



International
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ILO-IPEC Interregional Workshop on

Child Domestic Labour and Trade Unions: Report

Geneva, 1-3 February 2006



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International Programme on the Elimination of Child Labour (IPEC)

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Foreword

While all forms of child labour cast a shadow upon this world and are a constant reminder of how we, the international community, have failed the most vulnerable in society, there are few forms of exploitation of children that are as abhorrent and unacceptable as that of child domestic labour.

All children should be allowed to enjoy the freedom of their childhood with their peers and their friends, to enjoy the love and security of their families and to express themselves academically in their schools surrounded by their classmates and teachers. The very future of the next generation depends upon the access to and quality of education to which all children are entitled. And yet, we continue to allow the investment in the future of humankind to be compromised. None of us should feel that this is not our responsibility and that there is nothing we can do.

Since my involvement as Workers' Vice-chair of the committee which drafted ILO Convention No. 182 in 1998 and 1999, I have taken a personal and particular interest in child labour elimination activities. I have come to appreciate the significant work and achievements of the ILO-IPEC programme in supporting member States in tackling this complex and challenging issue. I am pleased at the level of involvement of trade unions all over the world in shouldering their share of the responsibility in these efforts, in developing policies and programmes, in campaigning and lobbying and in caring about what happens to children, particularly those most vulnerable to exploitation. The collaborative efforts of the trade union movement, ILO-IPEC and AC-TRAV bring a strong message of hope to these children, their families and communities. This workshop was a manifestation of that ongoing support and goodwill.

During the workshop which was held on 1-3 February 2006, trade union colleagues from around the world were able to share experiences and information about how they had been successful in reaching out to child domestic workers and providing them and their families with alternative solutions. We can all learn from such shared experiences. I would therefore encourage any trade union to take the recommendation of this report into account in their own efforts to help child domestic workers. A key recommendation from the meeting was that we could reach out to this hidden group of exploited children by organizing adult domestic workers and ensuring that they, like all other workers, benefit from fair and appropriate conditions and labour standards. I believe that this would be a step in the right direction.



I would like to express my thanks to all who took part in the workshop and I hope that all trade union organizations will make extensive use of the ILO-IPEC training manual on child domestic labour. It is an important tool for our organizations, one in whose elaboration the trade union has worked very hard. I believe that with tools like this at our disposal and through our continued concerted efforts we can make a very real difference to millions of lives.

*Sir Roy Trotman
Chair, Workers' Group
ILO Governing Body*



Executive Summary

Throughout the world, having children work as domestic helpers continues to be culturally accepted and commonly practiced. The performing of household chores in someone else's house is often considered part of a child's socialization and development process. However, children who enter domestic labour often leave their own family at a very early age to work in the houses of others. They may leave their families for reasons related directly or indirectly to situations of poverty. While not all domestic work that children perform for others is necessarily child labour, the line between them is easily and far too often crossed. Child domestic labour is almost exclusively carried out in private homes, and thus it is hidden from public view and eludes inspection.

Children who are in domestic labour are in most cases victims of exploitation, often of several different kinds. They are exploited economically when they have to work long hours with no time off, low wages or no remuneration at all. They are exploited because they generally have no social or legal protection, and suffer harsh working conditions including, for example, having to handle toxic substances. They invariably are deprived of the rights due to them as children under international law, particularly education and skills training, but also including the right to play and to health; freedom from sexual abuse and harassment; visits to or from their family; association with friends; decent accommodation; and, protection from physical and mental abuse. And yet, despite the high level of abuse that prevails in this form of work, domestic service remains one of the most common forms of occupation for children, particularly girls.

Working with trade unions

Through the efforts of the ILO's International Programme on the Elimination of Child Labour (ILO-IPEC), its partners and a range of national and international organizations, including the trade union movement, there has been some progress in understanding the situations of children exploited in domestic labour and taking action to address the issue. Working with the social partners has been a significant area of ILO-IPEC's work since the outset of the programme in the early 1990s and within the broader context of the ILO as a whole. Indeed, the comparative advantage of child labour elimination and prevention activities within the ILO is built upon the concept of tripartism and remains a strong focus of ILO-IPEC's strategic approach. As regards child domestic labour, the role of the social partners is even more critical in its identification and progressive elimination.



Responding to these issues involves primarily building the capacity of trade unions to protect children from exploitation in domestic labour and to organize adult domestic workers and young domestic workers over the minimum age so that they work under decent, clearly defined and enforceable conditions. Over the past few years, through awareness-raising, campaigning, education, counselling, monitoring and legal action, thousands of children found in situations of child domestic labour have been withdrawn from places of work and benefited from rehabilitation and social reintegration programmes. However, while improvements in reaching out to children have also been made during this period, new challenges are arising, particularly in relation to strategies to assist young people above the legal minimum age of admission to employment.

Interregional workshop on child domestic labour

The Interregional Workshop on Child Domestic Labour and Trade Unions was organized within the context of two key projects: the "Prevention and elimination of exploitative child domestic work through education and training" funded by the Government of Netherlands and the child labour component of the ILO-government of Norway Framework Agreement. In view of the experience of trade unions in different parts of the world in tackling the issue of child domestic labour, it was considered that it would be timely to organize an interregional consultation of trade unions active in this field. The objective was to examine the role of workers' organizations in the elimination and prevention of child domestic labour, to identify specific strategies which workers' organizations would be particularly well-equipped to undertake and to contribute to the elaboration of an ILO-IPEC manual for trade unions on child domestic labour.

Research into child domestic labour

One of the greatest challenges in respect of establishing interventions to reach out to child domestic workers has been the inherent difficulties in the domestic sector itself. It is very difficult to identify the children as they are often working behind the closed doors of private households which further complicate conducting interviews of the children and the employers. Nevertheless, through various innovative strategies, SIMPOC¹ has been able to put together a profile of child domestic workers based on information from a range of surveys, baselines studies and rapid assessments. The data that has been collected from these surveys has been primarily used for raising awareness of the problem, identifying causes and consequences of child domestic labour and also in defining priorities in tackling the issue. However, one of the main challenges that still remains is how to build a response to such a complex problem and, moreover, how to put together a response as quickly as possible as time is not on the side of the children concerned.

¹ SIMPOC: Statistical Information and Monitoring Programme on Child Labour.



Legal ramifications

An important element of child domestic labour is how it fits in with national and international labour legislation and standards, particularly ILO Conventions Nos. 138 and 182, the Declaration on Fundamental Principles and Rights at Work and also the broader context of the UN Convention on the Rights of the Child (CRC). The two main objectives of Convention 138 focus on requiring a national policy for the effective abolition of child labour and a specific minimum age for admission to employment. Legislation stipulating minimum ages of admission to employment is a significant step forward for any country; however, the major challenge facing any state is that of monitoring and enforcement. In addition, domestic work is often excluded from coverage of Convention 138 as many governments feel it is difficult to enforce labour standards in this sector.

In terms of the worst forms of child labour, ILO Convention No. 182 clearly states that no child under the age of 18 should be involved in this form of work and that special attention should be paid to the most vulnerable children and girls. While child domestic labour is not specifically mentioned in the Convention, it can be included under some of the definitions of worst forms of child labour, for example, children working in slavery-like conditions. In addition, the strong references to hazardous work are particularly useful in targeting the elimination and prevention of child domestic labour as many child domestic workers are exposed to hazardous conditions. A problem area, however, is the above legal minimum age group (14 to 15-years-old and over) as these children are left in a challenging “grey” zone of legislation and particularly enforcement.

The workshop discussed various samples of labour legislation and hazardous work lists where domestic work was specifically mentioned, but exclusions and definitions continue to hamper clarity in this area and the difficulty will continue to be that of how to enforce regulations governing children working in the domestic sector. Another problem facing this particular age group is that of their right to join trade unions to defend their basic rights but also regulations facing trade unions in some countries regarding age limits of membership.

Trade union strategies targeting child domestic labour and the domestic sector

One of the main objectives of the workshop was to encourage an exchange of experiences and information between the trade unions from different countries on targeting child domestic labour. Through wide-ranging discussions, a number of common themes and links were reinforced and showed the commonality of union approaches to child labour and child domestic labour across the globe, including:

- *Adult domestic workers are a major link to child domestic workers:* If trade unions are to identify children in situations of exploitation in domestic labour, they require an effective means to



monitor the domestic sector, particularly through the mobilization and organization of adult domestic workers.

- *Access of domestic workers to fundamental labour rights and standards:* Domestic workers are largely denied access to and benefit from regular labour legislation conditions and fundamental labour standards. The trade union movement at all levels, from local to global, has a major role in ensuring protection and recognition of these workers and also in establishing collective bargaining mechanisms for the sector.
- *Targeting child domestic labour demands an institutional and systematic approach:* Any action against child domestic labour should be integrated into formal government and tripartite programmes, systems and institutions to ensure sustainable impact.
- *Enforcement is vital:* Where domestic workers are covered by legislation, are organized and benefit from labour standards, the problem of enforcement of laws and policies remains a major challenge.
- *Education for all and the quality of education:* A common theme to all interventions was linking trade union child labour efforts to the broader national and international initiative to ensure education for all and improve education quality.
- *Empowering all levels of the trade union movement:* Most unions work towards building the capacity of their organizations at all levels, from grassroots to national, regional and international.
- *Raising awareness:* Trade unions are effective campaigning organizations and the importance of this area of advocacy was highlighted as an integral part of union programmes and activities.
- *Linking child labour programmes to campaigns for improved adult employment:* Many trade unions highlight the problem of child labour within the broader context of national employment policy. Family poverty is a major cause of child labour and by pushing forward the ILO Decent Work agenda, trade unions hope to bring about improved working conditions for adults which should result in a corresponding decline in the incidence of child labour and growth in the number of children enrolling and remaining in school.
- *Child labour monitoring:* Trade unions have always played a significant role in society as public watchdogs, monitoring a range of labour, social and economic related environments. Trade unions can closely monitor situations of abuse and exploitation of children and even pre-empt situations arising where children might become involved in domestic work or other forms of child labour.
- *Working with civil society organizations:* Child labour has been a catalyst for closer collaboration between the trade union movement and the NGO community which has been of significant benefit to both parties and to the children involved.

ILO-IPEC Trade Union Manual on Child Domestic Labour

The second main objective of this trade union consultative workshop was to provide an opportunity to those trade union organizations involved in programmes and activities targeting child domestic labour to provide critical input into the elaboration of an ILO-IPEC training



manual for trade unions on this issue. There was full agreement on the need for such a manual to support and guide the prevention and elimination of child domestic labour. To this end, a working draft of the manual was discussed to assist its revision prior to a pilot-testing programme by ILO-IPEC, in collaboration with ACTRAV. During discussions, trade unions emphasized that the union movement as a whole should target child domestic labour as a matter of priority and elaborated a list of programmes and activities through which they could initiative, sustain and facilitate this process. For example, participants agreed that trade unions should immediately step up organizing campaigns to cover domestic workers.

Final workshop statement

A final statement based on discussions, exchanges, presentations and recommendations was discussed, amended and adopted by all trade union participants at the workshop. This statement highlighted the main elements defined by the workshop of a trade union approach to preventing and eliminating child domestic labour. It points out that work in the domestic sector, and child domestic labour in particular, is an area where all the fundamental rights in the ILO Declaration are under threat and presents a major challenge to trade unions globally. It emphasizes that unions have a vital role in the elimination of child domestic labour, in particular by organizing adult and adolescent domestic workers. Finally, it calls on the ILO to “support the trade union movement in their struggle against child domestic labour with programmes and projects aimed at strengthening the institutional capacity of the trade union movement, including their capacity to participate meaningfully in discussion regarding poverty reduction policies.”

In his closing remarks, **Mr Kari Tapiola**, Executive Director, Standards and Fundamental Principles and Rights at Work Sector, ILO, welcomed the final statement as thorough and practical and emphasized that if the ILO and its constituents can realize the combination of a strong normative framework and effective tripartism and link this to activities on the ground, then it would be possible to make a difference to the lives of the children concerned and their families and communities.



1. Background

Domestic work is defined as “household tasks performed as an economic activity in the household of a third person by adults and children over the minimum age”. Child domestic labour (CDL) is domestic work performed by children under the legal minimum working age as well as by children under 18 but above the legal minimum age, under slavery-like, hazardous or other exploitative conditions. What is not child domestic labour is children who help out in their own home with various tasks in moderation, that do not interfere with education or play and that contribute to boosting a sense of responsibility and self-esteem of the child.

Throughout the world, having children work as domestic helpers continues to be culturally accepted and commonly practiced. The performing of household chores in someone else’s house is often considered as part of a child’s socialization and development process. However, children who enter domestic labour often leave their own family at a very early age to work in the houses of others and are considered almost as ‘possessions’ of the household. They may leave their families for reasons related directly or indirectly to situations of poverty whereby children of very poor families may be placed with families in better circumstances or children from rural settings are placed with those in urban situations. Sometimes, the child is placed with family members – although the notion of the “extended family” can sometimes be somewhat tenuous – but this is not always the case. However, the common thread that weaves through all of these different situations is that child domestic labour is frequently viewed by parents and rationalized by employers as an improvement in the child’s situation.

While not all domestic work that children perform for others is necessarily child labour, the line between them is easily and far too often crossed. Child domestic labour is almost exclusively carried out in private homes, and thus it is hidden from public view and eludes inspection. Almost without exception, children who are in domestic labour are victims of exploitation, often of several different kinds. They are exploited economically when they have to work long hours with no time off, low wages or no remuneration at all. They are exploited because they generally have no social or legal protection, and suffer harsh working conditions including, for example, having to handle toxic substances. They invariably are deprived of the rights due to them as children under international law, particularly education and skills training, but also including the right to play and to health; freedom from sexual abuse and harassment; visits to or from their family; association with friends; decent accommodation; and, protection from physical and mental abuse. They may even be deprived of a name, known only by the local word for ‘servant’.



It is difficult to address child domestic labour as labour legislation in many countries is not systematically applied to this sector because it is informal, lacks recognition as a form of economic activity and occurs in private homes. The labour laws and regulations are seen by many as unenforceable with private homeowners. Child domestic workers are rarely counted by national statistics because they are difficult to reach and often hidden behind closed doors. There is social and institutional reluctance in many countries to accept that domestic work is a form of child labour. As such, child domestic work is often excluded from laws and policies designed to address other forms of child labour because it is seen as impinging on the rights of the family.

Gender dimension

Despite the high level of abuse that prevails in this form of work, domestic service remains one of the most common forms of occupation for children, particularly girls. Existing research suggests that, across the globe, more girls under the age of 16 are employed in domestic service than in any other form of work. Prevailing gender roles help to explain the prevalence of girls in child domestic labour. Many societies consider domestic labour as women's work and as having little value and girls often carry the additional burden of lower social status than boys, which can further reduce their opportunities for education and access to services.

As with other forms of child labour, poverty, domestic violence, the breakdown of the family and parents not seeing the importance of education contribute to the supply of child domestic workers. In some countries, demand for child domestic labour has increased to replace the growing number of women, including heads of households, who enter the labour market. Thus, the child domestic labour issue is both culturally sensitive and complex in scope. Its root causes, symptoms and implications for children, their families and societies have to be addressed simultaneously. All aspects of a society's attitudes about gender differences and how they affect child domestic labour must also be considered.

International legal framework

Within the framework of ILO Convention No. 138 on the Minimum Age for Admission to Employment (1973), and Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), the ILO recognizes three categories of child labour that must be abolished:

- all work done by children under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards;
- work that endangers the health, safety and morals of a child, either because of the nature of the work or because of the conditions under which it is performed;
- unconditional worst forms of child labour, defined as slavery, trafficking, bonded labour, forced recruitment into armed conflict, prostitution, pornography or illegal activities such as the sale and trafficking of drugs.



Although domestic labour by children has often been excluded from national minimum age labour legislation – usually because of the difficulty of implementing it in private households – the reality is that the vast majority of children in domestic labour would find a place in one or more of these categories, either because of the nature of the work they are required to perform, the treatment they receive or the means by which they entered into the situation in which they find themselves. Many more children are included, regardless of the nature of the work they do, because they are below the legal minimum age of employment and, consequently, are generally denied an education.

However, not all children under the age of 18 are considered to be in exploitative situations, and it is therefore important to understand the individual contexts in which domestic service occurs. Where a child under the age of 18 is engaged in domestic labour and works under conditions that are hazardous, then this constitutes a ‘worst form of child labour’ and must be eliminated as a matter of urgency. This would also be true of situations where the child has been trafficked into domestic labour, or where debt bondage or other practices similar to slavery exist.

Practical action

The issue of child domestic labour is both culturally sensitive and complex in scope. Its root causes, symptoms and implications for children, their families and societies have to be addressed simultaneously. All aspects of a society's attitudes about gender differences and how they affect child domestic labour must be considered. Practical action to tackle the issue can include:

- awareness-raising and prevention that addresses the root causes of vulnerability and exploitation;
- protection and withdrawal of children from exploitation and support for them as they rebuild their lives;
- developing time-bound measures, programmes and plans that set specific goals and deadlines to combat child domestic labour and other worst forms of child labour, linking this initiative with national development efforts, particularly a poverty reduction strategy and the provision of quality education, skills training and job creation;
- mobilizing national and international support for action to tackle the exploitation of children in domestic labour and other worst forms of child labour,
- promoting roles of employers and workers and strengthening their capacity in combating child domestic labour; and,
- maintaining children's rights high on national and international agendas.



2. Trade unions: Key partners in the fight against child domestic labour

Through the efforts of ILO-IPEC, its partners and a range of national and international organizations, including the trade union movement, there has been some progress in understanding the situations of children exploited in domestic labour and taking action to address the issue. In addition, the ILO-IPEC Vulnerable Groups Unit is in the process of elaborating a publication on good practices on tackling the issue of child domestic labour. This Interregional Workshop on Trade Unions and Child Domestic Labour is a key part of the process of building and reinforcing partnerships to tackle this challenging phenomenon.

Working with the social partners has been a significant area of ILO-IPEC's work since the outset of the programme in the early 1990s and within the broader context of the ILO as a whole. Indeed, the comparative advantage of child labour elimination and prevention activities within the ILO is built upon the concept of tripartism and remains a strong focus of ILO-IPEC's strategic approach. Raising awareness among governments and the social partners and building or reinforcing their capacity to tackle the global challenge of child labour, in particular its worst forms, has had a lasting and sustainable impact upon the incidence of the exploitation of vulnerable children. As regards child domestic labour, the role of the social partners is even more critical in its identification and progressive elimination.

The trade union movement, in particular, has a special role to play on several fronts, including:

- awareness-raising among its leaders, officials and members, some of whom may themselves employ children as child domestic workers without being aware of its consequences and not understanding this form of employment within the broader context of child labour;
- raising awareness of political decision-makers regarding legislative reform, implementation and enforcement;
- campaigning to mobilize its membership and the general public;
- organizing and collective bargaining activities with relevant sectoral trade unions which organize adult domestic workers.



Responding to these potential trade union roles involves primarily building the capacity of trade unions to protect children from exploitation in domestic labour and to organize adult and young domestic workers over the legal minimum age of employment so that they work under decent, clearly defined and enforceable conditions. Where trade unions and non-governmental organizations (NGOs) have been engaged in this way within ILO-IPEC programmes, they have proved to be particularly innovative and effective in identifying children who are at risk of child domestic labour.

Over the past few years, through awareness-raising, campaigning, education, counselling, monitoring and legal action, thousands of children found in situations of child domestic labour have been withdrawn from places of work and benefited from rehabilitation and social reintegration programmes. The development of a sound knowledge-base on the issue has allowed the design of tailor-made programmes to assist children working and living under the worst conditions. However, while improvements in reaching out to children have also been made during this period, new challenges are arising, particularly in relation to strategies to assist young people above the legal minimum age of admission to employment.

Aims and objectives of the workshop

The workshop was organized within the context of two key projects and ILO-IPEC would like to express its appreciation to the donor countries concerned: the TC-RAM headquarters component of the project funded by the government of the Netherlands on the "Prevention and elimination of exploitative child domestic work through education and training" (INT/04/54/NET) and the child labour component of the ILO-government of Norway Framework Agreement (INT/03/22/NOR). In respect of the former, this consultative workshop enabled those organizations which have been the implementing agencies of the field projects in their respective countries to participate in a forum in which their experiences could be shared and they could provide significant added value to work in this field. In respect of the latter, this project is supporting the development of a trade union resource manual on the elimination and prevention of child domestic labour which will build on some of the outcomes of the trade union field projects.

In view of trade union experience in different parts of the world in tackling the issue of child domestic labour, the growing recognition of the need to build on progress to date and elaborate more effective strategies to target this group of hard-to-reach children and set in place sustainable responses that will benefit them, their families and their communities, ILO-IPEC, following discussions with other ILO Units, particularly the Bureau for Workers' Relations (AC-TRAV), and the International Confederation of Free Trade Unions (ICFTU), considered that it would be timely to organize an interregional consultation of trade unions active in this field, some selected NGOs and ILO, ILO-IPEC and other officials.



The objective was to examine the role of workers' organizations in the elimination and prevention of child domestic labour, to identify specific strategies which workers' organizations would be particularly well-equipped to undertake and to contribute to the elaboration of an ILO-IPEC manual for trade unions on child domestic labour.

The working draft of a revised trade union manual was included among the working documents for the consultation and the aim was to provide working group forums through which constructive comments would be sought on revision of the draft. The revised manual would update an earlier ILO publication entitled "Child labour in domestic service: Trade union manual," produced in 1998 through a collaborative effort between ACTRAV's child labour project and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). This original manual was funded under the project "Developing national and international trade union strategies to combat child labour" (INT/96/M06/NOR).



3. Child domestic labour: An issue of paramount importance

IPEC looks to support ILO constituents in their child labour elimination efforts

In his opening address, **Mr Guy Thijs**, Director of ILO-IPEC, underscored the significance of the broad representation of different countries from around the world, as well as from UNICEF, Anti-Slavery International and ILO officials from key units in headquarters and the field, which would ensure significant depth and breadth in terms of discussion of the critical issue of child domestic labour. Child domestic labour had been the theme of the third ILO World Day Against Child Labour on 12 June 2004 and remained a major issue of concern for ILO-IPEC for a number of reasons, particularly:

- because of the magnitude of the problem;
- because of its hidden nature as it occurs beyond the eye of the public and often behind the walls of private homes which makes it difficult to monitor and regulate;
- because available information confirms that, in many cases, child domestic workers suffer extreme forms of exploitation.

Mr Thijs pointed out that the aim of the World Day in 2004 was to bring to light the exploitation that millions of children suffer and to put the issue on the agenda of the international community. In this respect, ILO-IPEC's strategy contains several key elements:

- to contribute to the *creation of a sound knowledge base* on the prevalence of child domestic labour, as well as its impact on children's development, so that the ILO's constituents can make informed decisions in their participation in national tripartite discussions on lists of hazardous child labour within the overall framework of the implementation of Convention 182;
- to support ILO constituents in the *analysis of the legal framework on labour-related issues* and proposals for reform – in this respect, ILO-IPEC has been working together with various associations and trade unions of adult domestic workers to promote legislative reform to guarantee improved working conditions for adult and young domestic workers;
- to design *rapid response removal strategies* for all children below the age of 18 found in exploitative or hazardous situations of child domestic labour, giving priority to children under



legal minimum working age and to those found working in situations of severe exploitation, such as slavery-like conditions and children victims of trafficking;

- to promote the development of *protection measures for adolescents in child domestic labour* whose working conditions can be changed from hazardous to non-hazardous over a reasonably short period of time.

However, elaborating potential strategies to help these children would only be successful with the full support of a range of actors, including ILO constituents and particularly trade unions. Mr Thijs highlighted various ways in which trade unions could support global efforts to eliminate and prevent child domestic labour, including awareness-raising among their leaders and members; lobbying political decision-makers regarding legislative reform and implementation; campaigning to mobilize the general public; reaching out through direct action to help children exploited in domestic labour; organizing adult domestic workers and young domestic workers over legal minimum employment age and monitoring their working conditions to ensure that only children above minimum age work and do so under appropriate conditions. He referred to the significant number of programmes and activities that had been conducted with the support of trade unions and pointed out that their capacity to act as efficient and effective public watchdogs in work places and the wider community has been of great value to the global campaign to eliminate child labour.

He noted the aims and objectives of the workshop and emphasized the potential impact of sharing experiences between trade unions and NGOs active in this field, designing trade union policies and plans of action, identifying and providing services to child domestic workers, investigating the prevalence of child domestic labour and, particularly, organizing adult and young domestic workers. He welcomed the participation of trade union organizations from different sectors, from national confederation level to teachers' unions and unions which already organize domestic workers. The rich variety of experience of the participating organizations would contribute significantly to finalizing an ILO-IPEC training resource for trade unions on child domestic labour.

The elimination of child domestic labour: A shared responsibility

Sir Roy Trotman, Chair of the Workers' Group of the ILO Governing Body, noted that his own involvement in the campaign to eliminate child labour had grown significantly since leading the workers' group during the discussions in 1999 on ILO Convention No. 182. He expressed his personal appreciation of the work of ILO-IPEC and his particular interest in following the enactment of the Convention through programmes and activities, and welcomed the opportunity to obtain first-hand experience on trade union action to target child domestic labour in particular. He emphasized the importance of implementing agencies addressing both successes and failures in reviewing activities as there is much to be learned from analyzing both.



Sir Trotman welcomed the strong representation of the wider trade union movement, including Ms Anna Biondi, Secretary of the ILO Workers' Group and Executive Director of the Geneva office of the ICFTU, and provided a more detailed explanation of the Workers' Group, its structure and operations.

In putting the workshop into context, he pointed out that it was important for trade unions generally to assume their share of responsibility for the elimination and prevention of child labour. The issue of responsibility is at the heart of the continued existence of the worst forms of child labour and child domestic labour. These abuses, he stated, are a violation of human rights and it is not acceptable to put conditions on benefiting from these: no individual should be deprived of their fundamental rights. The way forward for tackling the challenge of child labour, including child domestic labour, should be underpinned by a rights-based approach.

The economic arguments for the continued existence of child labour are strong and, for the most part, irrefutable. However, they should not be allowed to stifle attempts to reach out to children in situations of exploitation. The issues of poverty and education must be addressed at the same time as identifying these children and their families and putting in place programmes to support them. Using anecdotal references, Sir Trotman also underscored the need for participants and all trade unions to recognize that change begins within the individual or the individual organization. If tackling child labour means that change must occur, then trade unions need to acknowledge that they must be a part of that change. The labour movement must decide what it is prepared to do to tackle the problem and then elaborate strategies to take action at local, national and international levels. In closing, Sir Trotman noted that ILO-IPEC, ACTRAV and the Workers' Group must continue to work together, as individuals and collectively, to play their part in the elimination and prevention of child labour, and in the context of this workshop, child domestic labour.

Child domestic labour within the framework of the informal economy

In defining the aims and objectives of the workshop, Mr Geir Myrstad, Head of the Programme Support, Reporting and Planning Section, ILO-IPEC, pointed out to participants that ILO-IPEC had been working on this challenge for some time and ACTRAV had also been active in this area. In this respect, he referred to the first trade union manual elaborated on child domestic labour in 1998 which was developed following a seminar in Nairobi, Kenya, in November 1998, held in conjunction with the IUF. The hotel and domestic workers' union from Tanzania, CHODAWU, played a significant role in the elaboration of the original manual and Mr Myrstad explained that ILO-IPEC was looking to the ILO workers' group once more for guidance and advice on strategies to tackle child domestic labour. The meeting was essentially a workers' meeting as this is where most of ILO-IPEC's experience has been generated and the issue as a whole is very relevant to workers and their organizations. However, as well as focusing on



the very specific issue of child domestic labour, he emphasized the need for all stakeholders involved, particularly trade unions, to look at the broader context of this sector within the informal economy.

He noted that ILO-IPEC is working systematically with ACTRAV and the trade union movement and two significant sub-regional consultations with trade unions were co-organized in 2005 by ILO-IPEC and ACTRAV in Blantyre, Malawi, for the southern African region and in Chennai, India, for the South and South-East Asian regions. The issue of child domestic labour was raised at the Chennai consultation and participants there explained that one of the challenges for trade unions in this sector is that there are legal restrictions in some countries on trade unions either operating in the informal sector or in being allowed to accept young workers below the age of 18 into membership. This can cause particular problems in countries where the minimum age for employment can be as low as 15 and, therefore, there could be a significant group of workers between the ages of 15 to 18, none of whom may be able to join trade unions. These are elements of some of the challenges that face trade unions in organizing the domestic sector and that ILO-IPEC, ACTRAV and its partners will need to keep in mind in working together to elaborate strategies to target this group of workers.

Mr Myrstad presented the programme for the three-day workshop and explained that there would be sessions dealing with existing data in different countries, their legal frameworks, the working conditions facing children and adult domestic workers, the specific role of trade unions and what has been, can and should be done. One area for special consideration would be whether or not the union movement should focus attention on building sectoral trade unions to organize domestic workers. The main activity at the end of the workshop would be to examine the working draft of the proposed revised manual for trade unions on child domestic labour and discuss improvements to its various sections to ensure that it would offer sound advice and guidance to trade unions worldwide, would describe strategies that have been proven to work and could be used as a practical tool to support trade union policies, programmes and activities in this field of work.



4. Child domestic labour: Research findings

Ms **Angela Martins-Oliveira**, SIMPOC, ILO-IPEC, opened the main working sessions by providing details of data that SIMPOC had been able to establish through nearly 300 surveys since 1998, including almost 30 baseline studies and/or rapid assessments on child domestic workers. However, obtaining reliable data on child domestic workers proved very difficult and there were significant challenges facing researchers in this field. Because of the nature of the work that these children perform, challenges include:

- identification of the children – as they often work in private homes and hidden from public scrutiny;
- access to the children in order to conduct the research – again due to the location of their work primarily in private homes;
- finding an appropriate time to interview the child domestic worker – as these children work almost non-stop throughout the day and are rarely allowed to leave the house where they work;
- finding an appropriate place for the interview – if the child works in a home then it would be difficult to conduct the interview there as the influence of the employer would be strong, but the issue arises as to where else the child might be allowed to go and whether the employer would react negatively;
- taking into account ethical considerations – for example, talking to and interviewing children who might be victims of abuse requires some specialist knowledge and training, and questions need to be phrased in such a way as to elicit information from children.

Ms Martins-Oliveira explained that solutions had been found to most of these challenges, for example, key informants in identifying the children include social workers, teachers, union members and community leaders. Once identified, the children can be accessed, for example, when they go to shop in market places or go to their place of worship. They can be approached when they are shopping for their employer, when they take the employer's children to school or when they have some free time for themselves. The main factor to be taken into consideration is that the children should have no fear of punishment from the employer if they give the interview. As regards ethical considerations, this is a significant challenge for interviewers. They need to know how to approach and talk to these children, but they are also



often compromised after interviews, particularly if they discover that the child is being abused. If the child is being abused, then what steps can and should a researcher take?

Research methodology

These challenges play a significant role in selecting the type of research methodology and also in designing questionnaires and surveys. There are three main approaches that are used by SIMPOC: household surveys, school surveys and participatory approaches, such as rapid assessment methodology. While the surveys are, by definition, limited in the data they can collect, they do provide information on the magnitude of a problem and its major characteristics. However, surveys have also led to the elaboration of some innovative questions in order to obtain difficult information, such as where children are working as domestics. One such question in a Sri Lankan survey was "Who lives in your household?" As a question in a school survey, this enabled researchers to discover from children of the family whether or not there were other children present who were not family members and who were working. SIMPOC has also found that combining the different survey approaches has also been effective in building data on child domestic workers.

Profiles of child domestic workers have emerged from surveys in a range of sectors, including but not exclusively domestic work. The surveys enable SIMPOC to examine different factors related to child labour, such as the characteristics of the working child, their living conditions, their working conditions and general community and national conditions. Surveys will go on to cover a range of relevant information concerning education, family background, ages, gender, ethnicity, migration, health, hazards, and so on.

Analysis of around 80 child labour studies worldwide has enabled SIMPOC to build a relatively detailed profile of child domestic labour. In terms of the main characteristics of the sector, it was found that:

- Child domestic labour is common around the globe.
- For poor families, it is often a way to relieve the burden of another mouth to feed in the home.
- Employers frequently feel that they are doing something good for the sake of the children.
- The child domestic worker usually receives food, shelter and sometimes education and/or monetary compensation in return for their services.
- Some children feel that despite the heavy workloads and exposure to abuse, they are better off in their place of work than they would be at home.



Principal characteristics of child domestic labour

In terms of the main characteristics of the children working in the sector, it was found that:

- On the whole, there was a predominance of girl child domestic workers in the majority of countries surveyed. However, it was found in South Africa that more boys than girls were affected.
- Child domestic workers are most likely to be between 10-14 years old and to have started domestic work at a very young age. However, recent data show that fewer children are entering domestic work at early ages and it is felt that this has been as a result of public awareness-raising campaigns on child domestic labour and child labour.
- Children's entry into domestic work has often led to them dropping out of school.
- Most child domestic workers typically come from poor or very poor families, often characterized by extreme economic and/or social trauma such as migration due to natural disasters or conflicts, extreme destitution, family disintegration or the death of one or both parents.
- Child domestic workers usually work very long hours and carry heavy loads and are at risk of psychological, physical and sexual abuse from employers and their families – they also suffer from isolation and loneliness.
- Child domestic workers living in the homes of their employers are more likely to experience conditions consistent with the worst forms of child labour².
- In urban areas, child domestic work activities consist mainly of cleaning, cooking and taking care of children, whereas in rural areas, children are also likely to participate in farming activities.
- Child domestic workers receive either monetary compensation or compensation in-kind from their employers, for example, monetary compensation plus room and board or room and board only (these latter two categories are most common). Schooling is occasionally included along with room and board. In-kind compensation is encountered more frequently among child domestic workers than other forms of child labour. Most children who receive monetary compensation send their income to their parents.

SIMPOC has also studied the various ways in which children have ended up in situations of child domestic labour and interviewed children about their attitudes towards their situation:

² Article 3, ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour states: "For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."



- Child domestic workers, more so than in other forms of child labour, often report that they entered domestic service in order to ease the economic situation of their families. For others, domestic work may represent an opportunity for better food, housing and schooling or a way to relieve their parents of the economic burden of supporting them.
- The vast majority of children interviewed state that they would not recommend that other children engage in domestic work. Interestingly however, most of them feel they are better off working than they were before entering their jobs.
- There is little evidence of children being trafficked into child domestic work. Friends and family are most likely to have encouraged children to enter domestic work and to have found the jobs for them.

In respect of the latter point on trafficking, a delegate from Indonesia pointed out that many children are trafficked into domestic labour in the country and families are often told by agents that the child will be doing decent work. It is commonplace for employers to pay for the child to a third party, which can often be the child's family or neighbours, and the children then pay off this amount through their work. In these cases, it is not only child domestic labour, but also forced labour. Ms Martins-Oliveira welcomed the information from Indonesia, noting that SIMPOC had not yet conducted a study on child domestic labour in that country. She also stressed that the statement that there is little evidence of children being trafficked into child domestic work should be interpreted with precaution. It is based on the studies undertaken by SIMPOC so far. Ms Martins-Oliveira called upon participants to assist ILO-IPEC in its work by providing information on where problems exist and how they can best be researched.

Translating research into action

The data that has been collected from these surveys has been primarily used for raising awareness of the problem, causes and consequences of child domestic labour and also in identifying and defining priorities in tackling the issue. It also supports the development or refining of policies targeting child labour generally and child domestic labour specifically. In this respect, it also helps in development national, local or sectoral programmes and projects. In addition, it helps ILO-IPEC in building its knowledge base on this very challenging sector. However, one of the main challenges that still remains is how to build a response to such a complex problem and, moreover, how to put together a response as quickly as possible. This is particularly important in situations where children are subjected to different forms of abuse.

In closing, Ms Martins-Oliveira explained that SIMPOC had been able to assemble some key recommendations from the results of the studies it had conducted. These include:

- There needs to be greater awareness raised on the issue of children's rights.
- Better access to education is critical for the children concerned, but also other members of the families, particularly mothers and sisters.



- It is vital that legislation relevant to child labour is improved and that enforcement mechanisms are strengthened.
- Various programmes which target women specifically must be enhanced. These could include programmes on education, health, training, and so on.
- It is critical to provide alternative economic opportunities for at-risk children and their families.

She also stressed the point that because child domestic labour is not even defined as work within the framework of labour legislation in a large number of countries, it is evident that the statistics gathered to date underestimate the extent of the problem. She pointed out that some researchers themselves do not recognize child domestic labour as work, so it would be important to implement education and awareness-raising campaigns to ensure the plight of these children is recognized.



5. Child domestic labour and international standards

One of the most challenging areas as regards child domestic labour is how it fits in with national and international labour legislation and standards. **Mr Joost Kooijmans**, Legal Officer, Fundamental Principles and Rights at Work Department, ILO, introduced a presentation³ looking at how child domestic labour fits in with ILO Conventions Nos. 138 and 182, the Declaration on Fundamental Principles and Rights at Work and also the broader context of the UN Convention on the Rights of the Child (CRC). He pointed out that it is only once the concept of child domestic labour is firmly anchored in the ILO's Conventions that member States can move ahead with appropriate policy and legislation.

The main international mechanisms mentioned clearly define the need to protect children from economic exploitation and to effectively abolish child labour. The CRC does this primarily through its Article 32 on protecting children from economic exploitation, but there are also other articles within the Convention which are relevant, including those relating to education and health, for example. However, it is evident, from a legal point of view, that there are commonalities between Conventions 138 and 182 in terms of how they can apply specifically to child domestic labour and, therefore, it would be necessary to disassemble the definition of this form of child labour in order to see exactly how it fits into the context of each mechanism.

ILO Convention No. 138

Mr Kooijmans noted that the two main objectives of Convention 138 focus on requiring a national policy for the effective abolition of child labour (Article 1) and requiring a specific minimum age for admission to employment. He explained the detail of how the Convention can be implemented in cases of developed and developing countries which are less advanced in terms of labour legislation and enforcement. These details can be found in Annex 4 of this report, under section I, and refer to the minimum ages in terms of light and hazardous work as well. He emphasized these elements of the Convention as they are important when keeping in mind the legal context of dealing with child domestic labour, particularly the issue of haz-

³ A handout prepared by Mr Joost Kooijmans on the legal framework of child labour, the supervisory mechanism of international labour standards, the role of workers' organizations and technical cooperation and assistance was distributed during the workshop in support of this presentation. It has been included in this report as Annex 4.



ardous work for which the minimum age is 18 years with no exceptions, but also the general minimum age as many child domestic workers are below the age of 15 or 14 years.

Legislation stipulating minimum ages of admission to employment is a significant step forward for any country. However, the major challenge facing any state is that of monitoring and enforcement. Mr Kooijmans went on to refer to the flexibilities built into Convention 138; for example, Article 4 allows member States to exclude some limited categories of employment or work from coverage, but not “dangerous” work. In addition, Article 5 enables developing countries to designate sectors of the labour market to which the Convention applies, although it must apply to a defined minimum. Domestic work was often excluded from coverage of Convention 138 as many governments felt that it was difficult to enforce labour standards in this sector. This had obvious implications for child domestic work, but attitudes towards continuing to exclude domestic work from coverage of Convention 138 is now changing in the light of emerging research findings.

Convention 138 has received a significant boost in terms of ratifications (143 member States to date) since the adoption of Convention 182 as the two instruments are so closely interrelated (Convention 182 has been ratified by 158 member States).

ILO Convention No. 182

In turning his attention to Convention 182, Mr Kooijmans pointed out to participants that this particular instrument differs from Convention 138 in that it offers member States some key elements of policy development in tackling the issue of child labour. Convention 182 complements Convention 138 in that it prioritizes the agenda for action, to deal as a matter of urgency with the specific issue of the worst forms of child labour. In terms of these forms of child labour, it clearly states that no child under the age of 18 should be involved and that special attention should be paid to the most vulnerable children and girls. He emphasized that Convention 182 is less flexible than Convention 138 in terms of potential exclusions as member States agree that the worst forms should be eliminated as a matter of priority.

While child domestic labour is not specifically mentioned in the text of the Convention, Mr Kooijmans pointed out that it can be included under some of the definitions of worst forms of child labour, for example, children working in slavery-like conditions. In addition, the strong references to hazardous work are particularly useful in targeting the elimination and prevention of child domestic labour as many child domestic workers are exposed to hazardous conditions.

A key role for trade unions under the auspices of this Convention is that of its full participation in the tripartite discussions on establishing national lists of hazardous occupations that would be targeted as a priority. It is the member States themselves which define hazardous work as the context will vary from country to country and the social partners should ensure their effective participation in this national determination process.



The links between child domestic labour and the ILO Conventions

In helping participants understand the links that can be made between the two Conventions and the definition of child domestic labour as used by ILO-IPEC, Mr Kooijmans presented a slide in which these links are highlighted:

"Domestic work undertaken by children under the legal minimum working age (Convention 138, Article 2), as well as by children above the legal minimum age but under the age of 18 under hazardous (Convention 138, Article 3, and Convention 182, Articles 3(d) and 4), slavery-like, or other exploitative conditions (Convention 182, Article 3(a)) – [is] a form of 'child labour to be eliminated' as defined in international treaties."

Therefore, in conclusion, even though child domestic labour is not specifically mentioned in either Convention, the various elements that make up this type of work can be linked to specific articles within these instruments. This is critical information for any organization tackling this area of work.

In Nicaragua, one of the major problems facing organizations working on the issue of child domestic was that it is not defined as work within labour legislation and is defined as household chores and children are often paid in-kind. In response, Mr Kooijmans agreed that child domestic labour remains in a "grey" zone of labour legislation in terms of classification, but recommended that the organizations concerned focused on the elements of the work rather than the broader definition itself. For example, the amount of education a child may receive in payment, or whether the work could be described as hazardous or whether the child is below legal minimum working age. It would be important for organizations to map out the conditions of work for children in these situations and then target these in a union-led public awareness campaign and lobbying politicians.

The role of unions in monitoring implementation of the Conventions

Mr Kooijmans provided a detailed explanation of the manner in which the ILO's regular supervisory machinery operates in terms of monitoring how member States apply Conventions once they have ratified them. He explained that member States, in relation to Conventions 138 and 182 were obliged to submit reports once every two years on their progress in implementing them. Because of the tripartite structure of the ILO, the social partners in a member State are also invited to be a part of this reporting process and can either submit comments on the government's report along with the report itself, or they may submit comments directly to the ILO itself.

These reports are considered by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) which then prepares a report for consideration by the Tripartite Conference Committee (made up of governments, workers' and employers' representa-



tives) of the annual International Labour Conference. If the Committee of Experts has a query on a report, then it can either send a Direct Request to the member State to which the Government must respond at the time of its next report. However, if the Committee of Experts has stronger comments to make on a report from a member State, then these are included as Observations to be published in the report to the tripartite Committee on Standards of the International Labour Conference. Some of these observations may be selected for debate and, in those cases; the relevant Government may be called upon to provide explanations.

It is vital, particularly in the case of the child labour Conventions, that the trade union movement plays its full role in the supervisory mechanisms and ensures that children are protected as fully as possible. Because of the nature of child domestic labour and the difficulty that labour inspectorates may face in monitoring its incidence in private homes and the raft of legal complications that this may entail, it would seem that the trade unions, working with relevant NGOs, could have a significant role in terms of monitoring the implementation of labour standards and potentially filling the legal enforcement gap that may exist.



6. National legislative responses to child domestic labour

The issue of the definition of child domestic labour within the broader context of labour legislation and the age groups involved is particularly important in terms of defining appropriate responses. **Mr Joost Kooijmans** emphasized that legislation in the area of domestic work, particularly as concerns the minimum age, is both limited and recent where it does exist. Therefore, available sample legislation to support trade union work in this field is limited. Up until 25 years ago, the ILO itself considered that domestic work could be excluded by member States from the coverage of its Conventions, particularly Convention 138 on minimum age.

Based on the earlier presentation on Conventions 138 and 182, the main age group to be targeted is that of children below the age of 18 (Convention 182) but above the legal minimum age of admission to employment (14 to 15). Any child working below the legal minimum age is obviously doing so in situations contravening existing legislation.

Implicit and explicit exclusions of domestic work from labour legislation

Mr Kooijmans provided a number of pieces of sample labour legislation from different countries where domestic labour has been excluded, thus reinforcing the challenges facing trade unions in targeting this sector. In some cases, domestic work is not covered at all by general labour legislation, but in others, the sector has been covered under supplementary legislation or by-laws. Where exclusion does occur, it can be at different levels, for example, Yemen, Libya, Swaziland, Switzerland, Japan and Cambodia explicitly exclude domestic work from their labour legislation. It can also be excluded by inference (implicitly), for example, the labour legislation of the United Arab Emirates excludes the following from its labour legislation: "... members of the employer's family and his relatives by blood or marriage who reside in his home and are effectively and entirely supported by him, irrespective of their degree of kinship or relationship by marriage ...". This exclusion can apply to extended family, for example, when children from rural areas are sent to work for relatives in urban areas.

Another form of exclusion can be in the form of how labour legislation defines an "employee" which can be quite restrictive as is the case in Namibia, Japan, Rwanda, Burkina Faso and Benin. Quite often, the definition of an employee is explicitly in terms of an employment relationship



in a business or a work place. The question then arises as to whether a private home can be considered a work place? Further questions arise over issues like payment of wages which can sometimes define an employee. In the case of child domestic workers, these children often receive payment in-kind which could mean that there is no employment relationship. Similarly, some legislation refers to a “professional activity” of an employee, but this too can be problematic in terms of how such activity can be defined, for example, whether child domestic workers are working in a “professional activity”.

Limitations on the right to join trade unions

The issue of exclusions does not only apply to labour legislation. As mentioned by Mr Myrstad in his opening comments, some trade unions have reported that one of their greatest challenges in reaching out to young workers, whether in the domestic sector or elsewhere, is that the law prohibits them from accepting members under the age of 18 or states that young people below the age of 18 might require parental consent to join a trade union. This can cause a problem of coherence if the minimum age of admission to employment is below the age of 18, and might be either 14 or 15. This implies that young workers might not be able to join a trade union to protect their working interests for four years following their entry into the labour market. The position of the ILO is that an individual over the minimum age of admission to employment should be allowed to join a trade union and these rights are enshrined in ILO Conventions No. 87 on Freedom of Association and Protection of the Right to Organize and No. 98 on the Right to Organize and Collective Bargaining.

In some countries, restrictions to trade union representation can also be in terms of the size of the work place, i.e. the number of employees. For example, the law might state that work places with fewer than ten employees are excluded from trade union representation. In the case of domestic work, where there might be one or two workers, this would mean that they would be excluded from being allowed to join trade unions. So it is difficult for domestic workers to either join trade unions or form their own trade unions. This is why domestic workers sometimes create associations which are not legally recognized trade unions. A similar problem of exclusion can also apply to workers in the informal sector as some governments do not legally recognize these workers or the sector in which they work, and therefore they have no rights to legal recognition.

Domestic labour as a form of hazardous work

As mentioned in the section on “Child domestic labour and international labour standards”, one legislative response to focus on the elimination of child domestic work would be to classify it as a hazardous form of work, as has been done in Paraguay, Sri Lanka, the Philippines, Cambodia and Costa Rica. In addition, in some countries, domestic labour is included on various national lists of hazardous work (Convention No. 182). However, passing legislation and adopting hazardous work lists is only one part of the exercise – the most challenging element



that remains is that of enforcement. For example, legislation in Paraguay prohibits children under the age of 18 working in child domestic labour, but then allows “competent authorities” to authorize children from the age of 16 to work as domestic labourers, providing that the child has full access to education, health and other services and that he or she has received appropriate training. The challenge facing the Paraguayan authorities, and the trade unions, is how to enforce this law and also how to monitor some potential loopholes such as the definition of “competent authorities” or “appropriate training”.

Sri Lanka has included child domestic work on its national list of hazardous forms of child labour which was the result of tripartite negotiations, including the trade union movement. However, child domestic work is permitted with a set of conditions, including provision for continued education, no work at night or on Sunday and no work which affects the health, safety or morale of the child. The fact that it is permitted, even with a list of conditions, may still pose some challenges in terms of monitoring, but it is a step in the right direction as at least this form of work is recognized and legally acknowledged.

The list of hazardous work drawn up in the Philippines also recognizes domestic work as hazardous but clearly takes into account the challenge of prohibiting this form of work and enforcing this prohibition by allowing it with certain conditions referring to physical, psychological or sexual abuse, transporting heavy loads, work in an unhealthy environment or work for long hours, at night or where the child is unreasonably confined to the premises of the employer.

In Cambodia, domestic work has a section of its own in the hazardous child labour list. However, it may pose additional problems in terms of monitoring and enforcement as it states that a child as young as 12 may work as a domestic worker in light work under certain conditions (the minimum age of admission to employment in Cambodia is 14). The challenge will be how to monitor whether the children are carrying out light work under the stipulated conditions.

In concluding, Mr Kooijmans noted that these examples of legislation send an important message to trade unions and NGOs working in the field of child labour, namely that the trend is for governments to allow children of legal minimum age (although this is not clear under Indonesian legislation) to work in domestic labour, albeit with attached conditions. The concern for trade unions is that the domestic work sector is extremely difficult to monitor and therefore the focus of the response to this situation should be to empower and build the capacity of trade unions to be improve monitoring of this sector to ensure that conditions attached to domestic work for young people are being applied and respected. To reinforce this comment, Mr Kooijmans provided details of an excerpt from an ILO publication in 2004, “Comparative study on child domestic labour legislation in Central America and the Dominican Republic”. The excerpt referred to plans of the Ministry of Labour of Costa Rica to produce a law on defining hazardous work for children which would include domestic work. The legislation included a list of definitions of hazards associated with child domestic labour but underlined at the end of the section that if the law were to be passed, that Costa Rica would face the challenge of



enforcing such regulations. The bottom line always seem to be the issue of how to monitor and enforce conditions attached to allowing young people to work in domestic labour.

Mr Kooijmans noted that one potential strategy could be to ensure that domestic workers are covered by national collective agreements negotiated by trade unions in different countries. For example, in France, the national collective agreement of workers employed by private individuals was extended to include a number of provisions regarding young workers. This was to cover a loophole in the law where children aged between 14 and 16 were being employed illegally as domestic workers. The collective agreement provisions, among other measures, state that young workers of this age group may only be engaged for half of their school holidays and only in light work.

Need for improved legislative harmonization

It was generally agreed that more research was required into this and other related fields, including occupational safety and health which would also be dealt with in the workshop. There are studies that have been carried out in Latin America and more in Asia where organizations have more experience. In response to a comment by UNICEF, Mr Kooijmans expressed agreement that there was an overriding need for greater harmonization between different sectors of legislation, including education and labour, but also integrating occupational safety and health. By ensuring access to free primary education, this could help in addressing some of the challenges surrounding child domestic labour. Linking education could also help in enhancing advocacy and awareness-raising campaigns.

There was also discussion on the issues of strategizing to reach out to children of different age groups, for example, those who are below and those who are above the legal minimum age to work. UNICEF highlighted the dilemma its Education and Child Protection Units faced when dealing with children between the ages of 15 and 18 as there might not be other alternatives for these children once withdrawn from the work place. In such cases, UNICEF has tried negotiating directly with employers of domestic labourers to ensure access to education. The UNICEF delegate agreed that trade unions, particularly teachers' organizations, had a significant role to play in reaching and protecting these children. ANDEN of Nicaragua also emphasized the critical role of the teachers themselves, not only teachers' organizations, in terms of shouldering some of the responsibility in tackling child labour and particularly child domestic labour. This is particularly in some parts of Nicaragua where teachers were themselves child domestic workers in their youth. However, it would be important to keep in mind that not all of the obstacles in reaching these children are legislative, and dealing with customs, traditions and ethnicity are equally important in any strategy, particularly when working with indigenous groups.

In responding to the issue of how to also deal with the issue of children who are below the minimum legal age of admission to employment, Mr Kooijmans underlined the importance of establishing a bottom line which should be linked directly to the minimum legal age in each



country, as otherwise it becomes challenging to define interventions. Any child below the legal minimum age should not be working as this is what minimum age legislation stipulates. Stakeholders and implementing agencies which develop interim strategies to support child domestic workers below the minimum age should focus on the end goal, the bottom line, which should be to ensure that no children below minimum legal age are working.



7. Hazardous work in child domestic labour

Mr Peter Hurst, Hazardous Work Unit, ILO-IPEC, addressed participants on the issue of hazardous child labour in the context of child domestic workers. He explained that articles 3 (d) and 4 of Convention 182 refer to “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” which is what is understood as hazardous work. This is work which can injure children, fatally or otherwise, or induce physical, emotional or psychological illness, which might not even become apparent until they become adults.

Prevention, withdrawal and protection

The ILO-IPEC strategy in terms of child domestic labour is threefold: prevention, withdrawal and protection. The most effective response to child labour is prevention and, therefore, programmes focus on preventing children below legal minimum age of employment from entering domestic work. In the case of children below legal minimum age who are already working, the objective is to withdraw them from the work place as soon as possible, reunite them with their families and support them through education and/or training programmes. As regards children who are above the legal minimum working age, the objective is to improve protection in the work place by reducing risk and ensure that children are working under safer and healthier conditions.

The working environment of child domestic workers is particularly difficult and arduous, physically, psychologically and emotionally. Children work long hours with little or no rest and may suffer from sleep deprivation as they work late at night and start early in the morning. They may carry heavy loads over long distances. They might not receive any education or training. They may live in very poor conditions, sleeping under tables in kitchens or even outside. They are under severe and constant mental stress, made worse by feelings of isolation and loneliness. The tasks they carry out are repetitive and monotonous, leading to a life of drudgery and hardship. They might live and work in homes far away from their families and might be marginalized by the families for whom they work or in the communities where they live. They might be mistreated by their employers, including sexually abuse.



Hazards and risks facing child domestic workers

Mr Hurst emphasized the importance of highlighting the risks that may arise from the hazards that exist within the environment of the child domestic worker. These may change from work place to work place and from one region or country to another. However, they fall under the primary headings of physical, ergonomic, chemical and biological. Mr Hurst pointed out that these hazards and risks are the same in context, but different in impact in terms of how they affect adults and children. The risks are obviously greater for children who are still growing and whose bodies and minds are not yet fully formed. Physical hazards and risks might include: heavy and awkward loads, often carried over distances; repetitive and forceful actions, such as scrubbing; cutting tools, machinery and equipment; burns and/or scalding from pressure cookers, irons and pans; trips, slips and falls; heat and humidity; electricity; and poor lighting.

Ergonomic hazards and risks result mainly in musculoskeletal disorders, such as aches, pains, strains and deformities due to working in a standing position for long periods; working on knees and squatting; bending, stooping or sitting for long periods; and, handling tools and equipment which are too big and heavy. Musculoskeletal problems may also emerge later in the child's life and not in the short-term. Chemical hazards and risks might include strong disinfectants and detergents; whiteners, such as chlorine; other cleaning products, including chemical solvents; pesticides for insect control in the house, termites in the garden or even for agricultural purposes in the case of rural child domestic labour; and kerosene and/or liquid petroleum gas for heating, lighting and cooking. Mr Hurst pointed out that cleaning products can affect children's skin, resulting in mild irritation to dermatitis. Chlorine and solvents can also affect children's skin, lungs and the nervous system.

Finally, in terms of biological hazards and risks, children are susceptible to a wide range of micro-organisms in the household, for example, viruses, bacteria and parasites. They are exposed to these when cleaning toilets, wash places and outhouses, or in the manipulation of animal products and waste, for example, skin, blood and viscera in cooking preparation. The availability of decent washing and sanitary facilities are therefore crucial in respect of limiting biological risks. In addition, in the case of rural areas, child domestic workers are also exposed to bites and stings from a range of animals, reptiles and insects, such as snakes, wasps, ants and mosquitoes.

Potential response by trade unions

There are many other risks and hazards facing child domestic workers, including that of infection of the HIV/AIDS virus either from sexual abuse or children helping household members who are already infected. In addition, Mr Jonathan Blagbrough, Anti-Slavery International, emphasized the significant dangers to child domestic workers in terms of potential psychological damage and psychosocial risks. He referred to a study conducted by Anti-Slavery International



in Kenya which revealed that child domestic labour can leave deep and lasting psychological scars on children. The study pointed to a need for more detailed research in the area of child domestic labour, including occupational safety and health.

The level of risk and hazards to which these children are exposed is therefore extremely high and further reveals the extent of the challenge facing trade unions and other partners in terms of protecting child domestic workers. As regards potential responses, Mr Hurst emphasized the point made previously by Mr Kooijmans regarding the need for trade unions to be fully implicated in the tripartite discussions on establishing the national lists of hazardous child labour as stipulated within ILO Convention No. 182, and ensure that child domestic labour is included on the list. He also pointed out that occupational health and safety recommendations are often excluded from national labour legislation which further undermines efforts to protect adults and children in the domestic work sector. He encouraged participants to obtain more information on health and safety exemptions in their countries and to share this with ILO-IPEC in order to establish where the gaps are in labour legislation.



8. Targeting child domestic labour: Lessons learned

Ms **Maria José Chamorro**, Vulnerable Groups Unit, ILO-IPEC, presented some key lessons learned by ILO-IPEC that have helped in trying to assemble effective models of intervention that may support the work of organizations active in this field. She emphasized that one of the major challenges that still faced ILO-IPEC and others in this field was that of defining the “employer” of the child domestic worker as mentioned in the presentation of Mr Kooijmans on labour standards and labour legislation. The issue at stake is not that of children who are lending a “helping hand” to their parents to carry out daily household chores at home, but children who are performing household tasks that are exploitative in the home of a third party or employer.

Ms Chamorro described the ILO-IPEC strategy at the national level, which is twofold: to create an enabling environment to eliminate child domestic labour and to withdraw and prevent children from being engaged in domestic labour. The strategy includes several components, such as reinforcing the knowledge base and understanding of child domestic labour; analyzing the legal framework to identify the gaps and supporting member States in filling these gaps; supporting the enforcement of existing laws; mainstreaming child labour in general, and child domestic labour in particular, in national development agendas such as National Plans of Action to Combat Child Labour (NPA), Poverty Reduction Strategy Papers (PRSP) and Education For All (EFA) initiatives; awareness-raising campaigns to bring about widespread attitudinal change.

These are long-term strategies that will bring about changes over a number of years. However, there are hundreds of thousands of child workers who cannot wait until these measures produce the desired changes. This is why ILO-IPEC supports direct action programmes that put the child at the heart of the approach. It is particularly important to target these children and to do so quickly. As has been mentioned before, the approach differs depending upon the age of the child. For example, if the child is above the legal minimum working age, the objective is to ensure his or her protection by ensuring that s/he is not working under hazardous conditions and that s/he enjoys her/his rights as a worker and a child. In cases of children under the legal minimum working age, the objective is to remove them from exploitation as quickly as possible, reunite them with their family and provide them with appropriate education programmes. In extreme cases where children are victims of conditions of worst forms of child



labour, the objective is to immediately remove them from their situation and provide them with appropriate and safe conditions.

Typology of interventions

Ms Chamorro presented typologies of interventions targeting child domestic labour based on two premises: prevention and protection measures targeting the communities, and direct assistance to rehabilitate and reintegrate child domestic workers. She noted that the typology was based primarily on an analysis of ILO-IPEC programmes and activities in Central America, which was complemented with lessons learned from projects in other regions.

The measures targeting the communities aim to create an enabling environment in the communities where the children live and/or work so that the children can enjoy their rights.

In terms of **prevention**, interventions cover a range of activities including: rapid assessments to understand the dynamic and characteristics of child domestic labour within a particular community; awareness-raising activities to inform and mobilize community leaders on the risks of child domestic labour and hazards involving unsafe migration; campaigns to highlight the importance of education and to promote school enrolment; establishment of children's clubs so that children enjoy their right to play; building community surveillance networks to identify children at risk and take measures to ensure that they are not engaged in domestic labour; analyzing the family situation, identifying their needs and supporting them so that their basic needs are covered and their children can enrol in school.

As regards **protection**, activities are carried out in the "demand communities" to protect former child domestic workers. The aim is to create networks of service providers at the local level to guarantee that children receive the assistance they need in good time. Thus, programmes to protect children in a given community include once again awareness-raising to ensure that individuals and communities understand the context of the problem; establishing monitoring systems and community surveillance networks to ensure that there are no children working below the minimum legal age and that child domestic workers above minimum age are not abused; informing children and community leaders about children's rights to enable abusive employers to be denounced to the authorities; working with the law enforcement institutions to guarantee that denounced employers are prosecuted; establishing telephone hot lines to ensure that these children can contact authorities if needs arise; working with the children's families and their employers; and, establishing effective networks of service providers.

As regards the measures targeting the children, ILO-IPEC's approach focuses on improving the working conditions of children above legal minimum age and the withdrawal of those who are victims of worst forms of child labour and their subsequent rehabilitation and social reintegration. The typology of activities to help these children includes supporting their personal development; basic literacy and numeracy classes (ABC classes); provision of formal



education or skills training programmes; provision of health services and legal counselling; and, working with the children's families and/or their employers. In many cases, these services are provided through drop-in centres that serve also as places where children can meet their peers and socialize.

Lessons learned through ILO-IPEC interventions

Ms Chamorro briefly mentioned some lessons learned from ILO-IPEC's projects, including:

- The common dichotomy of prevention activities in the "supply communities" and withdrawal and reintegration activities in the "demand communities" is no longer valid. Programmes to withdraw children from the domestic work are being implemented in rural communities in selected countries, such as Tanzania and Honduras. In these cases, children working in domestic service in major urban centres have been repatriated to their home villages. The lesson in these instances is that, for a programme to be successful, some of the factors that pushed children to migrate to find a job in the cities have to be changed to bring them back and ensure they remain in their home villages. Thus, projects should include a range of activities, such as information sessions with parents on the risks of child domestic labour; income-generating activities to improve the household economic situation; and, involvement of the local authorities and support to families to enrol their children in the schools and vocational training centres. These experiences have also shown that in many cases children migrate to intermediate cities near their home villages before they eventually reach capital cities. It is easier to repatriate them from these intermediate cities than to bring them back after they have settled in the capital cities.
- Removing children from workplaces requires a comprehensive and integrated assistance approach. In some cases, the children concerned are so "damaged" physically, emotionally or psychologically that a comprehensive package of services, including shelter, food, legal and psychological counselling and school support, has to be put in place to ensure full rehabilitation and social reintegration. This has been achieved successfully by setting up networks of service providers made up of governmental and non-governmental agencies.
- It is crucial to create mechanisms to help children who live and work in the worst situations and who cannot escape from their employers. Telephone hot lines have proven to be very useful in this regard. Putting into operation telephone reporting hotlines has to go hand in hand with establishing mechanisms to properly respond to crisis situations and quickly provide emergency support.
- AIDS orphans constitute a particularly challenging target group for ILO-IPEC programmes. Since HIV/AIDS has left its mark in many countries, particularly in Africa, all implementing agencies have to deal with orphans and HIV/AIDS-affected households (single parent and child-headed households, grandparents as carers, and so on). As many implementing agencies are not well equipped to deal with the problem of HIV/AIDS in a necessarily holistic manner, ILO-IPEC has urged them to work very closely with institutions that have appropriate facilities and technical knowledge.



- In some cases, ILO-IPEC finds itself conflicted on the type of help that should be provided. For example, it is obviously important to ensure that child domestic workers are enrolled in school, but this might lead to a situation where the child might combine school and work which can undermine the fulfilment of their rights to rest and play.
- Ensuring that children are mainstreamed as quickly as possible into the formal education system is vital for the success of rehabilitation programmes. Non-formal or catch-up education programmes aim to bring the children's level of education up to speed so that they can make the transition into formal school. Coordination and collaboration with the national and local education authorities are therefore crucial to ensure smooth reintegration and sustainability.
- Skills and vocational training courses have to be designed based on local labour market assessments so that the programmes are linked up with potential future employment. The programmes aim to ensure that older children are qualified to enter the labour market at a more appropriate age. Systems are required to bridge the gap between education and formal employment, or to assist young people in becoming self-employed. This can be done through apprenticeship or job placement schemes.
- In terms of lessons learned from working in "supply" communities, ILO-IPEC has found that it is critical to put in place programmes that will change the socio-economic conditions that lead the children to work in the first place. Another key point is the challenge that can sometimes be faced in terms of helping child domestic workers to return to their homes and reintegrate with their families. While this is obviously the first choice of any such reintegration programme, it might not always be possible depending on individual circumstances. When working with supply communities, ILO-IPEC has also found it effective to link up child domestic labour programmes with other child labour programmes in rural areas.

In closing, Ms Chamorro referred to lessons learned in working with the social partners and highlighted the importance of programmes working closely with employers of child domestic workers, particularly in terms of influencing behavioural change and raising awareness. She also referred to the positive experiences of ILO-IPEC in working with trade unions not only in organizing adult and child workers above legal minimum age to improve their working conditions, but also in identifying and withdrawing younger children from exploitative situations.



9. Migration, ethnicity and discrimination in the domestic work sector

Domestic work has been a significant element of the growing phenomenon of migration, particularly in respect of women who, in 2000, represented just fewer than 50 per cent of all international migrants. Although migration has had a generally empowering influence on women in terms of higher self-esteem and increased economic independence, concern still remains for undocumented women migrants in informal, unprotected, hidden and unregulated labour markets, including domestic workers. The ILO defines a domestic worker as “a wage-earner working in a private household, under whatever method and period of remuneration, who may be employed by one or by several employers who receive no pecuniary gain from this work”. **Ms Gloria Moreno-Fontes Chammartin**, Labour Migration Specialist, ILO, gave a brief overview of the issue of women migrant domestic workers, their conditions of work and the policies and legislation affecting them. She explained that existing demand in labour markets for foreign domestic workers is not being recognized and many nationals are abandoning the domestic sector in their own countries. She pointed out that it was unlikely that nationals, who were limited in numbers anyway, would come back to work in the sector.

Lack of an international convention governing the domestic work sector

Recipient countries tend to deal with migrant workers in two ways. They either accept that there is demand for these workers and regularize the sector and implement annual quotas, or they ignore the issue and it becomes a problem. Where women benefit from regularization and/or quotas, the social cost of migration is reduced as they are able to travel to their home country often to see the families they have left behind. In addition, the economic gains of migration are increased through larger remittances being sent home and increased possibilities to save money to go back to the country of origin.

In 1965, the ILO adopted a resolution concerning the conditions of employment of domestic workers and member States were urged to introduce “protective measures” and workers’ training wherever practicable, in accordance with international labour standards. At that time, consideration was given to researching the sector to serve as a basis upon which an international



instrument on the employment conditions of domestic workers could be adopted. However, to date an international convention for these workers has not been established due to a lack of international support. As has been mentioned previously, domestic workers in many countries are excluded from labour legislation and their working conditions remain unregulated. Many States do not provide them with optional protection under any other national law.

The employment situation of domestic workers is not considered to “fit” the general framework of existing employment laws since most of their work is generally invisible as it takes place in private households (not considered as work places) of private persons (not considered as employers). As a result, they are not normally considered as “workers” or “employees” and their work is undervalued. In other countries, labour legislation comprises discriminatory provisions for domestic workers and they may even be denied the right to organize in trade unions as is the case, for example, in Brazil, Jordan, and Kuwait and in the province of Ontario, Canada.

Domestic work: a catalogue of discrimination and abuse

Women migrant domestic workers therefore suffer from three levels of discrimination. Firstly, as women workers; secondly, many of them are undocumented in the recipient country; and, thirdly, they can be a special category of “worker” within a household that no labour inspector or any other type of service can monitor. The ILO has conducted research into women migrant domestic workers in a number of countries, including Bahrain, Lebanon, Kuwait, United Arab Emirates, Ethiopia and Costa Rica. In addition, an ILO report by Ramirez Machado has looked at domestic workers in 60 countries. The research shows that the majority of domestic workers in private households are exposed to adverse conditions of employment and unfair work practices in terms of hours of work, rest periods and overtime. Other more extreme practices include withholding the passports of migrant domestic workers to ensure they do not try to leave the household.

The trade union movement has been active in the area of domestic work, lobbying and campaigning strongly for appropriate protection conditions for this sector. For example, in the 1997 regional workshop on the status, terms and conditions of work of domestic workers in the Caribbean, it was concluded that trade unions should aim to: ensure fair and just working conditions and wages for domestic workers, protect the rights of women in the domestic service and provide skills training in household management.

Other meetings have been held in the Asian and Latin American regions indicating the level of concern of the ILO and the trade union movement for workers in the domestic sector. For example, at a 1999 Asian regional trade union meeting, a wide range of recommendations were made in respect of the countries of origin of migrant women workers. These included the need for countries of origin to assist in offering pre-departure orientation and training; to negotiate for international standard employment contracts; to provide migrants with trade union contact names and addresses; to provide referral services for migrants suffering from abuse;



and, to ensure migrant women's protection from discrimination and trafficking. For receiving countries, trade unions called for legislation on equal treatment on employment conditions, social security and non-discrimination; training for migrant workers on their rights, including allowing them the right to join national trade unions and to be part of collective bargaining agreements; establishing migrant workers rights committees; and, including a social clause in bilateral and international treaties.

Steps required to protect domestic workers

On the basis of research and experiences from various ILO projects and meetings, a number of fundamental steps have been elaborated to protect domestic workers in countries of destination. These include:

- *Legislation*: making sure that labour legislation provides the same rights and protection to domestic workers as any other workers and does not include any discriminatory clauses.
- *Policy development*: ensuring that migration-related policy recognizes labour market demand for domestic workers and opens up legal channels of migration for them.
- *Monitoring*: introducing some form of monitoring of working conditions in the work place.
- *Abuse*: forbidding, for example, the withdrawal of identity documents of domestic workers.
- *Prosecution*: enforcing prosecution in the case of recruitment agents and employers/sponsors identified as having violated their contractual obligations and having committed abuses.
- *Flexibility*: increasing flexibility for domestic workers in changing employers (without imprisonment and deportation) in cases of complaints of abuses.
- *Legal protection*: as a minimum, domestic workers should have legal protection on clearly defined daily hours of work and rest periods; night work and overtime, including adequate compensation; clearly defined weekly rest and leave periods; minimum wage and payment of wages; standards on termination of employment; and, social security protection.

In closing, Ms Moreno-Fontes Chammartin underlined the need for greater trade union support in the field of migrant domestic workers. The ILO has made significant efforts to get this sector on the international political agenda, but there is still strong resistance. Trade unions are the key constituent group in working towards the advancement of this issue. In addition, moving the agenda forward for adult domestic workers will inevitably have a positive influence on the situation of child domestic workers.



10. Trade union strategies to combat child domestic labour

Mr **Hervé Berger**, ILO Child Labour Specialist for South Asia, facilitated a panel presentation and debate on trade union strategies to combat child domestic labour which was animated by two national level presentations and one regional level presentation. The regional presentation was given by **Ms Martha Ayala** on behalf of the Inter-American regional office of the ICFTU (CIOSL-ORIT). The national presentations for Cambodia were jointly prepared by **Mr Soung Houts**, Cambodian Independent Teachers' Association, and **Mr Ly Korm**, Cambodian Tourism and Service Workers' Federation and for Sri Lanka by **Ms Betsy Selvaratnam**, Ceylon Workers' Congress, and **Mr Gerald Lodwick**, National Workers' Congress.

Interregional trade union approach in Latin America

In Latin America, the regional trade union movement felt that it was essential to establish an interregional group to deal with the broad issue of child labour across the region. This decision was supported by a resolution of ORIT's Executive Committee in May 2004 in which it expressed the need for those unions with experience in dealing with this issue to support those with less experience. The group elaborated a number of strategic goals which focused strongly on the issue of adult employment as they felt that child labour was a structural problem related to employment and therefore the creation of an employment strategy was critical to the programme. This included creating greater national and interregional coherence and putting together proposals to adapt the employment regulatory framework, particularly labour standards. For example, some countries in the region have not updated their labour legislation to bring it into line with ILO Conventions and international labour standards generally.

In terms of child labour specifically, the group demanded the establishment of national monitoring and inspection systems with inputs from different governmental and non-governmental institutions. In addition, there was a call to broaden and strengthen social mobilization activities to combat child labour, ensure the mainstreaming of child labour into public social programmes and strengthen local capacity for intervention activities, particularly at the community level where the problem exists. However, the critical issue of adult employment underpins the overall programme as, according to ORIT, this enhances the sustainability of the approach, ensuring support within the family unit.



ORIT's programme focuses on child domestic work, rural child labour and children in commercial sexual exploitation. It works closely with other civil society organizations as it realizes that trade unions cannot tackle problems of such complexity and magnitude by themselves. In putting together an interregional strategy, ORIT is aiming to ensure that the problem of child labour is systematically integrated into the agendas of trade union confederations and their sectoral affiliates, including teachers' organizations. For example, in Paraguay teachers are required to report on known situations of child labour and the teachers' organization in that country is very active. Efforts within the sphere of education include ensuring the integration of child labour in teacher training programmes as teachers are a key ally of efforts to tackle child domestic labour. ORIT is also collaborating closely with the regional organization of Education International (EI) which has campaigned on this issue.

The objective is to ensure that all trade unions tackle child labour as a matter of priority and, in respect of the Latin American region, this has been an issue where trade unions of all different persuasions, including CLAT (Central Latinoamericana de Trabajadores), have been able to work closely together and reach consensus. ORIT also wants to build the capacity of various union officials, experts and leaders to be able to tackle the issue of child labour through the elaboration of policies and action plans, including in tripartite forums. Activities will also include ensuring broad dissemination and exchange of information and experiences among trade unions and strengthening trade union contributions to public awareness-raising activities.

In concluding, Ms Ayala presented the three strategic axes of the ICFTU-ORIT interregional programme on child labour:

- To strengthen the capacity of the organization to tackle and monitor the issue of child labour at continental and sub-regional levels;
- To promote and be the driving force behind policies and programmes that guarantee the rights of girls, boys and adolescents;
- To develop social mobilization and community organization campaigns for the prevention and elimination of child labour.

She explained that the action plans were constantly being revised and updated in the light of emerging knowledge and exchange of ideas between union organizations and other stakeholders. ORIT would also like to coordinate its child labour elimination activities with trade unions in North America and, at present, the only region which has not yet established an effective plan of action is the andean region. ORIT is also hoping to organize annual meetings at regional and sub-regional levels and considers child labour to be an issue which should cut across all trade union policies and programmes.



National trade union structures to tackle child labour in Cambodia

In 2001, the Cambodian Confederation of Trade Unions (CCTU) and the Coalition of Free and Democratic Trade Unions in Cambodia (CFDTUC) united forces to create the Union Committee for Child Labour (UCCL) with support from the ILO Workers' Education Programme and the ACTRAV Child Labour Project. In 2005, under the auspices of the Dutch TCRAM project, UCCL was supported by ILO-IPEC in a project specifically designed to target the elimination of child domestic labour.

Although the project does not work directly with child domestic workers themselves, it focuses strongly on raising awareness of the issue among the trade union leaders and members. It also aims to mobilize trade unions to work towards the elimination of child domestic labour and to negotiate with employers, often private household owners, on behalf of child domestic workers in terms of trying to improve conditions and ensure appropriate protection. Because the teachers' organization is a part of the UCCL, the group also works closely with the Ministry of Education and particularly within the framework of its EFA programme. ILO-IPEC has been working closely with the Non-Formal Education (NFE) Department of the Ministry of Education and this has resulted in the launch of a new NFE curriculum and a teachers' handbook on child domestic labour.

The platform for this trade union action is that UCCL considers child domestic labour to be a worst form of child labour. In addition, a number of union leaders and members are themselves either employers of these children or have sent children to work in child domestic labour. In other cases, their friends or neighbours may have sent children to work in this sector. Therefore, UCCL is operating a significant social mobilization campaign facilitated by trained union officials and disseminating a range of materials, including a trade union manual on child domestic labour. As well as awareness-raising and training, the unions involved have developed a policy for the elimination of child domestic labour which has been widely disseminated, including to relevant NGOs and authorities. The policy aims to sustain the awareness-raising activities on child domestic labour and to strengthen trade union capacity to advocate against child labour in general and child domestic labour in particular.

The joint policy calls on union members to ensure that they do not employ children below the age of 15 as domestic workers in their homes. In cases where children below the age of 15 are employed, union members are to ensure that these children benefit from formal and non-formal education programmes and are well protected. This is particularly important in Cambodia where it is mainly the poorest families which send their children out as domestic workers believing that children will get some form of education or training. However, employers are not usually concerned about the working conditions and educational opportunities of these children who subsequently are denied many of their basic rights. The union policy goes on to call for abuses to be denounced to the appropriate authorities and for unions to work



together to ensure that child labour is appropriately reflected in other national level initiatives, such as poverty reduction programmes and education for all.

In a further national level effort to strengthen the trade union response to child labour in Cambodia and with additional support from the ILO, the CCTU and the CFDTUC, in October 2005, established a new project managed by a joint body entitled PACT Against Child Labour (Project Advisory Committee of Trade Unions Against Child Labour – PACT). The purpose of this joint body is to establish an additional trade union platform to enable trade unions to target all forms of child labour in the country by promoting and protecting the legal rights of Cambodian children and to reduce the incidence of child labour and work towards its eventual total elimination.

PACT aims to represent Cambodian trade unions at various levels in order to mobilize resources for specific child labour projects and to negotiate with government, employers and civil society organizations for changes in policies and programmes to contribute to the elimination of child labour. In the same vein as UCCL, it also aims to mobilize workers and their organizations to act against child labour and to build the capacity of trade unions to carry out effective programmes to this end.

Unions promoting equal rights and opportunities for the child in Sri Lanka

A 1997 study of approximately 700 households in southern urban areas in Sri Lanka revealed that one in every 12 houses had employed a child domestic worker. The study also revealed that children made up one-third of the domestic labour force and that around 44 per cent of the child domestic labour force came from the plantation sector in Sri Lanka. Among the key factors that push children into situations of domestic labour are poverty, uninformed attitudes towards education and employment, limited access to schools and other educational institutions and trafficking. However, another important factor is the prevalence of dysfunctional families and behaviour, including alcoholism and incest, on plantations and parents subsequently sending their children to work in domestic labour. An additional emerging factor is that more and more women are taking up domestic work in Middle Eastern countries and are leaving their children with older family members.

While the government has ratified the child labour conventions, implementation and follow-up have been poor and this has galvanized the union movement in ensuring strong intervention in this area. Therefore, unions are heavily involved in efforts to eliminate child labour generally and child domestic labour specifically primarily in order to ensure appropriate respect for the rights of the child; as part of their activities on social responsibility; out of concern for adult workers and their future employment; to improve the rights of adult domestic workers; and in order to support their members whose children are being used in child domestic labour. The CWC and NWC work mainly with the Ministry of Labour and its regional departments, but



also within the framework of the National Child Labour Steering Committee which includes other relevant line ministries and stakeholders, particularly the Ministry of Education. There is extensive collaboration with the teachers' and nurses' organizations.

Trade unions felt that they were well placed to monitor violations of fundamental rights and therefore protect children effectively, particularly given their capacity to work through their existing comprehensive networks. For example, the NWC has built the capacity of migrant worker and domestic worker associations to become effective child labour monitoring units and to strengthen their networks to ensure prevention. Trade unions also believe that they can act more quickly and effectively than the authorities when circumstances call for rapid intervention. The NWC and CWC believe that greater interventions are required in the area of trafficking in Sri Lanka, particularly in terms of raising awareness of communities.

The trade unions in Sri Lanka have elaborated a shared vision for the children of their country which underpins their work in all aspects of child protection and education:

"Promoting equal rights and opportunities for a child, to ensure that the four guiding principles of the CRC (non-discrimination, best interests of the child, right to life, survival and development, and respect for the views of the child) are upheld so that Sri Lanka will develop a healthy, educated and skilled workforce with respect for a decent work culture."

This vision has particular importance in terms of trade union policy and activities on eliminating and preventing child labour, including child domestic labour. A critical point within this vision is that of "respecting the views of the child" as NWC and CWC consider that trade unions have often made decisions for children without consulting them beforehand to learn more about their actual needs, expectations, hopes and dreams, all of which would add to the elaboration of effective programmes for affected children.

Working under the overall banner of "Adults to work, children to school", the CWC and NWC focus on respecting and promoting children's rights; ensuring the provision of formal and non-formal education and enhancing the economic empowerment of the family. The programmes aim to withdraw children up to the age of 14 from child domestic labour; prevent vulnerable children up to the age of 14 from entering into these situations in the first place; and, improve working conditions and ensure decent work in the domestic labour sector. The programmes address the short, medium and long-term needs of the children and their families to ensure sustainability of approach and impact.

The unions have implemented a wide range of direct action interventions over a number of years. These programmes have focused on research to find out more about the nature of the problem and then raising awareness of members and communities based on their findings. They have also worked with families and communities to find ways of offering economic alternatives to children having to work and in establishing and encouraging peer support groups. A



key part of these efforts has involved training “social mobilizers,” particularly on the plantations, to carry out the trade union programmes. These activists organize children’s clubs to reach vulnerable children and also work to improve community centres on the plantations which are used for education, recreation and other programmes for adults. Unions, particularly the NWC, also have experience of establishing child protection societies on plantations and in other communities where there are vulnerable children. As trade unions, they also discuss the issue of child labour with government and employers through social dialogue mechanisms to ensure sustainability.

Given the nature of child labour, particularly child domestic labour and trafficking, the unions also work closely with law enforcement authorities to ensure that the full force of the law is brought to bear in cases of abuse and violations. However, there have been situations of trade unions losing their confidence in local police authorities following cases of corruption which have undermined trade union efforts. In general, unions work closely with the special police desk for issues relating to women and children but problems remains as this special desk is considered quite a junior section in the police force and therefore is not supported as well as it should be. In addition, because most of the child labour problems occur in the rural and plantation areas where the main language is Tamil, there are often difficulties with authorities not being able to communicate effectively and Tamil-speaking counsellors are required to talk to the children concerned. The unions’ efforts with the legal authorities have been complemented by ILO-IPEC through its capacity-building efforts with the police, justice department and National Child Protection Agency. However, there is still a difficulty when children are remanded for court case hearings and are often placed in detention houses where conditions are very bad.

In practical terms, especially in direct action programmes, the trade unions have worked together to ensure the provision of formal and non-formal education programmes for affected children and families. At present, the Sri Lankan government is in the process of raising the compulsory schooling age to 16 which will have an inevitable effect on the minimum age of admission to employment and therefore the situation of child labour. Unions also provide psychosocial support and counselling and run training and capacity-building programmes for members, officials and other partners.

They also elaborate and implement public campaigns to eliminate child labour, aiming to raise the awareness levels of the general public. The CWC and NWC highlighted the critical area of advocacy as being a major component of all trade union activities and this applied at grass-roots, provincial, district and national levels. For example, it was noted that on some tea plantations trade unions have been instrumental in influencing behavioural change in traffickers of children who, as a result, have become strong supporters of the trade union programmes.



In looking towards the future, CWC and NWC are targeting the following:

- To lobby for improved access to and facilities for education, and also to train more teachers;
- To recruit and train more social mobilizers as agents of change;
- To establish a national network of monitoring groups involving all stakeholders;
- To encourage all trade unions to be more actively involved in preventing child labour and trafficking;
- To promote the Code of Conduct for employers of child domestic workers aged from 14 to 18;
- To establish a strong regulatory framework for employers of child domestic workers aged from 14 to 18.

Since the ceasefire in 2002, the trade unions, supported by UNICEF, have been lobbying the government for more schools to be built, particularly in the rural areas, and some progress has been made in this respect. In addition, the unions are concerned by the impact of the 2005 tsunami disaster which has resulted in the emergence of a new group of vulnerable children. Concern has also been expressed over the problem of transport, especially in the plantation regions and especially as regards young girls. An important element in the fight against child labour, according to CWC, is to focus on the economic empowerment of women, thereby encouraging them to send their children to schools instead of work. This can be done through the creation of thrift shops and credit unions specifically for women and also training for self-employment.

Common elements to national presentations and additional points raised in discussion

During the wide ranging discussions following the national presentations, a number of common themes and links were reinforced and are highlighted below to show the commonality of union approaches to child labour and child domestic labour across the globe.

Education for all and the quality of education

A common theme to all interventions was linking trade union child labour efforts to the broader national and international initiative to ensure education for all and improve education quality. Participants agreed that children and their families would be more empowered, economically and socially, through access to better education and training. Efforts involve working closely with teachers' organizations as teachers play a key role in these programmes, but also with Ministries and Departments of Education, from local to national levels. These collaborative efforts may occur directly, but also through established National Steering Committees on Child Labour. A key point made by ICFTU-ORIT was that everybody is affected by social and environmental issues in today's global economy which means that these are issues which must be dealt with by trade unions.



Empowering all levels of the trade union movement

Most unions work towards building the capacity of their organizations at all levels, from grass-roots to national and even interregional, such as in the case of ICFTU-ORIT. While training programmes might be implemented at national or even regional level, the aim is to ensure that these programmes train trainers who would have the capacity to multiply the impact of capacity-building throughout the union structures, down to grassroots level. This point was reinforced by CWC of Sri Lanka. ICFTU-ORIT emphasized the mantra of "Think globally and act locally" in terms of its training and tripartite efforts with all stakeholders. It is critical that the outcome of high level meetings and negotiations trickle down to the lower levels of the union movement. For example, ICFTU-ORIT works on education, social welfare, health and other services at higher levels which should then trickle down into practical action nationally in areas such as education for all and agricultural reform.

Reinforcing the economic empowerment of children and their families

The issue of skills training and income-generating activities was highlighted by both presenters and speakers. This is a critical area of work in terms of helping the children to transition from abusive child domestic labour to areas of decent employment where they can aspire to enhanced quality of life and improved working conditions. Likewise, providing training to the families, especially mothers and sisters, can also have a significant impact on the family's economic situation and therefore influence the decision as to whether to send children to school or work.

ANDEN, Nicaragua, referred to one of its programmes where training is provided for informal sector workers with this aim in mind. However, it needs to be accompanied by EFA efforts in terms of ensuring that all children have access to schools and that agreements exist with Ministries of Education to ensure that families are not charged school fees. The teachers' organizations have a key role to play in these related areas in terms of connecting at a human level with the families and their children so that they have a better understanding of their environment.

Raising awareness

Trade unions are effective campaigning organizations. Throughout their history, they have campaigned in public and lobbied governments to bring about change for the benefit of their members, their families and working people in general. This is the fundamental premise upon which the trade union movement was built to protect working people and their families and to represent and defend their interests in the social partnership. They already have established comprehensive networks which can be used effectively in terms of raising awareness about child labour generally and child domestic labour specifically. All participants highlighted the importance of this area of advocacy work as an integral part of their programmes and activities.



Trade union solidarity

A unique and vital area of trade union policies and programmes in the area of child labour, including child domestic labour, is the way in which it has united all union organizations, from local to global level, no matter the political or other persuasions. It is a growing feature of trade union activities that they focus on a wider range of socio-economic issues that concern their members and their families, including child labour. This is partly due to the effect of globalization, but also because of the changing nature of the work environment and subsequently the roles, aims and objectives of the trade union movement. This element is also the main strength of the impact that trade unions can have on local, national and international efforts to prevent and eliminate child labour and is why it is so important that trade unions maintain and sustain their efforts in this area.

This issue was reinforced by a delegate from Honduras who emphasized the need for trade unions in Latin America to expand their activities beyond economic issues to social issues, including child labour. He pointed out that in Honduras, with support from ILO-IPEC, the unions had been able to unify their approach to target child labour and focus on developing policies and programmes, organizing and building community networks. The Honduran delegate also called for greater creativity and innovation from trade unions in the area of child labour elimination and prevention.

Tripartite policies and programmes

Trade unions are one of the three ILO constituents and, as such, have a major role not only within the organization, but also at national and regional levels in terms of bringing their influence to bear on governments and employers through social dialogue, lobbying and campaigning. Politically, trade unions have made extensive use of these tripartite channels to strengthen efforts to prevent and eliminate child labour. ICFTU-ORIT emphasized how it worked with all the tripartite constituents and civil society organizations on child labour to ensure that all perspectives were taken into account and contributed to the outcome of these programmes. In addition, it was noted that the presence of ILO-IPEC in various countries facilitated tripartite activities, involving trade unions, and it was important that unions focused on their particular strengths in playing their part in efforts to eliminate child labour.

Sustainability of trade union efforts

Questions were raised by several participants on the potential sustainability of trade union action on child labour. Concerns were expressed that programmes were developed and implemented on the basis of funding from either ILO-IPEC or ACTRAV and that they might not be sustainable in the longer term. However, many participants emphasized that the issue of sustainability is one of the elements of child labour programmes that make trade unions a more viable option. All unions have regular income from membership subscriptions and oper-



ate comprehensive structures of officials and field officers which contribute significantly to ensuring that child labour policies and programmes can continue to be implemented even after the closure of ILO-funded projects. The ILO-IPEC projects often enable trade unions to develop appropriate policies and programmes, including through technical support, and give the trade unions focus also to design creative and innovative approaches to reach those most in need. However, once these are up and running, they can subsequently be maintained and sustained by trade unions. Technical support can also be forthcoming from the ICFTU and the Global Union Federations. Trade unions are legally registered official bodies, often with a long institutional history, and as such they are deeply embedded in society and national infrastructure and are much less susceptible to change.

CWC of Sri Lanka noted that it also funds a vocational training centre for former child labourers out of its own funding base. This is a critical point in terms of sustainability as it was noted that if projects with external funding agencies help establish structures and institutions, then it would be important to ensure that these can be sustained through union funding in the longer term.

Trade unions in the informal sector

NWC of Sri Lanka pointed out that it is very active in the informal sector where it has set up education centres to support non-formal education programmes for child labourers. These centres are established to be self-financing, for example, the teachers are often part-time and are teacher trade union activists who are prepared to give their time to these children. Because formal trade union organizations are operating in the informal sector, they are able to link their programmes and activities to mainstream union structures and provide a broader range of support services to workers in the informal sector and affected children, for example, in Sri Lanka this includes a revolving fund.

Gender mainstreaming

The issue of the economic empowerment of women underpins a range of trade union programmes, policies and activities. Gender is a significant cross-cutting theme across mainstream trade union activities and child labour is becoming so as well. Although the two issues are major trade union concerns in their own right, they also interlink with each other in some areas. Child domestic labour is one such area as it is an area of child labour that primarily affects girls. Several participants underscored the need for trade union programmes to focus on the economic empowerment of women as a major factor in tackling child labour and overcoming situations in which families, particularly mothers, decide to send their children to work and not to school.

The delegate from the Dominican Republic welcomed the discussion on this issue as it is an area that is only just emerging in trade union discussions in that country in terms of its links



to poverty (the “feminization of poverty” concept) and child labour. Some trade union organizations, such as ICTU-ORIT, have a positive discrimination policy in terms of mainstreaming gender within the labour movement. More and more women are joining trade unions in Latin America and are being elected to senior positions within the movement. Several participants noted that the issue of child labour tended to receive more active interest from among women and young members.

Different trade unions in different parts of the world have their own perspectives on gender equality and the issue is often treated differently. Nevertheless, it is a particularly important issue for trade unions and the labour movement should be prepared to acknowledge any shortcomings and be prepared to take action for change. For example, in Sri Lanka, the CWC received training from the ILO on gender auditing as a result of which the union has taken more positive steps to encourage young women to join and to participate in contests for political positions. In addition, the union is encouraging women to put aside savings from their own wages and build their own capital base with a view to potential self-employment. The union supports this through a savings scheme.

Linking child labour programmes to campaigns for improved adult employment

Many trade unions highlight the problem of child labour within the broader context of national employment policy. Without over-simplifying the situation, trade unions point to the number of children working and the number of adults either unemployed or under-employed. Family poverty is a major cause of child labour and by pushing forward the ILO Decent Work agenda, trade unions hope to bring about improved working conditions for adults which should result in a corresponding decline in the incidence of child labour and an increase in the number of children enrolling and remaining in school. With reference to the previous section on gender, several union participants highlighted the need to target mothers and sisters in poor families through economic empowerment programmes, including self-employment, to improve incomes in poor families and thus avoid the need for children to work.

Child labour monitoring

Trade unions have always played a significant role in society as public watchdogs, monitoring a range of labour, social and economic related environments. While child labour might not be prevalent in the formal economy, trade unions nonetheless have extensive networks which reach out into different areas, including the informal sector and places of work of child domestic labourers. By establishing and activating such networks, trade unions can closely monitor situations of abuse and exploitation of children and even pre-empt situations arising where children might become involved in domestic work or other forms of child labour. Because of their position in society, trade unions can not only monitor, but also act upon information directly with the authorities and government bodies.



Working with civil society organizations

This issue is integrated across a number of issues already raised, for example, trade unions working in the informal sector or on child labour monitoring. Participants acknowledged that there are some areas of society and work where NGOs can be more flexible and effective than trade unions. In addition, there are some tasks, particularly in dealing with children, where other organizations are more suited to their implementation, for example, non-formal education, counselling, provision of certain services, and so on. In some cases, NGOs are more experienced in working in the informal sector and with certain social groups, for example, indigenous populations. However, child labour, as in the case of trade union solidarity, has also been a catalyst for closer collaboration between the trade union movement and the NGO community and participants agreed that this had been of significant benefit to both parties.



11. “Organizing the unorganized”: The case of the domestic sector

Ms Asha D’Souza, ILO’s Special Action Programme to Combat Forced Labour, DECLARATION, facilitated a panel presentation and debate on trade union strategies to organize adult domestic workers and reach out to child domestic workers, including through the provision of services and programmes. The session was animated by three presentations: **Ms Creuza Maria Oliveira**, National Federation of Domestic Workers in Brazil (FENATRAD) and Latin American and Caribbean Association of Domestic Workers (CONLACTRAHO); **Ms Vicky Kanyoka**, Conservation, Hotels and Domestic Workers’ Union (CHODAWU), Tanzania; and **Mr Julius Cainglet**, Federation of Free Workers (FFW), the Philippines.

30 March: International Day of Domestic Workers

CONLACTRAHO is a relatively young organization, holding its first congress in 1988 with the participation of 11 countries from the Latin American and Caribbean regions. It was during this first congress that a resolution was passed establishing 30 March each year as the International Day of Domestic Workers. The creation of a continental organization has ensured greater visibility in the eyes of society of the situation of domestic workers and their struggle to obtain appropriate respect of their fundamental rights. The organization has also helped in strengthening national organizations throughout the region.

Ms Oliveira reported that there had been some progress over the last decade or so, particularly as regards the social and labour rights of domestic workers, as well as child domestic work. She emphasized that as a primarily women’s organization there was a strong ambition to overcome the wide range of obstacles that obstruct organizing efforts. Domestic workers in the region have very specific characteristics: they are scattered throughout the region; they suffer from very low self-esteem; they have low education levels; and they work in private households which makes it difficult for labour inspectors to monitor. The nature of the sector, the characteristics of its workers, the fact that they are rarely covered by labour legislation and benefit from fewer rights than other workers has therefore meant that the manner in which they organize is very different from other workers. Ms Oliveira pointed out that the development of an international convention on domestic labour would contribute significantly to ensuring a decent work environment for these workers and appropriate workers’ rights and labour standards.



Ms Oliveira highlighted some of the harsh statistics of the exploitation of children in domestic work in Latin America. Many employers believe they are helping the child, and the family and society in general believes that it is better for a child to work than to be on the streets. However, neither of these attitudes will solve the problem of poverty in which these children and their families find themselves. A Brazilian household survey in 2001 revealed that children working in homes other than their own have the following characteristics: 93 per cent of them girls, 61 per cent are African descendents and 45 per cent are below the age of 16 (the Brazilian legal minimum age of admission to employment).

In its own national activities, FENATRAD has been constantly denouncing this situation to the public authorities and demanding appropriate action and measures. As a result, a thematic group on child domestic work was formed under the auspices of the National Forum for the Eradication of Child Labour. In the meantime, the Ministry of Labour and Employment included the child domestic work category in their periodical research on child labour. In addition, the Labour Prosecutions Office supported initiatives linked to the fight against child domestic work nationwide. More recently, a wider range of studies was carried out allowing greater engagement of other institutions linked to the theme, including FENATRAD and other workers' organizations.

In Brazil, there are approximately 500,000 children and adolescents, aged between 5 and 17, in child domestic labour. Almost half of them are under the age of 16, the minimum legal age of employment. Research has shown that there is a correlation between the age a child starts to work and the level of education that he or she may achieve. The younger children start in domestic work, the fewer the chances they will have to finish primary and secondary education. ILO-IPEC has developed a regional project for the prevention and elimination of child domestic work in Central and Latin America. In Brazil, this project is in partnership with UNICEF and Save the Children UK and also has the support of the Ministries of Labour and Employment, of Social Development, of Education, the Labour Prosecutions Office, the Children's Rights News Agency (ANDI), the Abrinq Foundation and a group of around 120 organizations and institutions. Three pilot projects in three different cities include qualitative studies on child domestic work; awareness-raising campaigns; the mobilization of a range of NGOs; and, the creation of support groups and educational workshops. The main aim of the project is to work towards the elaboration of a national plan of action to tackle child domestic labour.

A pioneer child domestic work initiative was developed through a partnership of several organizations, including the Domestic Worker's Union in Bahia, SINDOMESTICO, which is affiliated to FENATRAD and CONLACTRAHO. The project is designed to raise awareness of the issue among teenagers and promotes a professional certification course for young black and coloured domestic workers. The project has already reached 250 girls. Beneficiaries participate in classes on civil rights, theatre, afro-dance, labour rights, new domestic technologies, child care techniques, hygiene, food preparation, computer skills, hosting, cleaning and verbal and



written communication skills. The classes last six months and have been designed based on the needs of the students.

Another ongoing initiative in Brazil is the “Citizenship programme for domestic workers” run through a partnership of the Ministry of Labour and Employment, the Special Secretariats for the Promotion of Racial Equality and for Women’s Policies, the ILO and FENATRAD. The programme aims to strengthen domestic workers’ organizations, enhance their professional and social qualifications, increase their education levels and develop policies to target the elimination of child domestic work. This programme is part of Brazil’s National Qualification and Sectoral Professional Qualification Plans which is operated by the Department of Qualification of the Ministry of Labour and Employment and is supported by the Worker’s Assistance Fund.

It is also important to underscore the necessity for countries to develop and implement public policies that provide the necessary support and conditions for poor families to avoid their perceived need to send children to work before the legal minimum age. An equally necessary part of this work targeting child labour and domestic child labour is to guarantee the rights of children and adolescent domestic workers, as well as including domestic workers in labour reform plans to ensure that their rights are extended and not suppressed. Moreover, it is vital to ensure that domestic work is included in the national labour legislation framework.

In closing, Ms Oliveira emphasized that classes, gender and races are equally important components of the environment of domestic workers. Therefore, with this in mind and since FENATRAD was first created, the organization has always sought alliances with other civil society organizations that fight for human rights, including ethnic minority movements, the women’s movement and the trade union movement.

Impact of domestic workers’ unions specifically targeting the sector

As in the majority of countries, domestic labourers in Tanzania are mostly women and girls and are a largely hidden group of workers primarily in the informal sector. In addition, according to Ms Kanyoka, they constitute a considerable section of the informal labour force and their numbers are rising. CHODAWU is an established trade union in Tanzania which also organizes and protects adult domestic workers and eliminating child domestic labour. The majority of children in this sector work on average more than 60 hours a week with very poor wages and poor working conditions. Earnings can range from five to 20 US dollars a month whereas the minimum wage is 48 US dollars.

Ms Kanyoka explained that domestic workers in Tanzania suffer similar discrimination and abuse as in other countries and are a difficult group to organize due to their lack of understanding of their rights and labour standards and issues in general. Indeed, many employers unilaterally decide working conditions due to the fact that employees are unaware of their rights. Most children have received minimal education and are not educated enough to de-



fend themselves. However, through a tripartite process in Tanzania, a new labour law was recently finalized which has set the minimum age for admission to employment at 14 with provisions against child labour in general, including punishment for those found employing children. While the trade union movement is generally pleased with this development, once again enforcement remains the greatest challenge. For example, labour inspectors are not allowed to inspect private homes and are also very few in number while there is significant demand for their services. Inspectors are not even provided with vehicles to be able to carry out their activities which have a significant impact on inspections in rural areas.

CHODAWU was created in 1995 to fight for the rights of adult domestic workers and the protection of child domestic workers above the minimum age of employment. One of the reasons that the union focuses on child domestic labour is because it is seen as a direct threat to adult employment and working conditions and it was considered important to link the two efforts closely. As Ms Oliveira also mentioned in her presentation, Ms Kanyoka explained that one of the major aims of CHODAWU is to uphold and protect the personal dignity of each domestic worker and ensure that they are treated justly. At the policy level, the union lobbies for the legal recognition of domestic workers and for appropriate labour law reform. CHODAWU worked with the government to establish a sectoral minimum wage council for domestic service which will determine terms and conditions for the sector.

One of the major tasks of the union has been to raise people's awareness of the plight of domestic workers and also to inform workers in the sector that they have rights and should exercise them. It has found that working closely with the media has been a very successful strategy in reaching domestic workers in private homes, both adults and children, and providing them with relevant information. As part of its strategy in reaching out to these workers, CHODAWU has also elaborated a comprehensive training and education programme on workers' rights and dispute handling. Ms Kanyoka pointed out that employers are also invited to dispute handling workshops as the union feels that it is important to educate employers as much as empowering workers.

Since CHODAWU began organizing domestic workers, this has now become one of the union's largest sectors and this group of workers is represented at all levels, including the national executive committee. As mentioned, the media is used to mobilize domestic workers to join the union in various ways, for example, each Monday there is a national radio programme on domestic workers and the elimination of hazardous child domestic work. Workers who have heard the programme often subsequently contact the union and join. The union has found that its profile and membership has grown substantially on the basis of personal interaction between domestic workers who are members and those who are not and it has focused strongly in building effective membership networks to mobilize others to join. Their activities in effective dispute handling and their range of membership services, such as legal aid, have also been motivating factors for new members.



Other motivating factors include the establishment of union centres which provide counselling and vocational training courses. Trainees are sometimes provided with funds to enable them to set up income-generating activities. Although the union has some challenges in dealing with employers' associations which do not recognise domestic work within the framework of formal negotiations, it has nevertheless had some success in dealing with individual employers of domestic workers who may sometimes encourage their employees to join the union. In terms of its activities for child domestic workers, the union has been running a national campaign aimed primarily at preventing children from entering the domestic work sector. The campaign also solicited the support of adult domestic workers, some of whom have subsequently joined the union.

However, looking back over the past ten years, CHODAWU acknowledges that there are a number of challenges which remain in organizing workers in the domestic sector. The very fact that it is mostly located in the informal sector remains the greatest difficulty facing any trade union. In addition, the perception of the general public tends to be that domestic work cannot be defined as "work" in a formal sense. Domestic workers, themselves, have limited self-esteem and self-confidence and many are illiterate and ignorant of their fundamental rights. As a group of workers, they are widely scattered throughout the country and, because of the nature of the work, statistics are limited and unreliable. Ms Kanyoka pointed out that even the terminology used in law is dehumanizing as they are referred to as "servants". Collective bargaining is difficult for this sector because these workers sign agreements directly with their employers and their tenure of employment is uncertain which leads to high mobility. Their mobility, combined with their low pay, also has an impact on their capacity to pay membership dues to CHODAWU. In order to overcome this, the union usually asks members to pay fees for a six-month period at a time.

Nevertheless, in spite of these challenges, CHODAWU has made some progress in terms of organizing domestic workers, representing and defending them effectively and tackling child domestic labour. It is known at national and community levels throughout Tanzania, currently has around 1,300 members from the domestic sector and has put in a place a structure that reaches effectively down to the grassroots level. It is a member of the national minimum wage council and is also involved in national development processes. The union has established a child domestic labour unit network throughout its structure, from village to national levels and works closely with local and other government departments on the issue, including with the police authorities. In addition, it has strengthened its networks and partnerships in reaching out to child domestic workers by collaborating closely with NGOs and community-based organizations.

In concluding, Ms Kanyoka reviewed some of the union's findings and recommendations from its experiences in the field of domestic work. She emphasized that CHODAWU had found that there was an obvious link, in Tanzania at least, between domestic labour and trafficking but that this link was not recognized and therefore was too often ignored. She also pointed out



that experience in organizing domestic workers had helped CHODAWU in recognizing its own shortcomings in terms of services that it needed to provide and it felt that it needed capacity building in occupational health and safety issues, as well as social protection issues for the domestic work sector. In addition, in order to effectively organize domestic workers, the union needs to establish an institution to train domestic workers who can then be absorbed into the labour market. The union also needs support to enhance its research capacity, improve its organizing and resource mobilization and upgrade its information technology equipment and systems. Finally, Ms Kanyoka highlighted the importance of improving relations and discussions with the Employers' Association to assist in the education of individual employers of domestic workers.

Trade unions expanding their role into wider social issues

The Federation of Free Workers (FFW) in the Philippines has transformed itself from a mainstream trade union to an organization which aims to service the wider social movement. A key part of this transformation has been the establishment in 1996 of a child labour unit and programme within the union entitled LITECHILD – Labour Initiatives towards the Elimination of Child Labour.

The background to this development was that FFW felt that children are not ready for work and should be enjoying their childhood years. It is vital that all children should go to school and stay there and benefit from a holistic development and, in this respect, parents and adults have a major role to play. The union, which has close ties with the rural areas and farmers who are poorly organized in the Philippines, believes that child labour stems from poverty and children are viewed as a source of cheap and docile labour and may even displace adult workers. The main focus of LITECHILD, therefore, was on child labour in rural communities which are the main areas where the FFW and/or its affiliated unions are present and active. FFW has established structures and programmes, including a programme desk and a Child Labour Action Network (CLAN) to both ensure it helps in preventing and eliminating child labour but also in reaching out to the children themselves. This has included the creation of a youth-led initiative entitled “YO! Child”, Youth Organizations Against Child Labour.

Other union activities include research and surveys in which FFW also seeks to establish dialogue with communities concerned to gain a better understanding of the circumstances of the community and its families and therefore elaborate more effective strategies to help them. This includes a process that FFW calls “community immersion” in which its trade union leaders completely immerse themselves in rural communities in order to experience the daily lives of impoverished workers and their children and also experience first-hand the effects of child labour. These field studies, missions and trade union integration programmes support the critical confidence and trust-building processes that necessarily underpin the FFW approach.



FFW also conducts awareness-raising campaigns for adults and youth and has developed tools for its education and training programmes. The union places significant emphasis on orientation programmes for trade union officials and members on child labour. In terms of its education and training services for the children in the communities and their families, FFW provides scholarships for children in the primary and secondary levels through support from its own members and in technical and vocational schools with support from various foundations and the Technical Education and Skills Development Authority (TESDA). Efforts are made to help older children in the area of youth employment and competency-based training programmes are provided in which children can obtain credits for skills which are not necessarily recognized by formal education institutions. FFW also provides entrepreneurial training for families in order to assist income-generating activities.

As well as education and training programmes for rural communities and developing a wide range of communications and education materials to support these, the union also organizes special events for the working children themselves to provide them with leisure opportunities and special occasions when they can enjoy simply being children, for example, their own festivals and a special programme at Christmas each year. In addition, FFW has recognized that working on child labour requires the establishment of effective and efficient networks between like-minded organizations and professional groups. The trade union movement in the Philippines has created the Trade Union Coalition Against Child Labour and the Workers' Alliance Against Child Labour and FFW is active in both of these and also the National Programme Against Child Labour (NPACL) and the National Child Labour Committee (established within the framework of the ILO-IPEC programme in the Philippines). The union also works with local governments in the geographical areas where it is active, as well as with the Philippines military and police authorities which is particularly important in terms of taking action to punish those who employ and exploit children.

In terms of ongoing initiatives, FFW and its LITECHILD programme is focusing on the issue of child domestic work and is in the process of elaborating a code of ethics for trade unions on child labour and child domestic labour. It is also planning to initiate a trade union programme for child domestic workers. In this respect, there are also moves to have "YO! Child" recognized as a basic sectoral organization of the FFW and established it as a more formal part of the union's structure. FFW has identified four key areas in the organizing framework to reach out to child domestic workers: the child's natural family; the community in which that family lives; the family for which the child then works; and, the community in which the receiving family lives. The union has elaborated a strategy in each of these four key areas to ensure that awareness is raised about child domestic labour and that the child receives appropriate protection and education while other stakeholders and partners are also mobilized. For example, engaging parents and older siblings in the child's natural family; networking with community leaders in the child's home community; ensuring that unions are involved with the recipient family as the parents are probably workers and may also be union members; and, organizing groups



of child domestic workers in the new community to ensure they receive adequate protection and services.

In closing, Mr Cainglet raised some issues that FFW had been obliged to confront in its programme. Sometimes the challenge for trade unions can come from its members themselves who feel that their organizations should be dealing with more important issues that affect workers at work place level rather than focusing on child labour. FFW, however, believes that its members' issues and wider social issues are all interrelated and is prepared to invest time, energy and resources in enlightening its membership on the wider social issues and highlighting the links with work place-related problems. FFW emphasizes the need to address poverty first in the fight against child labour, stating that it could be eliminated by driving the decent work agenda forward, including provision of a living wage for parents so that they do not find themselves in situations of having to choose between sending their children to school or to work. In this respect, child domestic labour may be seen in the context of balancing work and family life within the decent work framework.

Common elements to national presentations and additional points raised in discussion

Adult domestic workers are a major link to child domestic workers

If trade unions are to identify children in situations of exploitation in child domestic labour, they require an effective means to monitor the domestic sector. An effective approach is to mobilize and organize adult domestic workers and encourage them to join the mainstream trade union movement. By building structures and systems for these workers and reaching deeper into a challenging and often informal sector, trade unions can get a better idea of conditions and also work with adults to identify children in situations of abuse. This approach is most effective when there is already a trade union or association organizing domestic workers in the country. It can present a greater challenge when these workers are not targeted by organizing campaigns.

Access of domestic workers to fundamental labour rights and standards

Domestic workers are largely denied access to and benefit from regular labour legislation conditions and fundamental labour standards. This is often an issue of legal recognition of these workers as "employees" and therefore obstructing their entitlement to basic provisions and rights. However, there remains strong resistance, not just nationally but also regionally and globally, to recognizing the domestic sector as one to be covered by labour legislation provisions. This means that the trade union movement at all levels, from local to global, has a major job of work ahead in ensuring protection and recognition of these workers and also in establishing collective bargaining mechanisms for the sector. It would be important for trade unions to work closely with private employers and employers' associations in this respect and it is as im-



portant to educate employers as it is to educate workers. In addition, employers' associations must be persuaded to recognize the sector as a formal part of the labour market.

Characteristics of domestic workers

Domestic workers have characteristics which are very specific to the sector. They are widely scattered throughout the country, in both rural and urban settings, are highly mobile and are most often working in private households which makes them a very difficult group to reach for trade unions and for labour inspectors to monitor. They suffer from very low self-esteem; they have low education levels; and, the sector is predominantly female and also often involves indigenous, tribal and other ethnic minorities. The wage levels are very low and might even include in-kind payments. The nature of the sector, the characteristics of its workers, the fact that they are rarely covered by labour legislation and benefit from fewer rights than other workers therefore means that the manner in which they organize is very different from other workers and trade unions must take this into account. In addition, trade unions need to ensure that appropriate services are developed for these workers and that appropriate subscription mechanisms are established.

International convention on domestic workers

Several participants supported the need for the ILO to develop, adopt and promote an international convention on domestic labour. This would contribute significantly to ensuring a decent work environment for these workers, the application of appropriate workers' rights and labour standards and would also have a positive impact on targeting child domestic labour.

Working closely with sending and recipient communities

In developing its strategies to target child domestic labour, trade unions must understand the context of the families and communities from which children are sent to work and those of the families and communities that receive them. Trust and confidence need to be built with both groups in order to ensure sustainable outcomes to any programmes and activities. Part of this process can involve trade unionists living and working in these communities to better understand their environment and enhance the content of their strategies.

Awareness-raising and public education campaigns are critical in the fight against child domestic labour

Because of the invisibility of the sector, its inherent problems and the fact that domestic work practices have become deeply embedded in customs and traditions over generations, many participants underlined the need to influence people's behaviour and attitudes. Many employers still believe that they are actually helping children by taking them on as domestic workers and do not understand the damage being caused to them. Likewise, sending families do not



understand the dangers into which they are sending their children. All stakeholders, particularly the tripartite partners, have a key role to play in developing and implementing appropriate awareness-raising and education programmes which must be mainstreamed throughout national structures and systems, including formal education curricula. In addition, these programmes must be linked to formal recognition of the sector and improved working conditions and labour standards.

Trade unions must also develop appropriate campaigns to reach domestic workers themselves and identify the most effective methods of providing information and support to this group of workers, particularly taking into account the problem of illiteracy. Media campaigns, especially radio programmes, could be especially effective.

Targeting child domestic labour demands a formal institutional and systematic approach

Many participants and presenters emphasized the need for any action against child domestic labour to be integrated into formal government and tripartite programmes, systems and institutions. If the issue and its responses are not mainstreamed formally, then the sustainable impact on child domestic labour will be muted and possibly ineffective. Recognizing the domestic sector within labour legislation, ensuring that all domestic workers benefit from fundamental rights and labour standards and organizing these workers into trade unions are all critical elements in this approach. In addition, it is vital that these strategies also involve other government line ministries and formal programmes, particularly education, health, social welfare and services, vocational training, and so on. National policies need to be coherent in tackling issues such as child domestic labour, especially education and training which play such key roles in the rehabilitation and social reintegration process.

Enforcement is vital

Where domestic workers are covered by legislation, are organized and benefit from labour standards, the problem of enforcement of laws and policies remains a major challenge. It is important for trade unions when campaigning for labour legislation to cover the domestic sector to also lobby to ensure that enforcement mechanisms are enhanced, including the capacity of labour inspection.

Priority is removal of children from hazardous work

It is widely acknowledged that it must be a priority of all organizations involved that children are removed from hazardous child domestic labour as urgently as possible. This presents a major challenge for domestic workers' unions and the trade union movement in general in terms of how to withdraw children at risk effectively and ethically, especially when they are below



the legal minimum working age. It is vital that trade unions and NGOs work together towards appropriate solutions.

Formal or informal sectors

In Brazil and in most of the countries in Latin America, domestic work is primarily in the formal sector, whereas in Tanzania it is primarily in the informal sector. There are obviously differences from country to country, however, ICFTU-ORIT pointed out that whether referring to the formal or the informal sectors does have implications for the trade union strategy to be elaborated. For example, it will affect the definition of the employer which in turn will have an impact on trade union action required. It would be important for the trade union movement to establish clear criteria for tackling domestic work in the formal or in the informal sectors.

Partnership between trade unions, NGOs and other stakeholders

Because of the nature of the sector and the fact that child domestic labour is often most prevalent in the informal sector, it is vital that trade unions establish, promote and maintain strong and effective networks with civil society organizations in particular. NGOs are often more flexible and more visible and active in the informal and rural sectors. They can be effective partners in reaching domestic workers, and particularly child domestic workers. By combining the institutional power of trade unions with the flexibility and targeted approach of NGOs, the outcome of a joint campaign could have significant impact. In respect of reaching out to child domestic workers, trade unions must also seek to establish effective relations and networks with other stakeholders, particularly police authorities who are the key element in enforcement and the punishment of offenders.

Children must be consulted

It is vital that the children involved in domestic labour are fully consulted prior to developing appropriate education and social programmes for them. Any programme development must focus on their real needs, and not their perceived needs. Programmes must take into account the needs and expectations of the different age groups of children, their sex, ethnic origins, capacities, and so on. Children must be an active and participatory group in the consultation process, along with the tripartite constituents, parents, families, communities and other stakeholders. In addition, trade unions should ensure that their structures, programmes and activities include a place for young people themselves and communicate with this group at their level and in accessible language. Speaking the language of youth and understanding their culture and position in society are major steps in ensuring effective communications.



12. Development of strategic approaches in targeting child domestic labour

On the basis of discussions following the workshop presentations and of the various activities, programmes and strategies being implemented by different trade union organizations around the world in targeting child domestic labour, a series of questions was elaborated, focusing on the salient points and the main channels for building a trade union response. There was significant discussion on the questions themselves and it was agreed that some of these had implications for individual and regional trade union organizations and therefore also required debate at that level.

Many of these issues, such as advocacy, communications and organizing were discussed during the workshop itself. Nevertheless, the main objective of the workshop was to highlight experiences and expertise of trade unions in the field of child domestic labour, analyze these and develop appropriate recommendations for the wider trade union movement and provide input into the elaboration of a revised ILO-IPEC trade union training manual on child domestic labour. Two working groups were therefore given the task of discussing these questions and elaborating some recommendations in supporting ongoing resource material development.

Working group activity

The two working groups were therefore asked to use the following questions to guide their discussions and recommendations:

- Should organizing adult domestic workers be a key part of the trade union strategy to tackle child domestic labour?
- If domestic work is legal in a country for adolescents, i.e., above the minimum age for employment, should these legitimate workers be allowed to join trade unions? If not, what should be the alternative for these workers in terms of expressing their right to freedom of association?
- Should trade unions envisage elaborating an action plan to tackle the issues that affect the domestic work sector, for example, targets for organizing?



- Do the trade unions especially active in rural and/or agricultural areas have a particular role to play in tackling child domestic labour?
- Do trade unions active on the issue of child domestic labour target the Poverty Reduction Strategy Papers (PRSP) process as a means to support this work? If so, how can ILO-IPEC support trade unions in this work?

Sir Roy Trotman emphasized that it would be important to ensure that the conclusions of the workshop included the views of participants and invited initial comments which were then discussed further during the workshop sessions.

It was noted that one of the key roles of the ILO is to support its tripartite constituents, including the trade union movement. In this respect, in order for the trade union movement in all countries to become and remain a meaningful institution in society, then they need to improve their capacity in order to be able to develop and implement programmes and plans of action, for example, in terms of targeting child domestic labour. International cooperation is vital in this respect as unions need to be strong in the fight against child labour but need support in order to attain and maintain the appropriate levels of strength and responsibility.

In referring to the issue of international cooperation, several participants underlined the challenge facing trade unions in developing a sustained response against child domestic labour, particularly given the limited length of the ILO-IPEC funded programme on child domestic labour and education which varied between 12 to 18 months. Participants agreed that the programme had been instrumental at getting the issue onto political agendas around the world, but required sustaining over a longer period to have real impact. Unfortunately, the length of the programme was dependent upon the funding initiative of the TC-RAM programme, but ILO-IPEC acknowledged the comments and recognized the need to take this into account in future programming. At present, there is no planned second phase for the projects, so the focus should be on potential local resource mobilization. ILO-IPEC is committed to the negotiation of further project funding and agrees that projects should be sustained over a longer period.

The issue of organizing, particularly with reference to young people, gave rise to a range of views. Some participants pointed out that by law they were unable to organize workers below the age of 18 but also agreed with this age limit principle. Others felt that the age of membership should be linked to the country's legal minimum age of admission to employment. In another case, reference was made to the need for trade unions to be cautious in organizing young domestic workers to avoid creating another, more indirect form of exploitation and thereby opening themselves to potential public criticism. This was highlighted in the Latin American context where there is a strong movement for child workers to benefit from the right to organize their own trade union organizations. There is considerable ongoing debate in Latin America regarding how to protect and organize young workers aged from 15 to 18 and this has not yet been concluded in the region. It was suggested that it might be preferable to talk



in terms of “participation” of children in trade unions and therefore integrate child domestic workers into the trade union agenda. However, most participants agreed that a positive step forward would be through the creation of domestic workers’ unions.

As well as capacity-building and financial resources, trade unions also have a significant need for resource materials and tools to be able to address child labour and particularly child domestic labour effectively. Many trade unions do not know where and how to start programmes and activities in this field and require simple advice and tools. It would be critical to have some of the tools in place and available to trade unions in terms of following up the outcome of workshops such as this. During this discussion, Mr Blagbrough of Anti-Slavery International made reference to its recent publication of a handbook on child domestic workers⁴ which includes around 30 good practices in programme interventions and which can be a useful tool for trade unions and NGOs alike. He also commented that child domestic labour is quite distinct from other forms of child labour and interventions will necessarily be different from one form to another. He agreed that trade unions had a critical role to play in targeting child domestic labour and underlined three potential intervention areas most suited to trade unions: advocacy, organizing and protection and action within the trade union movement itself, for example, through policy development.

As regards sustainability, it was also emphasized that the ILO-IPEC projects themselves should only be seen as a form of support, a means to assist trade unions in developing policies, programmes and activities and testing some of these in a few communities and situations of child domestic labour. However, in the longer term, it was agreed that the only sustainable response to tackling child domestic labour is for trade unions to build their membership and therefore their institutional strength which would require, in most cases, taking on such challenging issues as organizing workers in the informal and domestic sectors and ensuring appropriate labour legislation protection and respect for their fundamental rights and standards as workers.

Outcomes of working group discussions

Domestic workers’ organizations are key

Organizations of domestic workers are strategic allies in the trade union fight against child domestic labour. Indeed, the most successful strategies in tackling child domestic labour occur when there is a trade union that already organizes domestic workers. However, the discussion gave rise to differences of opinion and approach in the working groups and it had been difficult to get consensus. One vitally important point that was made during the discussions was that the trade union movement should be organizing and defending the interests of adult domestic workers as a matter of course and not only as part of a broader strategy to target child domestic labour. There has been strong agreement throughout the course of the workshop

⁴ Child domestic workers: A Handbook on good practice in programme interventions. Anti-Slavery International 2005.



that the domestic sector needs the close attention of trade unions and that the basic rights and conditions of domestic workers are being compromised and, in some cases, denied.

It was felt that domestic workers' organizations would have in place existing structures to help support child domestic workers, for example, women and youth programmes, capacity-building and training programmes. Nevertheless, it would be important for trade unions to exercise some caution when targeting child domestic workers to ensure that such programmes and policies could not be misconstrued as legitimizing child domestic labour itself.

Above legal minimum age domestic workers should be organized

This discussion also challenged the emergence of consensus, primarily due to the existence of legal restrictions in terms of trade unions organizing workers below the age of 18, but still above the legal minimum working age. Nevertheless, the majority view that was expressed was that young domestic workers who were above the legal minimum age of employment should be allowed to join trade unions as part of a broader inclusive trade union policy of membership, including young workers. Furthermore, some participants expressed the view that it would be crucial to organize workers above legal minimum working age to ensure that new trade unions of young workers were not formed and that the formal trade union movement did not unwittingly lend strength to the campaigns of the movement for the right of working children to form their own union organizations.

Trade unions should develop action plans to target the domestic work sector

All participants agreed that trade union organizations at all levels, from local to global, and the ILO should contribute to and support the elaboration of actions plans to target the domestic work sector and that these same institutions should assist the strengthening of organizations already operating in this sector. Part of these efforts should include ensuring greater coherence at national and global level of initiatives that support education for all and poverty reduction. In addition, an important element of these plans should be to encourage member States to focus on enforcement of labour legislation, particularly provisions relevant to child labour and the domestic work sector.

In discussing this issue, some participants expressed the view that trade unions have a particularly unique and important role to play in terms of protection of child domestic workers. However, in respect of withdrawal, prevention and rehabilitation, it would be vital for trade unions to work closely with a range of partners, including NGOs, child rights organizations, UNICEF, and others. This implies that trade unions must integrate and network effectively with the child rights movement and share responsibilities and activities accordingly.



Role of trade unions active in rural and/or agricultural areas

Trade unions which are active in rural and agricultural areas have a critical role to play in terms of the elimination of child domestic work and especially in the area of prevention. It was noted that many child domestic workers come from rural or agricultural areas, often sent by families and neighbours, and child domestic work is also a consequence of rural to urban migration. Therefore, trade unions which are already working with these rural sending communities can have a significant impact through awareness-raising, education and training in terms of reducing the numbers of children that leave their homes to work as child domestic workers in urban areas or even other rural destinations. In addition, in order to ensure that the root causes of such migration are tackled, trade unions should lobby and campaign to influence the reform of public policies and their implementation to ensure equality of opportunity, particularly in terms of education and health services, for children in rural and agricultural areas.

Trade unions and the PRSP process in terms of targeting child domestic labour

Trade unions in many countries are already active in the field of poverty reduction strategies, not just in terms of child labour elimination, but also in terms of national development. It would be important from the point of view of enhancing trade union efforts in this field that the ILO and ILO-IPEC support projects and programmes that reinforce trade union capacity to elaborate alternative proposals within the framework of combating poverty and to also facilitate exchanges of information between trade unions worldwide. It was felt that trade unions would be able to strengthen their profile as a key partner in the field of poverty reduction through advocacy and lobbying, research, resource material development, networking with civil society and social dialogue activities. It was also noted that the trade union movement at all levels has been active in the areas of the Millennium Development Goals (MDGs) and the World Trade Organization (WTO) initiatives and has extensive experience in this field but, with the support of ILO-IPEC, could reinforce their efforts to protect workers and the poor by ensuring greater coherence within and between their own activities, including eliminating and preventing child labour generally and child domestic labour specifically.



13. Trade union training manual on child domestic labour

One of the objectives of this trade union consultative workshop was to provide an opportunity to those organizations involved in programmes and activities targeting child domestic labour to provide critical input into the elaboration of an ILO-IPEC training manual for trade unions on this issue. A working draft of the manual had been prepared and ILO-IPEC was looking to stakeholders to guide the revision process of this new tool prior to a pilot-testing programme. **Mr Nick Grisewood**, a consultant with ILO-IPEC reviewing the manual, gave a brief presentation of its content, aims and objectives to be discussed in working groups to provide critical feedback to support the next stage.

He emphasized that the current document which had been circulated to participants was only in working draft form in order to facilitate the integration of further views and comments in its review process. It was regretted that the working draft could not be translated into Spanish to accommodate the participants from Latin America, however, time and resources had limited the scope of this possibility. Mr Grisewood underlined the need for the manual to be as relevant and practical to trade unions as possible. The discussions during the workshop had already highlighted the significant challenges facing trade unions and other stakeholders in working in the complex domestic sector and in targeting child domestic labour. Therefore, it would be crucial that any materials produced to support trade union work in this field would be useful and effective and, in this respect, feedback from the end users themselves, the trade unions, would be vital.

The current working draft is based on three modules, each of which includes relevant content and substance on the issue of child domestic labour, the domestic sector, child labour generally and the role of trade unions, followed by a series of training exercises. Based on the call for capacity-building and empowerment, it was felt that it would be most useful to develop a training-of-trainers resource package to ensure sustainability and adaptation to local, national and regional characteristics.

The first module focuses on *the issue of domestic work and child domestic labour* itself. It includes the broader picture of child labour and then looks at the specific issue of child domestic labour, the definitions of what it is and what it is not, the causes and consequences, the characteristics, the statistics and the particular vulnerability of child domestic workers. It also introduces



the international labour standards relevant to child labour and child domestic labour and the problem of hazardous work. It broaches the discussion on why child domestic labour should be a trade union issue and what comparative advantage unions have in dealing with it and the different forms of action they can take.

The second module focuses on *the development of trade union policy on child domestic labour* as this would underpin trade union action and programmes. It also looks at linking child domestic labour to other trade union priorities, such as labour inspection, PRSPs, equality and discrimination, health and safety and education. This section also underlines the critical need for data to ensure informed trade union decisions. It goes on to consider how to implicate the broader trade union movement in each country through the issue of child labour and presents some good practices of how trade unions have already tackled the issue of child domestic labour through different means, such as advocacy and awareness-raising, prevention, withdrawal and protection.

The final module seeks to provide *a framework for trade union action against child domestic labour*. It focuses on how to translate policy into action and underlines the need to plan action carefully and take into account different constraints and factors, such as capacity-building and sustainability. Finally, it provides some examples of interventions by different unions to put some of the content and substance into context for the users.

In setting a more detailed context for working group discussions, Mr Grisewood pointed out that it would be helpful to ILO-IPEC for trade unions with experience of working with ILO-IPEC in different countries to document trade union action and development in the area of child labour and child domestic labour. There has been significant progress in Latin America and it could be very helpful to other trade unions to learn more about their work in the field of child labour. In addition, capacity-building efforts of trade unions in developing countries have been ongoing for some time and it would be important at this stage to analyze the impact of these activities and see what further programmes would help and what their focus should be. Mr Grisewood called on participants to keep in mind that this was a trade union tool and therefore it would be vital to focus on what trade unions do best, what they should do and what they should not do. In respect of the latter, it would be where they are less effective that unions should build partnerships with other stakeholders. Participants should also think about what could be expected of the trade union movement at different levels, for example, how the Global Union Federations could integrate child labour more effectively into other activities and programmes. Greater coherence within the wider trade union movement would be vital in terms of targeting child labour and child domestic labour, including mainstreaming this area of work into other priority activities. Trade unions need to be creative, innovative, challenging, flexible, accommodating but firm in their resolve to maintain a united front and a strong platform, namely that there can be no compromise when the health and lives of children are at stake.



Working group activity

In this context, the following questions were outlined to help guide the discussions of the working groups on the ILO-IPEC manual:

- If we all agree that trade unions should target child domestic labour as a matter of priority, how do we consider that trade unions should go about this most effectively?
- How should this approach be structured? For example, organizing the domestic sector into overall organizing priorities for the union, targeting adult workers primarily and integrating the elimination/prevention of child domestic work as part of this strategy.
- How do trade unions sustain their campaign and their approach towards the elimination/prevention of child domestic labour over time?
- How can trade unions most effectively mainstream their child domestic labour campaign into their regular programmes and activities? This discussion should take into consideration the specificity of child domestic labour which is a complex and challenging area of child labour.
- How would trade unions envisage the role of the ILO-IPEC Trade Union Manual on Child Domestic Work in terms of supporting their work? What are the gaps and opportunities that this manual can and should fill, for example, engaging the trade unions active in sending areas for child domestic workers?
- Leaving aside the question of financial support, what additional forms of support from ILO-IPEC would be most useful to your work in the elimination/prevention of child domestic work? Can this support be met from the trade union manual or should there be other resources in place?

The working groups were established on a regional basis for this exercise: Africa, Asia and Latin America. A key point that was made in response to some comments was that the ILO-IPEC manual would not address all aspects of trade union work on child labour as there are already a number of existing tools in place on this issue, including the ILO-ACTRAV resource pack “Trade Unions and Child Labour”⁵ and the ILO-IPEC resource pack for teachers “Child Labour: An Information Kit for Teachers, Educators and their Organizations”.⁶ Therefore, it is anticipated that the ILO-IPEC manual for trade unions on child domestic labour will complement these existing tools and focus more specifically on the target group of child domestic labourers.

5 This training resource pack can be downloaded from the ILO-ACTRAV web site: www.ilo.org/public/english/dialogue/actrav/genact/child/part3/part3_c/manual.htm.

6 This resource pack can be downloaded from the ILO-IPEC Education Unit web pages: www.ilo.org/public/english/standards/ipecc/themes/education/teachinfo.htm



Outcomes and recommendations of working group discussions

Trade unions should target child domestic labour as a matter of priority

Trade unions should internalize and institutionalize the issue of child domestic labour through several mechanisms available to them:

- Unions should develop action-based policies and programmes.
- Unions should base their approach on a policy which seeks to institutionalize and regularize the role of trade unions in combating child labour and child domestic labour. The trade union movement should put in place commitments, policies, statements, declarations, and so on, in seeking to play a more officially recognized role. These policies should be wide ranging but based on a unified union platform, bearing in mind that some national trade unions are already working on the issue and would benefit from greater unity of approach.
- Unions at all levels should promote a policy statement on child domestic labour. This should also include regional and international organizations, for example, ICFTU regional organizations, OATUU, regional organizations of the GUFs, and so on.
- Unions should organize regional and international information exchange forums and should look beyond the trade union movement and invite all stakeholders to participate.
- Unions should develop a code of conduct on employing child domestic workers.
- Unions should establish specific sections or departments within trade unions dealing with child labour and child domestic labour and also create and/or strengthen inter-union committees on child labour. Unions should also integrate and strengthen the domestic sector within their existing movement and include targeting child domestic labour within this process.
- The union movement should strengthen existing domestic workers' unions or create them where they do not exist. This should take into account other existing organizations for domestic workers which might not be trade unions but which might benefit from becoming recognized trade unions.
- Unions should allocate appropriate and adequate budgetary resources to these initiatives to ensure these programmes will be sustained within the trade union movement.
- Unions should work to improve the situation and conditions of domestic workers and it must be kept in mind that trade unions are the most effective organizations in terms of ensuring the legitimate rights and standards of domestic workers.
- Unions should focus on activities specific to their organizations, such as collective bargaining, legal advice for domestic workers, advocacy, lobbying and monitoring – teachers' organizations could also implement education programmes for affected children and their families.
- Unions should network with other trade unions, authorities and NGOs, particularly for activities relating to rescue of abused children, withdrawal, healthcare, social reintegration and rehabilitation. Trade unions can establish the level of coordination necessary to further the



movement to prevent and eliminate child labour and such alliances have proved particularly effective, for example, in Latin America, in the recent past.

- Unions should gather data and conduct research, at national and regional levels, to support the development of awareness-raising programmes on child domestic labour through different media and also to provide input into the elaboration of trade union action plans.
- Unions should ensure the inclusion of child domestic labour on national lists of hazardous child labour.
- Unions should document good practices on targeting child domestic labour.

Developing, mainstreaming and sustaining child domestic labour programmes

Trade unions should step up organizing campaigns to cover domestic workers and other workers in the informal and unorganized sectors. These organizing efforts should also reach out to the families and communities that both receive and send child domestic workers and these different groups should be integrated into trade union structures. Trade unions should also develop and implement education and training programmes on related issues such as gender, HIV/AIDS, reproductive health, responsible parenthood, family planning, occupational safety and health and environment protection, and mainstream child labour and child domestic labour throughout these programmes. In terms of sustaining its social movement efforts, trade unions should campaign for the establishment of institutionalized tripartite and multi-partite structures that deal with child labour and child domestic labour. All participants recognized the importance of reaching child domestic labourers through organizing adult domestic workers.

Trade union central organizations should mobilize to eliminate the discrimination against and exclusion of domestic workers. In addition, central organizations should ensure that full support is given to domestic workers' organizations as they will carry little weight economically and politically and will need strong centralized support to implement their policies and programmes and ensure the protection of their members and their working conditions. This is also important in terms of ensuring that domestic workers' organizations are well integrated into trade union central structures and decision-making bodies and that they are well represented at all levels. It is only by working more effectively with domestic workers' organizations and involving them more in the regular programmes and activities of the main trade union centres that the requisite knowledge and experience of the domestic sector can be obtained and understood. It would be useful to include reference to this need and some guidance on how to facilitate this process within the ILO-IPEC manual.

It was also noted that many children working in the domestic sector are children of workers which is already a strong link to the trade union movement and indicates a need for unions to assume an appropriate level of responsibility and action.



Comments on potential improvements to the ILO-IPEC Trade Union Training Manual

All groups agreed on the need for a manual specific to trade unions on child domestic labour:

♦ Presentation style

- Participants commented on the academic nature of the content and presentation of the manual which can make it inaccessible to trade unions and make it difficult to implement in practice. It was recommended that the sections on reference, content, methodology and training be separated and the presentation made more accessible. It was emphasized that the manual would be used for grassroots members, up to union trainers and leaders, so it should kept as straightforward as possible in content and presentation.
- The training-of-trainers section should be more user friendly, less academic and less technical. It should also contain information for trade union trainers on how to use the manual.
- More good practices, lessons learned and experiences should be included in the manual and there should also be annexes with more detailed research and documentation. It was felt that the manual would benefit from “success stories” from the ILO and trade unions. The manual should also contain a broader basis of international labour standards and go beyond the child labour conventions which are currently included, for example, ILO Conventions 87 and 98. In integrating these additional conventions it would be important to keep in mind the need to maintain accessible language and format for the user.
- It would be useful to consider producing the manual on interactive CD-ROM to be able to integrate the additional good practices and research and avoid the production of a thick printed manual.
- It would be useful to include guidelines on data collection and database creation and management, including the appropriate software if possible.

♦ Terminology

- The term “domestic service” should not be used in the manual as it does not reflect the level and type of work performed in the household. “Domestic service” should be referred to as “domestic work”.
- The manual should include references or indicators that help trade unionists in differentiating between trafficking and migration. For example, in Latin America there is trafficking between countries, but children are trafficked for different purposes: child labour gener-



ally, child domestic labour and commercial sexual exploitation. It would be important to make the distinctions between all of these for trade unions.

◆ Roles of trade unions

- The manual should clearly define the means through which trade unions can seek to prevent and eliminate child domestic labour. It should specifically set out the policies and alliances that should be established within trade unions and within each region in working towards this goal.
- It is important for trade union central organizations to work closely with education sector trade unions on the issue of child domestic labour and the manual should provide guidance on how best to do this. The manual should also assist trade unions in explaining how to work closely with schools and even within the classroom itself and how to coordinate effectively with teachers' organizations.

◆ Tailoring to regional circumstances

- The Latin American group proposed that domestic work and child domestic labour should be considered as part of the formal and not the informal economy in this region. This would require a redefinition within the framework of the manual. However, given the comment regarding regional adaptation, it could be expected that this might not necessarily be the case for all regions.
- The manual should be tailored to the different regions in which it will be implemented as each region has its own specific needs, issues, characteristics, languages, cultures, traditions, and so on. Tailoring to regional circumstances applies not only to good practice case studies but also data on child domestic labour. For example, there are some very precise data available for the Latin American region which should be included to enhance the value of the manual for the region. The approach for a technical manual of this kind should not be "one size fits all". The Latin American group also called for the inclusion of single mothers as a "push" factor for child domestic labour as this is an important phenomenon in that region.

◆ Priority-setting

- One of the priority activities for the manual should be to train and support trade unions in working with and organizing domestic workers and establishing trade unions for these workers. However, it would be important to recognize that there are already some organizations, not necessarily trade unions, which organize domestic workers. It was felt that a key way in which to address the problem of child domestic labour is to organize domestic workers.



◆ Validation

- The manual should be validated and pilot-tested in each region and a timetable needs to be elaborated in terms of translation of the manual, eventual pilot test phases and publication for general use and the resources that will be available to support this.
- ◆ Other areas of support for trade unions in respect of child domestic labour
 - Participants urged the ILO to continue to work towards the elaboration of an international convention for domestic workers and to involve representative trade unions and NGOs in this process.
 - Participants acknowledged that the support of ILO and ILO-IPEC had been very useful in terms of activities targeting child labour and child domestic labour. However, this support was sporadic, irregular and not conducive to establishing sustainable responses. There is still a great deal to do in this area and it is not possible to continue in an efficient manner without appropriate funding. Therefore, it was suggested that more permanent support on the part of the ILO and ILO-IPEC would be appreciated by trade unions concerned. Donors should be more flexible in their support for trade unions and avoid putting too many conditions, particularly timeframe, on funds for the unions in this field. In addition, the technical support provided by ILO and ILO-IPEC is equally important to trade unions.
 - Participants acknowledged that the follow-up and monitoring activities of ILO-IPEC have been invaluable to trade unions, particularly in Latin America, and can be facilitated by processes being put in place by trade unions. However, ILO and ILO-IPEC need to continue to follow-up and monitor and to focus on specific goals.
 - Trade unions need capacity-building programmes to enable them to contribute more effectively to related global and national initiatives, such as PRSPs, MDGs, EFA, national development plans and other initiatives related to UN/ILO conventions.
 - Trade unions also require organizational capacity-building to enhance their ability to organize, to mobilize resources, to train their own officials and members on child domestic labour issues and to establish coalitions and network with other NGOs, community-based organizations and others.
 - Participants called for a mapping exercise of all child domestic labour initiatives world-wide.
 - Participants called for the establishment of an interactive database containing relevant information on all child domestic labour initiatives and their impact and outcomes.



◆ Final statement from workshop participants

A draft statement was elaborated for deliberation by the participants based on the workshop discussions, exchanges, presentations and recommendations. The draft was translated into Spanish and circulated to facilitate an exchange of views, comments and amendments by participants. There was detailed debate, chaired by Mr Geir Myrstad, on some key points which, at the agreement of participants, were noted and taken into consideration in a final version of the statement which is annexed to this report (see Annex 1). Participants, workshop chair Sir Roy Trotman and ILO Executive Director, Mr Kari Tapiola, welcomed the statement and agreed that it reflected the views, opinions and positions of the participants, their organizations and the outcome of the workshop itself. The statement will be published on the ILO-IPEC web site and will also be integrated into the ILO-IPEC trade union manual on child domestic labour.



14. Closing session: The way forward

Informed and structured discussions

In his closing remarks, **Mr Guy Thijs** expressed his appreciation for the level of informed, structured and constructive discussions which were particularly welcome given the challenging nature of the workshop's theme on child domestic labour. It is encouraging for the future outcome of this ongoing discussion that such a detailed exchange should take place with ILO constituents. It also highlighted the importance of ensuring that all stakeholders are well informed of the situation of child domestic labour on the ground and of involving stakeholders in relevant programmes.

The two main objectives of the workshop included the need to share information on good practices in the field of child domestic labour to facilitate the participation of ILO constituents – in this case, the trade union movement – in an informed manner in dialogue at the country level to determine lists of hazardous child labour. While this workshop helped in supporting this process, it is evident from discussions that there is still more to do. Secondly, the workshop aimed to review in detail what role trade unions can play in combating child domestic labour and many good examples were shared during the discussions. Participants also identified a number of areas where support is required and capacity-building was particularly highlighted in this respect. The finalizing of the trade union manual on child domestic labour will go some way in responding to this identified need.

Mr Thijs expected that the workshop would provide some input into continued trade union efforts in this field and hoped that these would be further developed in other fora at different levels. It is evident that more tools are required to bring to scale trade union efforts on child domestic labour and ILO-IPEC is appreciative of the inputs of the workshop into the finalization of the training manual. ILO-IPEC will proceed with adaptation, translating and pilot-testing of this resource in collaboration with ACTRAV. In closing, he referred to the comments by participants on the need for additional resources to continue direct action programmes on child domestic labour. These programmes are a significant source of experience and expertise and he informed participants that ILO-IPEC would therefore continue to focus on resource mobilization in this field.



Making a difference through normative frameworks and tripartism

Mr Kari Tapiola, Executive Director, Standards and Fundamental Principles and Rights at Work Sector, ILO, underscored the importance of workshops of this nature, involving detailed consultations with ILO constituents. The theme of the workshop was a major challenge for all ILO constituents, not only trade unions, yet the outcome of this consultation helped in considering how trade unions can play an effective role in identifying and implementing responses to child domestic labour through their detailed knowledge of grassroots realities. He highlighted the continued growth of ILO-IPEC to its position today as the largest single technical cooperation programme of the ILO. In this respect, it is vital that all constituents, particularly the trade unions, continue to enhance the role of tripartism in the prevention and elimination of child labour.

Mr Tapiola pointed out that the ILO has two major comparative advantages in the international community that enhance its capacity to tackle the challenge of child labour. The first is its work in developing and monitoring international labour standards and it is the sole organization to do so globally. In respect of child labour, there are very strong international conventions in place which have been ratified by a strong majority of member States and the process is ongoing. Through its IPEC programme and its work on labour standards, the ILO has succeeded in creating and strengthening the normative basis to tackle child labour while showing that this process complements technical cooperation and vice-versa. This facilitates the work of the organization in understanding how to work more effectively on the ground within the established normative framework.

The second comparative advantage of the ILO is its tripartite structure and work. It is within this structure that the trade unions are present and strong and where each of the constituents has the capacity to reinforce one another and their efforts to uphold international labour standards, including the elimination of child labour. Trade unions understand better than any what the reality is on the ground and what the situation is in the communities where the problems exist and it is vital, therefore, that trade unions are empowered to play their full part in international efforts to tackle this major issue. In this context, the proposed ILO-IPEC trade union manual on child domestic labour is critical and Mr Tapiola reiterated the undertaking that significant efforts would be made following this workshop to adapt, test, translate and disseminate it as widely as possible and empower organizations to use it. He also echoed Mr Thijs' comment that ongoing efforts would be made to mobilize resources to carry out this follow-up.

In closing, he welcomed the final statement issued by workshop participants as thorough and practical and emphasized that if the ILO and its constituents can realize the combination of a strong normative framework and effective tripartism and link this to activities on the ground, then it would be possible to make a difference to the lives of the children concerned and their families and communities.



The way forward

Sir Roy Trotman expressed his appreciation of the constructive and positive efforts of the participants and ILO-IPEC in terms of laying the foundations of a strong platform upon which a comprehensive international trade union response to child domestic labour and the domestic work sector could be built. He referred to discussions he had had with many participants on the overriding need for normative action in respect of the domestic sector. He pointed out that if this groundswell of support for an international convention on domestic work was to be successful then it would be important for participants to mobilize national, regional and international support and encourage trade union organizations and officials to lobby for further normative action.

He also reminded participants that the new ILO Global Report on Child Labour would be published in April/May 2006 prior to discussion at the International Labour Conference and urged them to bring the report to the attention of organizations in their countries and to provide relevant feedback to ILO-IPEC following deliberations and discussions.

In closing, Sir Trotman expressed his thanks to all concerned in ILO-IPEC for the organization and management of the workshop, to other ILO units and particularly ACTRAV for their interest and participation.



Annexes

Annex 1: Workshop Final Declaration

ILO-IPEC Interregional Workshop on Child Domestic Labour and Trade Unions
Geneva, 1 to 3 February 2006

Final Declaration

- Work in the domestic sector, and child domestic labour in particular, is an area where all the fundamental rights in the ILO Declaration are under threat. It is a large challenge confronting trade unions in all parts of the world.
- Child domestic labour, to be eliminated under ILO Conventions Nos. 138 and 182, is domestic work undertaken by children under the legal minimum working age, as well as by children above the legal minimum age but under the age of 18 under slavery-like, hazardous or other exploitative conditions, including child domestic labour that is a result of trafficking.
- Trade unions have a vital role to play in the elimination of child domestic labour; in particular by organizing domestic workers, who are key actors in this struggle.
- All domestic workers must have the right to organize and should have the right to be affiliated to trade unions, as long as they are above the minimum legal age for admission to work. Adolescent domestic workers should be encouraged to join trade unions in the framework of a trade union policy that is inclusive of young workers.
- Child domestic labour is also, in many cases, the consequence of the migration from the rural areas to the cities. Trade unions that work in these areas, including agricultural workers' unions, have a special role to play. This includes promoting public policies that promote equal opportunities in education and health for rural children.
- Education is crucial in elimination of CDL and teachers and their organizations are vital strategic partners.
- At the national, regional and international level, trade unions should lobby for legislation that prohibits children's work in the domestic sector below the national minimum age, and extends protection to working children above that minimum age.



- The ILO can support the trade union movement in their struggle against CDL with programs and projects aimed at strengthening the institutional capacity of the trade union movement, including their capacity to participate meaningfully in discussion regarding poverty reduction policies.



Annex 2: Workshop Programme

Programme ILO-IPEC Interregional Workshop on Child Domestic Labour and Trade Unions Geneva, 1 to 3 February 2006.

Time	Wednesday 1/2/2006	Time	Thursday 2/2/2006	Time	Friday 3/2/2006
8h30-9h00	Registration of participants	9h00-9h30	National responses Joost Koolijmans, Legal Unit; Department of Fundamental Principles and Rights at work	9h00-9h15	Presentation of working group methodology, Geir Myrstad, ILO-IPEC
9h00-9h30	Official opening Guy Thijs, Director, ILO-IPEC Sir Roy Trotman, Chair, Workers' Group, ILO	9h30-10h00	Working conditions of young domestic workers Peter Hurst, Hazardous Child Labour Unit, ILO-IPEC	9h15-10h00	Working groups
9h30-10h	Presentation of programme, objectives and participants Geir Myrstad, Head of Programme Support, Reporting and Planning Unit, ILO-IPEC	10h00-10h30	Q&A session		
10h00-10h15	Coffee Break	10h30-10h45	Coffee Break	10h00-10h15	Coffee Break
10h15-10h45	Child domestic labour: Facts and figures Angela Martins, SIMPOC, ILO-IPEC Legal framework	10h45-11h30	Migration, ethnicity and discrimination Gloria Moreno-Fontes, International Migration Programme (MIGRANT), ILO	10h15-11h15	Working groups
10h45-11h30	Joost Koolijmans, Legal Unit, Department of Fundamental Principles and Rights at Work	11h30-12h00	Q&A session	11h15-12h00	Working group plenary presentations: Recommendations on improvements to the Trade Union Training Manual on CDL
11h30-12h00	Q&A session				
12h00-13h30	Lunch	12h00-13h30	Lunch	12h00-13h30	Lunch



Time	Wednesday 1/2/2006	Time	Thursday 2/2/2006	Time	Friday 3/2/2006
13h30-14h00	Models of intervention: The IPEC experience Maria José Chamorro, Vulnerable Groups Unit, ILO-IPEC	13h30-14h30	Panel 2: Organizing the unorganized: The case of the domestic labour sector Presentations of 3 case studies: FFW (The Philippines), CHODAWU (Tanzania), CONACTRAHO (Latin American Regional Organization of Domestic Workers) Moderator: Asha D'Souza, Special Action Programme to Combat Forced Labour, DECLARATION, ILO	13h30-14h00	The way forward and next steps Geir Myrstad, ILO-IPEC
14h00-15h00	Panel 1: Trade union strategies to combat CDL – From the regional to the local perspective Presentations of 3 case studies: PACT & UCCL (Cambodia), ORIT (Latin-American Regional Organization of Workers), NWC and CWC (Sri Lanka) Moderator: Hervé Berger, ILO Child Labour Specialist for South Asia	14h30-14h45	Q&A session	14h00-14h30	Evaluation of the workshop
15h00-15h15	Coffee Break	14h45-15h00	Coffee break	14h30-15h00	Official closing Kari Tapiola, Executive Director, ILO Guy Thijs, Director, ILO-IPEC Sir Roy Trotman, Chair, Workers' Group, ILO
15h15-16h30	Plenary discussion	15h00-16h00	Working groups		
16h30-17h00	Evaluation of first day's activities, Geir Myrstad, ILO-IPEC	16h00-17h00	Plenary discussion		
17h30-19h30	Reception	17h00-17h30	Trade Union Training Manual on Child Domestic Labour Nick Grisewood, Consultant		



Annex 3: List of Workshop Participants

ILO-IPEC Interregional Workshop on Child Domestic Labour and Trade Unions
Geneva, 1 to 3 February 2006

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Annex 4: Handout notes on legal aspects of child domestic labour

by Mr Joost Kooijmans, Officer, Legal Services Unit,
ILO Fundamental Principles and Rights at Work Department (FPRW)

I. Legal framework for the elimination of child labour

UN Convention on the Rights of the Child (CRC)

- Convention on the Rights of the Child (CRC), Article 32, provides for the protection from economic exploitation, and its paragraph (2) refers to “the relevant provisions of other international instruments”, for example, ILO standards.

ILO's Declaration on Fundamental Rights and Principles at Work and its Follow-up

- Adoption by the ILO in June 1998 of the *Declaration on Fundamental Rights and Principles at Work and its Follow-up*, which specifies that the effective abolition of child labour is one of the four fundamental principles to be respected by all member States.

ILO Convention No. 182 and Recommendation No. 190

- Unanimous adoption of the Worst Forms of Child Labour Convention (No.182) and its Recommendation (No.190) on 17 June 1999.
 - They (C.182/R.190) cover *all persons under the age of 18*, in line with the CRC's definition of the “child,” and call for “*immediate and effective measures* to secure the prohibition and elimination of the worst forms of child labour *as a matter of urgency*”. The immediacy of the means has been emphasized.
 - The worst forms of child labour comprise: (a) slavery and forced labour, including child trafficking and forced recruitment for armed conflict; (b) child prostitution and pornography; (c) production and trafficking of drugs; and (d) work likely to harm the health, safety or morals of children.
 - This confirms the wide range of issues under the ILO's mandate which have direct connections with the CRC, not limited to economic exploitation (Art.32 of CRC), but also use of children in illicit production and trafficking of drugs (Art.33), sexual exploitation (Art.34), trafficking in children (Art.35) and children in armed conflicts (Art.38).



- The Convention is action-oriented. It requires ratifying member States not only to prohibit the worst forms of child labour in law, but to design and implement *programmes of action* to eliminate them as a priority, and to establish or designate appropriate mechanisms for *monitoring* implementation of the Convention. Ratifying member States should also *take effective and time-bound* measures for prevention; provide support for the removal of children from the worst forms of child labour and their rehabilitation; ensure access to free basic education or vocational training for all children removed from the worst forms of child labour; identify children at special risk; and take account of the special situation of girls.
- The accompanying Recommendation (No.190) offers a wide range of guidelines for action for implementation, from international efforts in gathering and exchanging information, extraterritorial pursuit of related offences by nationals even when the offences are committed in another country, to wide social mobilization.

ILO Convention No. 138 and Recommendation No. 146

- Another fundamental ILO Convention for the effective abolition of child labour is Convention No.138 of 1973 on the minimum age of admission to employment, supplemented by Recommendation No.146, giving the age framework as follows:

Article reference	General	For developing countries
General minimum age (Article 2)	Not less than the end of compulsory schooling, 15 years or more	14 years
Light work (Article 7)	13 years	12 years
Dangerous work (Article 3)	18 years (16 years under certain conditions)	18 years (16 years under certain conditions)



II. Supervisory mechanism of international labour standards

The ILO has been the pioneer, since its foundation in 1919, in establishing a system to supervise the application of the international instruments it adopts, based on the provisions of its Constitution. Today, UN treaties, such as the CRC⁷ follows the ILO in requiring governments to report on the implementation, and setting up an international body to examine such reports.

Regular machinery for supervision

It is the obligation under the ILO Constitution for governments to submit reports to the ILO on the application of ratified Conventions. In the case of C.138 and 182, reports must be submitted every two years. They are examined by regular supervisory machinery: (a) the *Committee of Experts on the Application of Conventions and Ratifications* which consists of 20 independent experts (mostly lawyers) and analyzes the law and practice in the light of the ratified Convention; and (b) the *Conference Committee on the Application of Standards* composed of tripartite delegates which discusses selected individual cases during the ILO annual conference.

There is the possibility for employers' and workers' organizations to provide comments and information to the Committee of Experts so as to reflect the reality of the country in the examination rather than leaving it dependent only on government reports and legislative texts. This has not been done so much concerning child labour, which was noted by the Experts with concern.

Special procedures

Representation under Art.24 of the ILO Constitution: Alleging non-observance of a ratified Convention submitted by employers' or workers' organizations (national or international), examined by a committee (of three ILO Governing Body members) set up to examine the particular case.

Complaints under Art.26 of the ILO Constitution: Submitted by a State alleging non-observance by another State of a Convention ratified by both of them (or initiated by the ILO Governing Body or a Conference delegate) examined by a Commission of Inquiry (of independent persons).

[Note: Special procedures on Freedom of Association are not examined here]

⁷ System of international monitoring under CRC: The UN Committee on the Rights of the Child – currently consisting of 10 experts – examines reports from the States (*initial report* within two years of the entry into force of the Convention in the State, and *periodic reports every five years thereafter*) and makes general recommendations. However, there is *no system of inter-State or individual complaints under CRC*. The CRC's concluding observations usually recommend the ratification of the ILO Convention Nos.138 and 182, if it has not been done, and sometimes suggest the government to request technical cooperation of UN bodies like the ILO.



Follow-up to the Declaration

The Declaration follow-up – covering all ILO member States even when the Conventions in question are not ratified – complements the above system based on the ratification of the Conventions.

III. Important role of workers' organizations in the ILO's system

Convention 138 is based on the philosophy that a *national policy* is needed for the elimination of child labour, and it should lead to various actions developed in R.146, starting from firm national commitment to full employment (of adults), measures to alleviate poverty, social security and family welfare. Convention 182 calls for a priority focus on hazardous and other worst forms of child labour to be tackled with immediate action. The removal of children from hazardous work is rather a treatment of symptoms, while the medium to long term cure of the root causes can only be attained by means of all these comprehensive social measures taken in pursuance of a solid national policy to eliminate child labour.

Workers' and employers' organizations have a special place in the ILO, not as observers but as formal constituents. They participate in the adoption of Conventions and Recommendations and also their supervision. Individual Conventions also require many aspects to be determined nationally in tripartite consultation. The role of workers and employers is a lot more than just making sure that there is no child employed in their sector.

IV. Technical cooperation and assistance

As one of its innovative features, the new ILO instruments (C.182 and R.190) call for *international cooperation or assistance* in an effort to make its provisions applied in reality, including support for social and economic development, poverty eradication and education. The ILO itself has been assisting member countries in their fight against child labour through practical projects in the field by its International Programme on the Elimination of Child Labour (IPEC), launched in 1992. The promotion of the Conventions and other advocacy activities is thus offering a framework for action, and at the same time, has been complemented by operation of programmes and projects for direct action.



Main findings from the global estimates

- The ILO has estimated that some 217.7 million children ages 5 to 17 are engaged in child labour around the world. Of these, some 126.3 million are caught in the worst forms of child labour.
- Roughly 122.3 million children are economically active in Asia and the Pacific, 49.3 million in Sub-Saharan Africa, 5.7 million in Latin America and the Caribbean, and 13.4 million in other regions. Although the highest number of child labourers is found in Asia and the Pacific, the Sub-Saharan Africa has the greatest incidence of economically active children: 26.4 percent of children ages 5 to 14 in the region are at work.
- Among working children ages 5 to 14 in the world, 69% are employed in the agricultural sector, 9% are employed in the industrial sector and the remaining 22% are employed in the services sector.

Source: *The end of child labour: Within reach*. ILO, 2006. Available on ILO Web site: http://www.ilo.org/public/english/standards/ipec/about/globalreport/2006/download/2006_globalreport_en.pdf.

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