestic-workers>

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