

Domestic Workers in the United Republic of Tanzania:

Summary of Findings of a Situational Analysis 2013

An Overview

In recognition of the significance of developing a sound knowledge base on domestic work in order to facilitate informed, meaningful policy dialogue, awareness raising and action towards promoting decent work for domestic workers, representatives of employers and workers organizations and representatives of the government, in a tripartite meeting held in May 2012, requested the International Labour Organization (ILO) to conduct a situational analysis of domestic workers in the United Republic of Tanzania. This was accomplished in three stages. The first stage was a comparative legal analysis of the Domestic Workers Convention, 2011 (No. 189) and national laws and regulations. The second stage was a rapid empirical survey of domestic workers while the third stage was a qualitative research on their working conditions. Below is a summary of consolidated findings from all of the three stages. **A detailed report of the situational analysis outlining, among other things, the methodology used in each stage, will be available by December 2014.**

Who are Domestic Workers?

The Domestic Workers Convention, 2011 (No. 189), the recently adopted international labour standard for the sector, defines domestic work as “work performed in or for a household or households” and a domestic worker as “any person engaged in domestic work within an employment relationship.”

Both mainland Tanzania and Zanzibar maintain different definitions of domestic work or domestic workers. The *Regulation of Wages and Terms of Employment Order of 2010* (Mainland) defines a domestic servant to include any person employed wholly or partially as a cook, house servant, waiter, butler, maidservant, valet, bar attendant, groom, gardener, washman or watchman. In Zanzibar, domestic work is defined in Section 3(1)

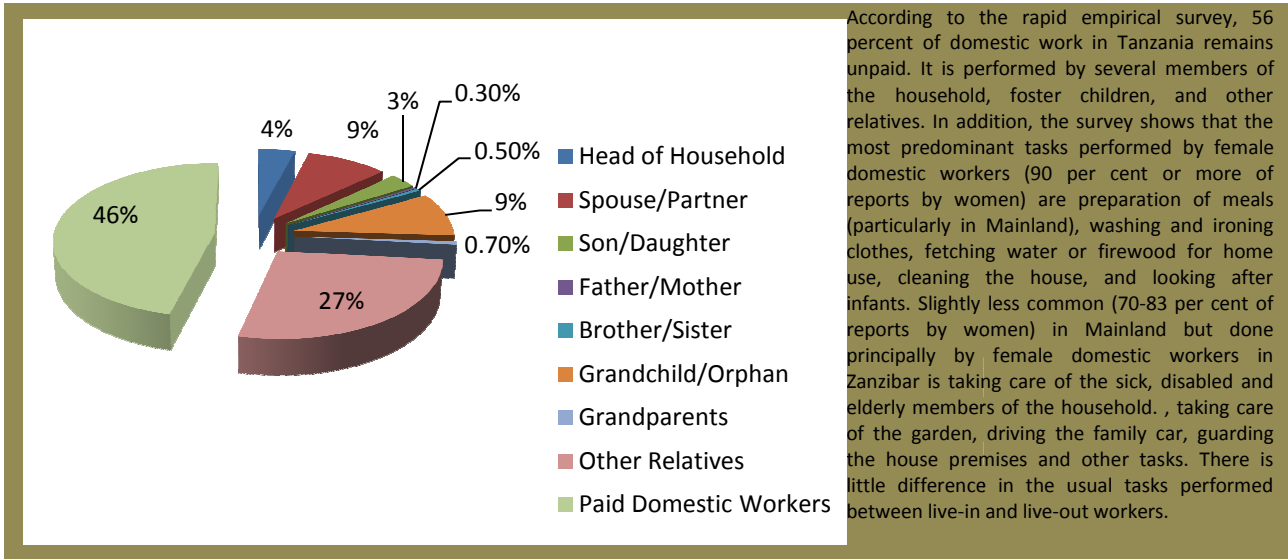
of the *Employment Act No. 11 of 2005* as “work in a family home but excludes the worst forms of child labour.” Both definitions exclude employees employed wholly or partly in connection with or in relation to any commercial or industrial enterprises since they are protected under other national provisions although Zanzibar recognizes those working in small and medium scale shops as domestic workers. In addition, Zanzibar excludes workers under the disguise of family ties or relationship.

Based on the legal comparative component of the situational analysis, there are three key issues that will need attention in relation to the definition of domestic work and domestic workers - (1) a clear definition of an employment relationship in domestic work; (2) demarcation of the ‘household’ including redefining working outside the household but doing ‘domestic’ chores; and (3) the use of the term domestic servant and its related connotations.

What is the Scope of Domestic Work in Tanzania?

The Rapid Empirical Survey of Domestic Workers in United Republic of Tanzania has revealed that there are 883,779 domestic workers in mainland Tanzania and 203,622 in Zanzibar working within an employment relationship by declaring themselves as domestic workers. This represents 5% percent of the total working age population (15 – 64 years) in Tanzania (23.47 million as of 2012 census). However, if we consider the people performing domestic tasks, hidden in very informal arrangements, this number increases to 1,728,228 (7 percent of total working age population) reflecting the fact that a large number of people are involved in domestic work without necessarily being recognized as workers and therefore are not able to enjoy their labour rights. Seventy-five percent of those who perform domestic tasks are women and only twenty-five percent are men.

Box 1: Who Performs Domestic Tasks in URT?



According to the rapid empirical survey, 56 percent of domestic work in Tanzania remains unpaid. It is performed by several members of the household, foster children, and other relatives. In addition, the survey shows that the most predominant tasks performed by female domestic workers (90 per cent or more of reports by women) are preparation of meals (particularly in Mainland), washing and ironing clothes, fetching water or firewood for home use, cleaning the house, and looking after infants. Slightly less common (70-83 per cent of reports by women) in Mainland but done principally by female domestic workers in Zanzibar is taking care of the sick, disabled and elderly members of the household. , taking care of the garden, driving the family car, guarding the house premises and other tasks. There is little difference in the usual tasks performed between live-in and live-out workers.

ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

How is the Demographic Profile of Domestic Workers?

Three key demographic characteristics of paid domestic workers were studied. These are age, education and marital status, all of which are segregated by sex.

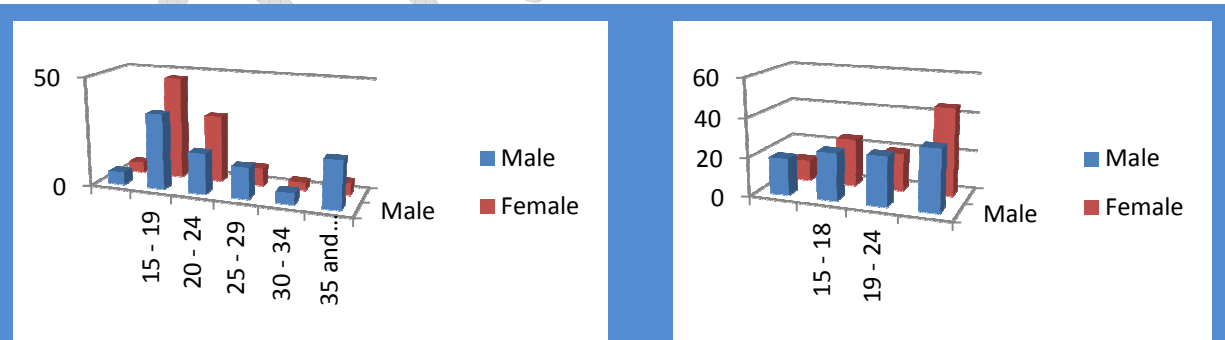
Age

The Domestic Workers Convention, 2011 (No. 189) calls each member state to set a minimum age for domestic workers consistent with provisions of the

Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child labour Convention, 1999 (No. 182) and not lower than that established by national laws and regulations for workers generally.

At the national level, mainland Tanzania defines a child as a person below the age of 14 except in hazardous sectors in which case persons of up to 18 years are considered children. In Zanzibar, a child is a person under the age of 17 and a young person as someone below the age of 21 years but above the age of 17.

Box 2: Age Profile of Domestic Workers in URT



Mainland Tanzania

Fifty two percent of male domestic workers in mainland Tanzania are aged between 15 and 24 years as compared to seventy eight percent among female domestic workers. This forms the largest age group of domestic workers. On average, a large number of male domestic workers are older than female ones and stay the longest in the sector.

Zanzibar

The largest age group of domestic workers in Zanzibar is 25 and above (32% among males and 45% among females). Notably, the percent of domestic workers under the age of 15 is very significant (19% male and 11% female) indicating a higher risk if child domestic labour.

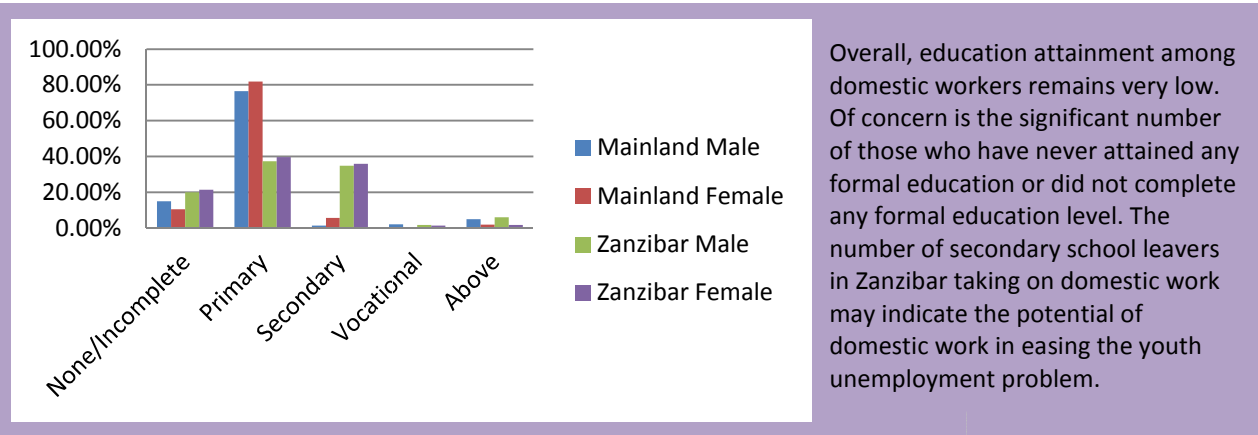
ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

Education

As regards to education, the Domestic Workers Convention, 2011 (No. 189) calls Member States to ensure that the work performed by domestic workers under the age of 18 does not deprive

them of compulsory education or interfere with opportunities to participate in further education or vocational training. National laws in mainland and Zanzibar provide similar caution.

Box 3: Education Profile of Domestic Workers in URT



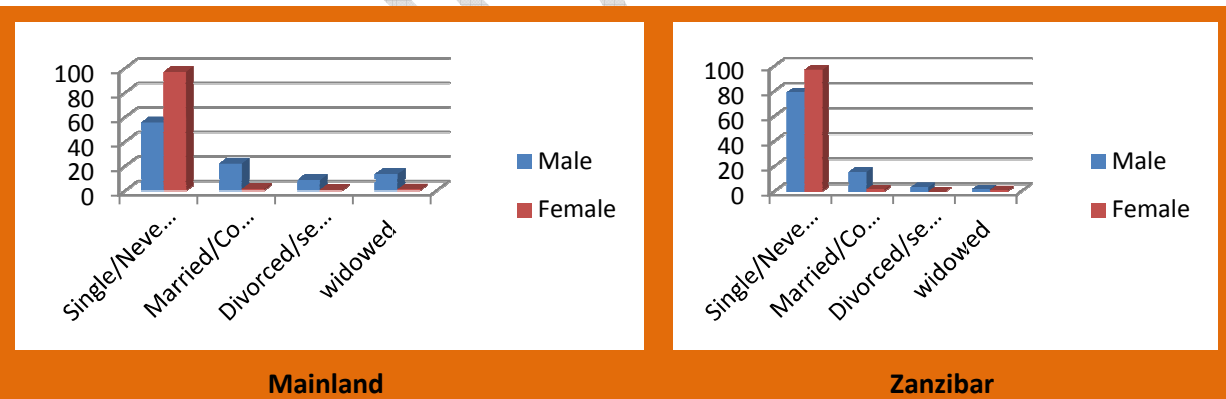
ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

Marital Status

More than three-fourths of domestic workers are not married, and only 14 per cent of domestic workers are married or living together. In contrast, 49 per cent of the total employed population are

married, living together, widowed or separated. Neither the international labour standards nor the national laws make any provisions for marital status of all workers, in particular in relation to access to employment. However, the situational analysis has found marital status to affect overall working conditions of domestic workers.

Box 4: Marital Profile of Domestic Workers in URT



ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

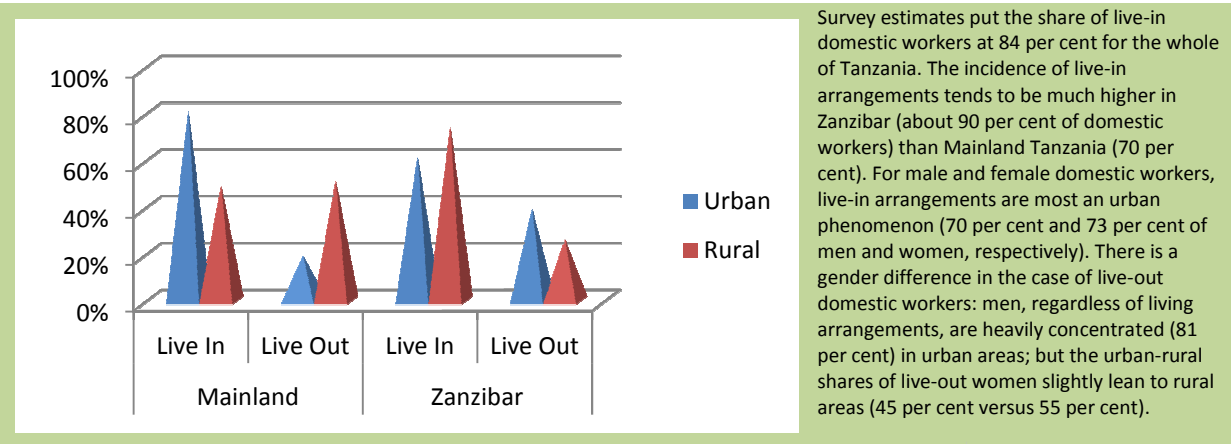
Where are the Domestic Workers Employed?

A domestic worker may work on full-time or part-time basis; may be employed by a single household or by multiple employers; may be residing in the household of the employer (live-in worker) or may be living in his or her own

residence (live-out). A domestic worker may be working in a country of which she/he is not a national, thus referred to as a migrant domestic worker.

Domestic work is predominantly urban. Roughly 70 per cent of the domestic workers are employed in cities and urban areas while only 55 per cent of total employed population are similarly located.

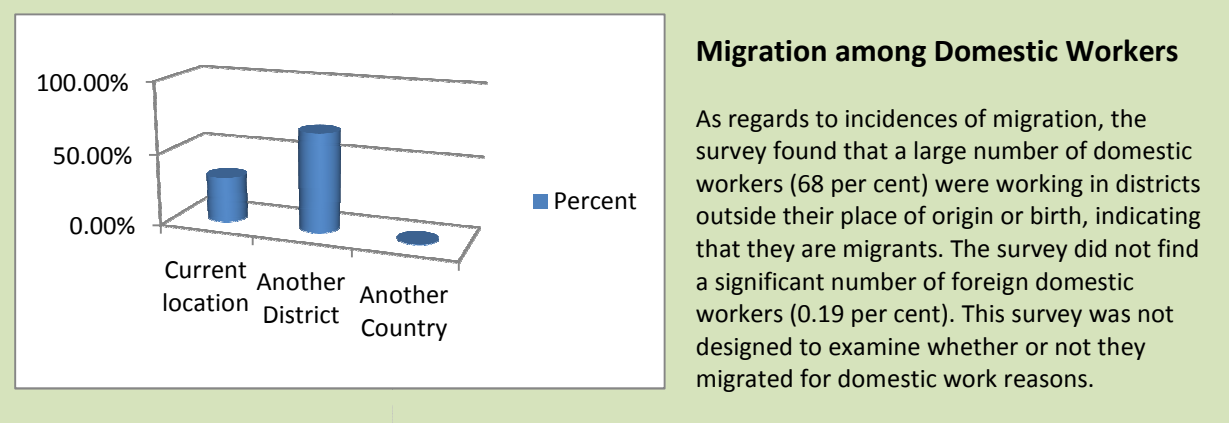
Box 5: Location and Living Arrangements of Domestic Workers in URT



Survey estimates put the share of live-in domestic workers at 84 per cent for the whole of Tanzania. The incidence of live-in arrangements tends to be much higher in Zanzibar (about 90 per cent of domestic workers) than Mainland Tanzania (70 per cent). For male and female domestic workers, live-in arrangements are most an urban phenomenon (70 per cent and 73 per cent of men and women, respectively). There is a gender difference in the case of live-out domestic workers: men, regardless of living arrangements, are heavily concentrated (81 per cent) in urban areas; but the urban-rural shares of live-out women slightly lean to rural areas (45 per cent versus 55 per cent).

ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

Box 6: Place of Origin of Domestic Workers in URT



Migration among Domestic Workers

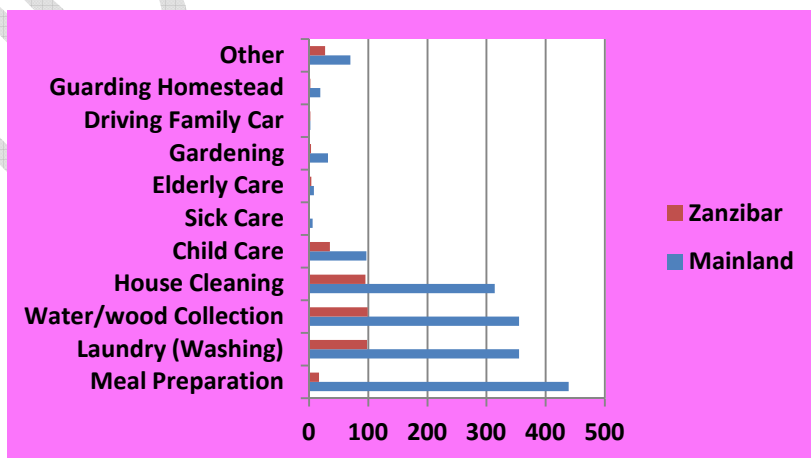
As regards to incidences of migration, the survey found that a large number of domestic workers (68 per cent) were working in districts outside their place of origin or birth, indicating that they are migrants. The survey did not find a significant number of foreign domestic workers (0.19 per cent). This survey was not designed to examine whether or not they migrated for domestic work reasons.

ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

What Do Domestic Workers Do?

According to the rapid empirical survey, domestic workers in URT perform a variety of tasks including cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, and even taking care of household pets.

Box 7: Tasks of Domestic Workers in URT



ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

The most predominant tasks performed by female domestic workers (90 per cent or more of reports by women) are preparation of meals (particularly in Mainland), washing and ironing clothes, fetching water or firewood for home use, cleaning the house, and looking after infants. Slightly less common (70-83 per cent of reports by women) in Mainland but done principally by female domestic workers in Zanzibar is taking care of the sick, disabled and elderly members of the household. , taking care of the garden, driving the family car, guarding the house premises and other tasks. There is little difference in the usual tasks performed between live-in and live-out workers. Some women reported cleaning the garden, guarding the house and driving the family car; and men also care for the sick and elderly, take care of the yard, and guard the house.

What is the Profile of Employers of Domestic Workers in URT?

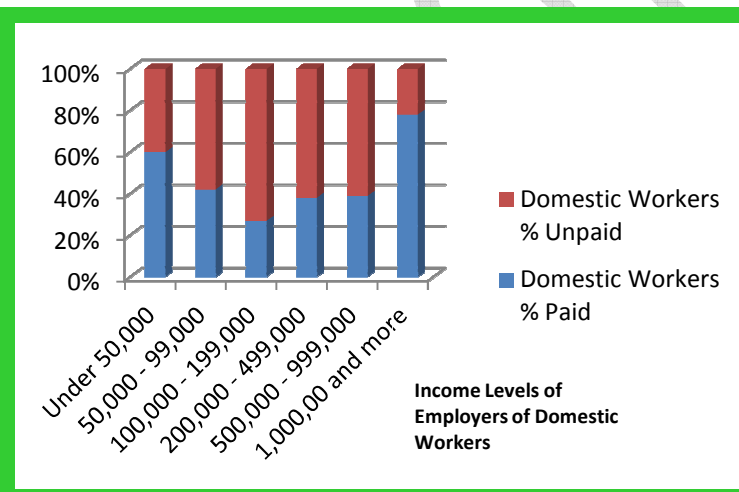
For the purpose of setting minimum wages, the Employment and labour Relations Act recognizes three categories of employers - Diplomats and Potential Businessmen; Entitled Government Officers and the rest of the employers as the final category. This final category has often included high to low income households.

Survey results suggest that about 53 per cent (5,009,076) of all households in Tanzania employed a domestic worker in one way or another (weighted results using 2012 Census). Household-employers which employ non-related domestic workers living in their residence, which

have relatives and foster children who regularly perform the domestic tasks for the household, and which employ live-out domestic workers on full time or part time basis, account for about 6.7 per cent of national household population.

Households that employ domestic workers are generally well off. Over 97 per cent are in formal settlements, use modern roofing material. About 93 per cent of employers reported a monthly household income above Tanzania shillings 200,000; the rest, including those with unpaid domestic workers, reported incomes below Tanzania shillings 100,000. Using income as an indicator, the survey gathered evidence of what can be considered tendency of employers to pay or not pay their domestic workers for services rendered.

Box 8: Profile of Employers by Average Household income and Incidences of Salary Payments



The incidents of salary payment among those who identified themselves as domestic workers are very varied and cannot be generalized. Above fifty percent (ranging from 58% to 73%) of domestic workers for employers of income levels between 100,000 – 999,000 have declared that they have either not been paid at all, in monetary terms, or their payments are not regular, as stipulated in the national labour laws and lastly, their payments are given to a third party and hence their perception of not being paid.

ILO Rapid Empirical Survey of Domestic Workers in URT, 2013

Recruitment of Domestic Workers

It was gathered from the qualitative research that a large number of domestic workers working in URT were recruited through informal means – by word of mouth – through friend, relatives and other domestic workers. in Zanzibar, there was concern about the number of people recruited informally to work abroad, especially in Arab states. In mainland Tanzania, formal recruitment of domestic workers to work abroad is done through Tanzania Employment Services Agency (TaESA). The study found that between July 2011 and March 2012, a total of 1,398 domestic workers were recruited by Private Employment Agencies, through TaESA, and placed in Oman and Dubai.

What are the Working Conditions of Domestic Workers?

The findings on working conditions of domestic workers are largely based on 174 individual interviews of domestic workers (9103) and employers of domestic workers (71) and 12 focus group discussions of workers and employers (between 5 to 8 people per group) conducted in three districts of Dar es Salaam region (Ilala, Kinondoni and Temeke) and two districts in Zanzibar West region (Mjini Magharibi and Kusini Unguja). Issues surrounding working conditions of domestic workers in United Republic of Tanzania, as in any other developing country, are complex and this flier does not provide enough room to explore each one in detail. As such, only a few highlights are included and the reader is encouraged to look for the full report of the situational analysis for more details.

Employment Contracts	<i>Types</i>	As in Domestic Workers Convention, 2011 (No. 189), the Employment and Labour Relations Act of Tanzania also provides for oral and written contracts of employment with a caveat that even for oral contracts of employment, some terms and conditions of employment must be in writing. Similarly, the <i>Employment Act</i> of Zanzibar recognises both written and oral contracts although it limits the length of an oral contract not to exceed six months. Domestic workers may enter into any category of the employment contracts.
	<i>Practice</i>	In the Situational Analysis, 80 percent of domestic workers interviewed were unsure of their employment relationship in the sense of the type of contract they have with their employers. This is irrespective of the legal requirement that some of the terms and conditions of employment must be kept in writing and the employee must be served with the copy of the same.
Remuneration	<i>Amount</i>	A new minimum wage has been set in 2013 in 4 categories of domestic workers: (1) domestic servants employed by Diplomats and Potential Businessmen TZS 150,00, an increase from the previous TZS 90,000; (2) Domestic workers employed by Entitled Government Officers TZS 130,000, an increase from TZS 80,000; (3) Live-out domestic workers NOT employed by employers in category (1) and (2) above TZS 80,000; and (4) Live-in domestic workers NOT employed by employers in categories (1) and (2) above TZS 40,000.00. The reduction of 68 percent of live-in domestic workers is no longer applicable. The situational analysis found that the average pay among domestic workers employed by diplomats ranged from TZS100,000 to 250,000 while for live-in domestic workers as low as TZS 25,000 and as high as TZS 100,000. Average pay for live-out domestic workers closely mirrors the minimum way for that category.
	<i>Method</i>	Findings from the qualitative research on employment practices and working conditions in Zanzibar and Dar es Salaam reveal that other forms of “exchange” and social arrangements between the employer-household and the domestic worker or his/her family were governing the rendering of services by some domestic workers to private households. Food and shelter, schooling and financial aid are some of the “currencies” at work in these arrangements. These informal social arrangements may explain the considerable proportion of domestic workers reportedly not being remunerated.
	<i>Frequency</i>	Out of all domestic workers identified by the survey, some 53 per cent reported being paid, in cash and/or in kind. This proportion is similar in rural (52 per cent) and urban (53 per cent) areas. The share of paid domestic workers is slightly higher among women (55 per cent) than among men (44 per cent). The incidence of explicit remuneration for work rendered tends to be higher among male domestic workers employed in rural areas (85 per cent) and among female domestic workers employed in urban areas (62 per cent).
Working Time	<i>Working Hours</i>	Normal working hours in Tanzania are 9 hours a day, 45 a week and not more than 6 days a week according to the <i>Employment and Labour Relations Act</i> . Similarly in Zanzibar, the normal working hours are not more than 8 hours a day and not more than 42 hours in a week according to the <i>Employment Act</i> of Zanzibar. Most violations of working hours were found among live-in domestic workers whereby 70 percent of domestic workers were said to work between 14 and 16 hours, while 20 percent worked between 10 and 14 hours. None of the domestic workers reported being paid overtime.
	<i>Rest periods</i>	Employment and Labour Relations Act of 2004 of Tanzania provides for three kinds of

		rest periods; daily break, daily rest and weekly rest. Provisions are also made for compulsory holidays. Findings of the qualitative research indicate that domestic workers do not have daily breaks except when the employers are not present. Weekly rest is deemed unpredictable because it is dependent on the employer's decision. Most domestic workers have only been able to observe compulsory holidays when the employer has had no visitors or children are away. A few mentioned being paid for working over compulsory holiday, but mostly in kind.
	<i>Annual Leave</i>	70 percent of domestic workers indicated that they were never given annual leave. This may also be evidenced by cases which were filled to the Conciliation, Mediation and Arbitration (CMA) board in the employee's state that their employers, on account of termination of employment, should pay them for the accumulated annual leave which they were never given at work.
Social Protection	<i>Occupational Safety and Health</i>	The <i>Occupational Health and Safety Act</i> of 2003 in Mainland Tanzania and the <i>Occupational and Health Act</i> of 2005 are geared towards safe workplaces, which do not endanger the health of employees. However, definition of who an employee is and what constitutes a workplace has served to isolate domestic workers. No evidence of households which were inspected for the safety and health of domestic workers was found in both mainland Tanzania and Zanzibar. Domestic workers reported concerns on how they have to fend for themselves if injured at work. Seemingly, most employers are yet to regard their households as legitimate work places.
	<i>Social Security</i>	Both mainland Tanzania and Zanzibar have several regulatory frameworks for social security. Three reasons have repeatedly been cited for the lack of coverage among domestic workers: (1) Until as recent as 2011, the operational structures of the social security schemes did not provide for employers of five or less employees. These schemes are still considering the huge administrative costs for taking on individual employers; (2) The short-term nature of domestic work contracts (as short as three months) do not motivate employers to initiate what they consider a cumbersome process; and (3) Domestic workers are not willing to contribute part of their meagre salaries to these schemes which they do not understand the working modalities.
	<i>Maternity Protection</i>	In most cases, when a live-in domestic worker gets pregnant, she voluntarily leaves her job or is asked by the employer to leave. A few cases were reported of employers granting unpaid maternity leave to the domestic worker for a few days as if such provisions are in the discretion of the employer. Notably, in both cases, the employers are knowingly and/or unknowingly in violation of the national labour law.
Sectoral Relations	<i>Collective Bargaining</i>	Part VII of the <i>Labour Relations Act</i> and <i>Employment Act</i> respectively (both of 2005) and Part VI of the <i>Employment and Labour Relations Act</i> of 2004 provide all workers and employer in Zanzibar and mainland Tanzania, respectively, the right to collective bargaining. Notably, Zanzibar does not have a single collective bargaining agreement in any sector to date and mainland Tanzania has not registered any collective bargaining agreement for any domestic worker. The need for the organisation of both the employees and employers was emphasized in most interviews.
	<i>Dispute Resolution</i>	A number of cases concerning domestic workers have been registered at the Conciliation, Mediation and Arbitration (CMA) board as well as the labour Court in mainland Tanzania. Some cases concerning particularly children have been treated as criminal cases and presented to the High Court. The Dispute Handling Unit (DHU) in Zanzibar has just begun its functions and to date no cases on domestic work have been registered. Most domestic workers do not have information on the existence of neither the dispute handling machinery nor a trade union representing them.
Perceptions on living and working conditions	<i>Employers</i>	Employers value domestic workers in view of the fact that without them they could accomplish much outside the household. A number of employers are concerned about the quality of domestic workers 'these days' indicating nostalgic preferences for years gone by when 'housegirls understood their job and what they need to do.' Domestic workers are considered unreliable, undisciplined and a necessary burden.
	<i>Workers</i>	Domestic work is not valued. A number of domestic workers request not to be addressed as domestics when outside the household. Employers were often said to be unreasonable, they did not consider 'housegirls as human beings with feeling' and most concerning they never tell the truth about working conditions of their domestic workers, 'which means they know what they are doing when they treat us unjustly.'

Methodological Note

The Comparative Legal Study on Domestic Workers Convention, 2011 (No. 189) and National regulatory frameworks was essentially a desk review supplemented by insignificant number of interviews of employers and domestic workers to verify the understanding and scope of legal compliance.

Using the Census enumeration areas and a multi-stage stratified sampling scheme, the Rapid Empirical Survey of Domestic Workers in the United Republic of Tanzania covered 1,474 urban households and 768 rural households in all regions of mainland Tanzania and Zanzibar. Of these, 1,594 households were from mainland Tanzania and 648 from Zanzibar. A total of 10,320 individuals were reached.

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