

IDWF-GAP-MDW E-Discussion, August-September 2015 Summary Report

Background

This report documents the results of the virtual community of practice hosted on the website of the International Domestic Workers Federation (IDWF) in August and September 2015, with the support of the International Labour Organization's Global Action Programme on Migrant Domestic Workers and their Families (GAP-MDW). The community of practice, which took the form of an e-discussion, aimed to collect the organising experiences of domestic workers' organisations and to provide a forum for the exchange of good practices between the organisations. The experiences collected will feed into a Global Flagship Report on migrant domestic workers currently being prepared by GAP-MDW.

The community of practice was launched with the sharing of two organising stories - from Lebanon and Paraguay - and the following questions were used as prompts for the discussion:

- a) What are the results of your organisation in organising domestic workers in the past 2 years?*
- b) Do you consider the results are good? Why?*
- c) What are the tips you can tell people on how to achieve the same result? How do you motivate domestic workers to join trade unions?*

While the discussion was open to everyone, IDWF also solicited the participation of IDWF representatives who were due to attend a regional meeting during 25-27th September in Bangkok.

The full e-discussion can be found at: <http://idwfed.org/en/discussions/organizing-migrant-domestic-workers>.

Contributions

1. Nazrul Islam, Secretary General of the Bangladesh Institute of Labour Studies

Mr Nazrul Islam, Secretary General of the Bangladesh Institute of Labour Studies (BILS), shared the organising experiences of the Domestic Workers Rights Network (DWRN) in Bangladesh. BILS functions as the Secretariat of the DWRN, which was formed in 2006 as a network of 32 trade unions, human rights organisations and NGOs advocating for domestic workers' rights.

Over the past three years, DWRN has worked with a number of national trade union federations to organise domestic workers in ten areas of Dhaka. By providing technical and logistical support in the form of leadership development and life-skills training, and by organising regular meetings¹, DWRN has facilitated the organisation of 50-300 domestic workers in each area, amounting to a total of over 1000 workers.

¹ In the case of live-out migrant domestic workers, who tend to live in shared residences, after-work residence-based groups are the main means of organising.

Through self-organised committees, domestic workers have mobilised under an area-level protest programme titled '*Protest where a domestic worker is being tortured*', and have begun to discuss the rights they are guaranteed under the Bangladeshi Constitution and ILO's Domestic Workers Convention, 2011 (No.189). In advocating for recognition of domestic work under Bangladeshi law, they are also attempting to build public consensus for the approval of the 'Domestic Workers Protection and Welfare Policy'², which was drafted in 2010 with the help of the DWRN but has not yet been adopted. The Policy sets out the responsibilities of employers, domestic workers and government with regard to the protection of DWs.

One of the most successful aspects of the organising experience, according to Mr Islam, has been the element of self-organisation, which has placed domestic workers in the driver's seat in terms of raising their demands with the government.

As for the issue of motivating domestic workers to join trade unions, Mr Islam emphasised that leadership development and knowledge sharing are key, and that domestic workers themselves play a vital role in involving their peers in the movement. This is a particularly important means of mobilising live-in domestic workers, who tend to be more difficult to reach than part-time workers. While the movement has mostly focused on organising part-time workers, some DWRN members also operate welfare activities for live-in child domestic workers in which employers occasionally participate.

2. Sister Clara Pitchai, Coordinator of the Tamil Nadu Domestic Workers' Union

In her contribution, Sr Clara Pitchai of the Tamil Nadu Domestic Workers' Union highlighted the human and labour rights violations that domestic workers suffer in the Arab States, largely due to their exclusion from labour legislation in these countries. She outlined the importance of mobilising domestic workers to take initiative and organise for their rights, and the need for strong international and national legislation, both in countries of origin and destination.

In India, a draft 'National Policy for Domestic Workers' would, if approved by the Union Cabinet, extend significant protections to domestic workers in line with ILO's Domestic Workers Convention, 2011 (No.189), which India has ratified. These would include a minimum wage of Rs 9000 (approx. 135 USD) for skilled full-time workers, social security coverage, maternity leave, compulsory paid leave of 15 days, and provisions against sexual harassment and bonded labour. The Policy would also grant the right to pursue education, the right to organise, a safe working environment, and a grievance redress mechanism³.

3. Ms Sonia Rani, Project Coordinator at SEWA Bharat, All India Federation of Self-Employed Women's Associations

Despite making up 94 per cent of India's female labour force, informal economy women workers continue to struggle for protection. SEWA Bharat, a federation of

² For more information, see: http://www.ituc-csi.org/IMG/pdf/presentation_of_domestic_workers_rights_network_dwrn_in_bangladesh.pdf.

³ For more information, see: <http://www.firstpost.com/india/govt-readies-domestic-workers-policy-proposes-rs-9000-minimum-pay-benefits-2395116.html>.

Self-Employed Women's Associations (SEWAs), was established in 1984 with the aim of strengthening the movement of women in the informal economy by highlighting their issues at the national level and building its member organisations' capacity to empower them.

Sonia Rani, a project coordinator for SEWA, outlined three facets of the Federation's organising efforts in Delhi:

- While reaching live-in migrant domestic workers can be difficult, SEWA Bharat has attempted to reach out to them through local domestic workers, who sometimes work in the same apartments as MDWs. Local domestic workers, who have already been organised by the Federation, inform MDWs about their rights and hand out SEWA organising pamphlets. MDWs are encouraged to contact SEWA in case of need, and the organisation can arrange for their return home.
- SEWA has also worked to sensitise Resident Welfare Associations (RWAs) in Delhi. In India, RWAs are civic bodies that represent the interests of the residents of a specific urban or suburban locality. RWAs have become increasingly involved in municipal politics and decision-making since the early 2000s and continue to grow in importance⁴. Through occasional meetings with RWAs, SEWA has sought to encourage them to create rules for domestic workers' welfare, in particular with regard to time off and minimum wages. Some RWAs have also set up case-handling mechanisms.
- SEWA runs sensitisation campaigns in origin states such as Bihar, West Bengal, Orissa and Kerala. These seek to raise awareness of safe migration among aspiring domestic workers, government officials, women's groups, villagers, and other stakeholders, through innovative means including role-plays, drama, posters, and wall paintings.

Between February 2014 and April 2015, SEWA reached out to a total of 15,333 migrant domestic workers in the states of Delhi, Bihar, and West Bengal. The organisation has rescued six domestic workers in Delhi and two in Bihar, and has handled cases relating to non-payment of wages, domestic violence, and rape.

In part thanks to SEWA's efforts, the Government of Delhi has recently formed a welfare committee for domestic workers, which will set minimum wages, ensure social security and the registration of MDWs and their employers, and develop case-handling mechanisms. Eight domestic workers' union representatives are part of the committee.

Ms Rani's post was shared on social media by IDWF. At the time of writing, the post had been 'liked' 17 times and had been shared eight times on Facebook, including by activists in Sweden, who drew parallels with the municipal-level organising experience in their own country, through organisations such as Kommunal, the Municipal Workers' Union. On Twitter, Sonia's contribution was 'retweeted' several times, among others by the Walk Free campaign.

⁴ For more information, see: https://wikipedia.org/wiki/Resident_welfare_association

4. Ms Anadavalli Govinda Pillai, Director of Operations, HOME, Singapore

The Humanitarian Organization for Migration Economics (HOME) registered as a society and charity in 2004 and is dedicated to upholding the rights of migrant workers in Singapore, including victims of human trafficking and forced labour. HOME works to raise awareness on legal rights and obligations among domestic workers so that they are able to protect themselves. Its legal education programme, titled Law & You, consists of four seminar-style workshops conducted over a span of a few months with each workshop focusing on a key area that is pertinent to domestic workers' employment and residence in Singapore. The most recent set of workshops dealt with the following topics:

- a) Money Matters (Salary, Deductions);
- b) Ending Work (Renewal, Transfer, and Repatriation);
- c) Well-being (Basic Needs, Rest Days, and Safety); and
- d) Criminal Law (Victim, Offender).

Annually, HOME reaches about 1200 domestic workers who are in need of assistance. The organisation raises their issues, and helps workers find alternative employment. It also empowers them through weekly Sunday classes - taught by domestic workers themselves - in Chinese language (Mandarin), computing, cooking, baking, care giving, cosmetology, dressmaking, and financial education. HOME has also organised activities including sports events and beauty pageants.

As outlined by Ms Pillai, one of the Organisation's most successful initiatives has been the Day Off campaign, a public education campaign aimed at encouraging employers in Singapore to voluntarily give their domestic worker a day off. The campaign has raised awareness through talks, events, and news articles. Facebook has been a particularly useful tool in this regard.

5. Mr Joy Sanker, B.V., Lawyer and Member of Hind Mazdoor Sabha (HMS), Kerala, India

Mr Sanker, a lawyer in the Indian state of Kerala, shared his experience of organising domestic workers together with the Kerala Labour Movement (KLM), an NGO that caters to the developmental needs of unorganised labourers in Kerala.

Kerala is home to a large number of migrant domestic workers, many of whom are unaware of their rights. In collaboration with Resident Welfare Associations⁵, efforts are being made to empower and educate these workers and their employers and to implement decent work, decent wages and decent living standards.

Under the leadership of Mr. Thampan Thomas, a former MP, the trade union association Hind Mazdoor Sabha (HMS) and KLM conducted a *dharna*⁶ in September 2015, putting forward the following key demands to the Kerala State Government:

⁵ See footnote 4. RWAs in Kerala have been used as fora for discussion on domestic work issues, including working hours, wages, and daily needs of workers. Participants have responded positively to these sessions.

⁶ A non-violent sit-in protest.

- a) Provide adequate funds for granting welfare measures for the labourers;
- b) Resume the welfare fund⁷;
- c) Increase minimum pension to at least Rs.1000 p.m.;
- d) Include domestic workers in the Employees' State Insurance⁸;
- e) Implement the resolution passed by the ILO Convention in its true letter and spirit.

A memorandum has been submitted to the Government in this context.

Mr Sanker highlighted the prevalence of women among domestic workers (90 per cent) and issues of exploitation and sexual abuse, arguing that the empowerment of women, trade union capacity building, and ratification of C189 should be at the forefront of the agenda for domestic workers' rights.

The greatest obstacle to organising identified by Mr Sanker is the lack of cooperation by domestic workers' employers, who do not disclose the details of domestic workers in their employment.

6. Sister Leema Rose, National Domestic Workers Movement (NDWM), Bihar State Coordinator, India

Sister Leema Rose shared her experience as Bihar State Coordinator of the Indian National Domestic Workers Movement (NDWM). The NDWM operates in 17 states, including Bihar, and advocates for domestic workers' rights and legitimacy. In Bihar, the Movement has mainly worked with interstate migrant domestic workers from the tribal areas of Bihar, Jharkhand, Assam and West Bengal. Migration flows have been particularly strong this year due to drought in Jharkhand and the closing down of tea estates in West Bengal.

In addition to running safe migration programmes, the Movement organises and trains migrant workers on their rights. NDWM runs regular classes, and helps prepare school dropouts for further studies.

The most common labour rights violation, in Sr Rose's evaluation, is non-payment of wages. NDWM intervenes in such cases, which it receives at least once a month, and submits complaints to the Labour Department if necessary. The Movement's interventions appear in the news at times, thus helping alert other employers about the consequences of non-payment of wages.

⁷ Welfare funds have been set up by various state governments in order to provide benefits to participants during periods of unemployment or disablement. In most cases these are funded through taxes on production or output from the industries that employ participating workers, particularly sectors where there is no direct employer-employee relationship. Kerala State has the greatest number of welfare schemes covering a large number of informal occupational groups, including domestic work. The Kerala Government set up a Board for the welfare of domestic workers in October 2013. But while welfare funds generally provide a wide range of coverage from pensions to health to ex gratia payments, the Government has unexpectedly stopped provision of all benefits except for pensions under the Domestic Welfare Fund in Kerala.

⁸ Employees' State Insurance is a self-financing social security and health insurance scheme for Indian workers. For more information:
https://en.wikipedia.org/wiki/Employees%27_State_Insurance.

7. Father Chetan Chandran, National Domestic Workers Movement (NDWM), Jharkhand State Coordinator, India

Father Chandran, State Coordinator of the NDWM's Jharkhand Chapter, provided an overview of the Movement's work across India. NDWM Chapters commonly work with both inter- and intra-state migrant domestic workers, while overseas migration is a particular concern for the southern states of Tamil Nadu, Kerala and Andhra Pradesh. By Fr Chandran's estimates, in the past two years over 100 migrant workers from these states have been safely repatriated from the Arab States, particularly from the construction sector. Fr Chandran credits organisations in destination countries as well as local MPs in India for their pro-active role in ensuring the workers' safe return, and notes that some rescued workers specifically acknowledge the importance of pre-departure training sessions and information materials.

On the inter- and intra-state level, NDWM has worked in both origin and destination areas to raise awareness of human trafficking and safe migration issues. Street theatre has been one of the most effective means of spreading key messages, while audio-visual tools, flyers and brochures are also distributed. The Movement works with local governments to ensure the protection of migrants, especially from the hands of traffickers. Some state governments, including those of Delhi, Chhattisgarh, and Jharkhand, have taken positive steps by either passing legislation or issuing notices and orders.

Fr Chandran notes that domestic workers are increasingly demonstrating leadership in their advocacy efforts, and that employers and governments have begun to recognise domestic work as work. Minimum wage notifications have been issued in the states of Assam and Meghalaya, while NDWM has used Public Interest Litigation (PIL)⁹ to put pressure on other states to take action. For instance, in 2013, the State Government of Jharkhand formed a State Social Security Board for unorganised workers following the filing of a PIL by the Movement. Ultimately, these steps have not been satisfactory to domestic workers, as minimum wages remain far below what would constitute a decent wage.

In Fr Chandran's experience, workers' strength and solidarity need to be consolidated and constantly reinforced. Where bureaucrats fail to respond to workers' legitimate demands, policy makers and Courts must be approached directly. Door-to-door campaigns and regular membership drives have motivated workers to join unions, and workers particularly join unions when they are helped in obtaining access to welfare schemes or other support.

⁹ In India, Public Interest Litigation (PIL) is litigation for the protection of the public interest. For the exercise of the court's jurisdiction, it is not necessary for victims to personally approach the court. In a PIL, the right to file suit is given to a member of the public by the courts through judicial activism. The member of the public may be a non-governmental organisation, an institution, or an individual. For more information:

https://en.wikipedia.org/wiki/Public_interest_litigation_in_India.

8. Ms Ajeng I Bunga, Coordinator of Human Resources, Indonesian Migrant Workers Union Netherlands (IMWU NL)

The Indonesian Migrant Workers Union in the Netherlands is a self-organisation, established by and for Indonesian migrant workers in the Netherlands. IMWU NL aims to promote the labour rights of all workers, and particularly Indonesian workers, in the Netherlands. The Union works with both documented and undocumented workers, and aims to eliminate human trafficking as well as other forms of rights violations and discrimination. IMWU collaborates with FNV Bondgenoten, the Dutch Federation of Trade Unions, on the latter's campaign on decent work for domestic workers, which advocates for ratification of ILO C189.

Ms Bunga, Coordinator of Human Resources for IMWU, shared some of the issues that Indonesian migrant workers face, from high recruitment costs (25-50 million Indonesian rupiah), to lack of pre-departure training. In the Netherlands, stringent immigration policies often result in workers becoming undocumented for reasons beyond their control, such as sudden dismissal by an employer or false promises on the part of employment agencies. Many workers also face suboptimal working conditions, including low wages, long working hours, and lack of social protection, and are vulnerable to human trafficking.

IMWU provides a range of training courses, including workplace training and rights awareness classes. In collaboration with the Indonesian Embassy in the Netherlands, the Union has also published information books on the rights to healthcare, education, and legal aid.

In February 2014, following a long-running lobbying campaign by IMWU, the Indonesian Embassy agreed to allow undocumented workers to renew their passports without having to produce a statement of domicile in the Netherlands. The previously stringent conditions on passport renewal had created practical difficulties for undocumented Indonesians, who were unable to access basic services without an identity document¹⁰.

Key messages

Several messages stood out in the contributions to the e-discussion:

- A common theme in Nazrul, Sonia and Joy's stories was the apparent effectiveness of organising on a neighbourhood level, in ten areas of Dhaka in the case of the DWRN, and through the RWAs in India.
- Nazrul and Sonia's accounts emphasised the difficulties of organising live-in (migrant) domestic workers, and described using live-out workers to reach these live-in workers. On a similar note, the organising experience in Kerala evidenced the difficulties in organising workers when employers refuse to disclose information about their employees.
- A theme that emerged in the contributions by Nazrul, Sr Clara, and Fr Chetan is the importance of allowing domestic workers to self-organise and to take initiative for raising their demands at the government level.

¹⁰ See <http://picum.org/en/news/blog/35627/>.

Contributors' contact details

- Mr Nazrul Islam
Secretary-General
Bangladesh Institute of Labour Studies (BILS)
bils@citech.net
<http://www.bils-bd.org>
- Sister Clara Pitchai
Coordinator
Tamil Nadu Domestic Workers' Union (TNDWU)
clarapitchai@yahoo.co.in
- Ms Sonia Rani
Project Coordinator
SEWA Bharat
mail@sewabharat.org
<http://sewabharat.org/>
- Ms Anadavalli Govinda Pillai
Director of Operations
Humanitarian Organization for Migration Economics (HOME)
contact@home.org.sg
<http://www.home.org.sg/>
- Mr Joy Sanker B.V.
Lawyer
joysankerbv@gmail.com
<http://www.hindmazdoorsabha.com>
<http://www.keralalabour.org/>
- Sister Leema Rose
Bihar State Coordinator
National Domestic Workers Movement (NDWM)
ndwm@vsnl.com
<http://www.ndwm.org/>
- Father Chetan Chandran
Jharkhand State Coordinator
National Domestic Workers Movement (NDWM)
ndwm@vsnl.com
<http://www.ndwm.org/>
- Ms Ajeng I Bunga
Coordinator of Human Resources
Indonesian Migrant Workers Union Netherlands (IMWU NL)
info@imwu-nl.com
<http://www.imwu-nl.com>