

Jamaica Household Workers' Association Presentation to the ILO Conference on Domestic Workers, Geneva June 1-17 2010. Shirley Pryce, President, JHWA.

**Decent Work for
Household and Domestic Workers in Jamaica
Presentation to ILO Conference on Domestic Workers
June 1-17 2010
ILO Geneva**

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Decent Work for Domestic Workers in Jamaica

Introduction

The Jamaica Household Workers' Association welcomes this effort to secure a new ILO Convention as it is a step towards better international protection of the rights of domestic workers. We agree with the ILO that "This is an historic advance in the fight on behalf of millions of domestic workers who today face widespread exploitation and are prevented from enjoying decent working conditions." (ILO)

Situation of Household Workers in Jamaica

Domestic workers are the backbone of the Jamaican society and our jobs are very important to the development of our country. Our work, though sometimes invisible and seen by many as not important, supports thousands of men and women to go to work to support the economy and children to go to school to get an education to support the future development of the country.

For years we have been clamouring for change and our burning issues remain the same. To-date there has been little improvement in our wages, and working conditions. Because of this situation, we are very pleased that the ILO has seen it fit to support a Domestic Workers Convention in 2010 and to promote a Decent Work Agenda for Domestic Workers.

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This presentation has therefore been prepared through meetings and consultations with our members and partner organisations. We are fighting for the recognition of Domestic Workers as workers and to enjoy and exercise our rights like all other categories of workers. We are also fighting for our recognition as women workers because Jamaican women and men do not have equality in the labour market. We are concentrated in occupations like domestic work that provide lower wages and poor working conditions. Thousands of Jamaican women are employed as domestic workers but relatively few are registered with our organisation. This presentation shares some of our experiences and explains why we fully support this new ILO Convention.

Definition

Our membership is comprised of women who fit the definition of a household or domestic worker. This is a female or male (mainly female) who works in another person's home and undertakes a number of tasks, such as washing cooking, cleaning, child rearing, and geriatric care etc. Women's work is historically linked to our reproductive role, as we are assigned the main tasks related to nurturing, caring for family members, the elderly, sick and disabled. Most tasks related to women's reproductive role are domestic tasks to which no economic value is attached. This role given to women has a negative effect on our status as domestic and household workers. In Jamaica as in many other parts of the world, our paid work is seen as an extension of our female reproductive roles and as a result our jobs are given low status and low value.

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Our experience is similar to that of domestic workers all over the world. As a result there is an urgent need to provide domestic workers with the minimum basic protection that would guarantee us social justice, dignity and self-respect

Characteristics of Household and Domestic Workers in Jamaica

The majority of Household Workers in Jamaica are women between the ages of 30-50 years. Many of us started this type of work as children before we were 15 years of age which means we were child domestic workers. Many of our members are originally from rural areas and came to Kingston to go to school but instead either did not go until we were much older, or we did not go to school regularly. This also means we could be considered as children who were victims of internal human trafficking. Today most of us are single mothers with at least 3-6 children each. Most of us are literate but we have very little education and only a few of us have any formal certification. However, some of us are going to school and are enrolled in the Government of Jamaica's HEART/NTA Training Programme to get Certificates in Housekeeping, Food Preparation, Mathematics and English Language.

As women workers, we contribute significantly to national development through the performance of our remunerated/paid and unremunerated/unpaid work. We also have to struggle to combine our roles to look after our families.

We are at a disadvantage as our workplace is in people's private homes, outside the arena of labour inspectors. Women household workers have a double burden as there is greater

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demand for our skills as caregivers and service workers outside but we also work inside doing the same work which is unpaid.

Problems of Household and Domestic Workers

We face many work-related problems, some of which are:

1. Poor and Unregulated Terms and Conditions of Work

The terms and conditions of Domestic Workers are unregulated. Our treatment is contrary to the ILO Decent Work Agenda and the concept of "Decent Work for Domestic Workers." Some of the work-related problems we face are:

- No special laws to protect the rights of Domestic and Household Workers
- No Job Description
- Excessively long working hours and too many things to do in one day
- Low pay and no overtime pay
- Limited access to social security
- Various forms of abuse from some employers: sexual, emotional, and physical abuse. Most of the physical abuse is from children of employers
- Some workers face sexual harassment, and physical violence on the job
- Some workers are subject to Forced labour
- Employers not contributing to statutory deductions such as contributions to the National Insurance Scheme (NIS).
- Wrongful dismissal

Many members of the Jamaica Household Workers Association also report that they frequently face wrongful dismissal. However when a domestic worker is wrongfully

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dismissed, we have no legal means of redress except where the case represents a violation of the Minimum Wage Law.

Most domestic workers have no job description. We are sometimes given additional duties without extra compensation.

Every increase in the cost of living is felt by our members who are among the poorest categories of workers in the country. For example: Increases in transportation costs are usually passed on to worker and there is no additional pay to compensate for these increased costs.

In general, there is very little monitoring of the wages and working conditions of household and domestic workers by the Ministry of Labour because we work in people's homes which is off limits. This leaves household workers open to several forms of abuse.

Lack of Legal Protection

The majority of us work under terms and conditions that are unregulated. There are no specific laws to protect the rights of household and domestic workers. Our socio-economic conditions are sub-standard because our work is not protected in law and in practice. Although there is a Minimum Wage law, most workers have no contract of employment and as said before no job description.

Risk of Poverty from Low Wages

Wages are very low and as a result the majority of us lack the income, which would afford us and our families a better standard of living.

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Limited Access to Social Security, Housing, Water and Sanitation

Many of us have no identification card and as a result are not registered with statutory government agencies that provide national insurance for example.

Many of us live in poor housing conditions as our income is very low and because we are not registered with the National Housing Trust (NHT) that would allow us to have access to low-income government housing. Many of us also have limited access to regular water supplies and good sanitation which means that our children and other family members get sick and we have to care for them with limited income. Although most of live in below the official poverty line, but we are not registered in the PATH Programme which is the government's poverty reduction programme.

Security Risks

Household and domestic workers also face many security problems related to the nature of our work. Many workers leave home early in the mornings for work and then leave work late at nights to return home. These long work hours leave us exposed to threats of sexual and other forms of violence because of the nature of the society in which we live. Some workers who are live-in domestic workers also face sexual harassment and sexual violence from male employers and their boy children. We work alone, isolated in our employer's house and this workplace is not inspected or regulated.

Lack of Leave Provisions and Health Benefits

We are also excluded from access to basic leave conditions that are guaranteed to other categories of workers. For example, there are usually no provisions for sick and vacation

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leave. There are no provisions so we can get time off, even to deal with medical emergencies for ourselves and our families. If we are sick or need to take time to attend to our personal business, we do not get paid. If we are injured on the job, there is usually no compensation. In the household, we are often exposed to chemicals for cleaning, dust and other environmental hazards. We get no compensation or assistance for any diseases that we may develop from exposure to hazards from working in the household over many years. **The vast majority of us receive no leave or health benefits from their employers.**

With no legal entitlement to paid sick leave, many household workers cannot take time off to deal with illness or medical emergencies. Some of us are denied sick leave entirely – paid or unpaid. For others, losing even a day or two of pay to see a doctor may mean not being able to afford both food and rent for that month. If a domestic worker falls ill, she often must work through her illness, or be denied pay during her recovery. She is often unable to make a doctor's appointment during regular work hours.

Despite caring for children when they are sick, many domestic workers are unable to take a single day off to care for themselves. Domestic work is very physically and emotionally draining. Long hours mean some domestic workers rarely see their own children and families. Holidays and vacation days provide much needed time for self-care and family care, allowing domestic workers to return to work recharged and better able to take care of others. These are minimum provisions that must be put in law to protect the rights of domestic workers.

Impact of the Current Financial Crisis on Domestic Workers

The current economic crisis has made the situation of domestic workers much worse. As we are among the poorest group of workers, we bear the brunt of the current financial crisis that is impacting Jamaica in several ways some of which include:

Increased risk of Layoffs: Even in a healthy economy, domestic workers are uniquely vulnerable to the threat of layoffs. Some workers are days workers rather than weekly workers and as the economy gets worse some employers are reducing the number of days that they employ their household worker.

Increases in Cost of Living: The financial crisis has increased the cost of living. Poor domestic workers have to eat less and still have to meet the expenses caring for their family and sending our children to school.

Domestic workers keep families of their employers healthy and functioning, by cooking food, keeping the home clean, and preparing family members for school and work. But the precarious nature of our employment keeps our own families in constant social and economic crisis. Our long work hours and travel time mean that many of our children are left to take care of themselves. This means that many of us are not able to supervise our own children properly, help with their homework and give them the support that they need to develop. Long work hours also means that often, we are not able to go to Parent Teachers' Meetings or attend school functions.

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The economic downturn has deepened the crisis and has made our situation much worse.

The reduced number of work days means less weekly income and regular work. Some household workers are working longer hours or at different locations to get an income.

The majority of us are women, and we are mainly responsible for ensuring the health and safety of our children, disabled relatives, and elderly parents. The crisis makes it much more difficult to meet our responsibilities and we can't afford to look after our own health and the health of our families.

Demands of Domestic and Household Workers

The Jamaica Household Workers Association has identified a number of recommendations to support the ILO Convention that protect our rights as women and as household/domestic workers.

1. **New Laws:** New laws are needed to specifically protect our rights as women and as household workers. Jamaica has ratified the CEDAW Convention to protect the rights of women and to end discrimination against women. Absence of laws to protect domestic workers is a form of discrimination and a violation of the CEDAW convention. The Ministry of Labour should review of existing labour laws, identify gaps between CEDAW, the ILO's Decent Work Agenda and the new ILO Convention and enact new laws to better protect the rights of women Household and Domestic Workers.
2. **Improve Labour Monitoring:** The Ministry of Labour must increase dialogue between the JHWA, the Jamaica Employers' Federation and identify strategies to

monitor working conditions in homes. The Ministry must train Labour Inspectors, implement public education programmes to increase awareness of the new ILO Convention, and the rights and responsibilities of domestic workers.

Employers, government and the JHWA must collaborate to ensure that new and existing laws are enforced to bring about changes and to deter illegal practices in the workplace/households. Laws should ensure that employers who violate these laws must be prosecuted.

3. Increase Partnerships

The JHWA is committed to build a stronger partnership with the Ministry of Labour and the Jamaica Employers' Association to get support for the new proposed legislation that will better protect and promote the ILO's Decent Work Agenda. This will encourage more decent work, social protection and social dialogue with household workers.

The JHWA has also been working with the Bureau of Women's Affairs which has continued to give us tremendous support in every possible way. They have been working with us from inception and continue to do so.

The JHWA has also been working with some of the other NGOs such as: The Association of Women's Organisations of Jamaica (AWOJA), The University of the West Indies' Institute for Gender and Development Studies Mona Unit, the Women's Resource and Outreach Centre (WROC) among other women's organizations.

4. Capacity Building for JHWA

While we appreciate the support that has been provided by many agencies, we need funding and technical assistance to build the capacity of our organisation and membership to become stronger advocates to support implementation of the new ILO Convention. Among the urgent areas for capacity building are are:

- a. **Policy research and documentation on the situation of domestic and household workers and our experiences,**
- b. **Training in advocacy and communications to use research findings for advocacy and as evidence to guide policy and programmes to improve the rights, wages and working condition of domestic and household workers.** This will include working with state agencies to ensure more access to existing state benefits to support the most vulnerable of our members;
- c. **Public education and awareness building programmes:** A public education programme will help to ensure that our members and the Jamaican public are fully aware of the provisions of the new ILO Convention to protect the rights of domestic and household workers and to promote the ILO's Decent Work Agenda. This will also help to recruit more domestic and household workers as members of the JHWA.
- d. **Administrative support for the JHWA Secretariat.** The Association has a small office thanks to the support of the Bureau of Women's Affairs. However, resources are needed to employ a full-time Administrator and a budget to support the needs of the JHWA members, advocacy, public education programmes and to

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service partnerships with national, regional and international associations as we work to implement the new ILO Convention.

Conclusions

The situation of Household and Domestic workers in Jamaica highlights the need for the new Convention. and on behalf of the members of the JHWA, I wish to thank the Government of Jamaica for including us in the national delegation to this meeting. We also thank the many organisations that have supported us to attend. We especially look forward to working with the all Tripartite Partners –the Ministry of Labour, the Jamaica Employer's Federation and the Jamaica Confederation of Trade Unions, as well as with our other partners to successfully implement the new ILO Convention on Domestic Workers in Jamaica. These include: the Bureau of Women's Affairs, women's organisations and the Institute for Gender and Development Studies Mona Unit at the University of the West Indies.

Thank you all.

Shirley Pryce

President of the Jamaica Household Workers' Association

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