

# Domestic workers: their time now

**By Celia Mather**

**Published in 'International Union Rights', Vol.17, Issue 4, 2010**

'Historic' is an overused word. But, in the case of the next new ILO Convention on the table, it really does apply.

The world's domestic workers have in their sights the first ever international Convention that recognises them as 'workers', with the fundamental rights of other workers. Given that, at best, their work is often dismissed as merely 'help' and, at worst, many are migrants kept in servitude, plus it is one of the main locations of child labour, this step is not just 'historic' but utterly right and just.

As one domestic workers' leader told me in Geneva last June, *"These things that I knew in my heart were not right but I just had to accept as 'how life is', it is so amazing now to see all these governments having to discuss them"*.

In June 2011, the second draft of a Convention (with an accompanying Recommendation) comes to the International Labour Conference (ILC) in Geneva. The contents will be hotly debated, as they were at the first discussions at the ILC this past June. There is still a chance that the Convention will be rejected in favour of a much weaker Recommendation. Some governments – particularly many involved in the mass export/import of migrant domestic workers from South/South-East Asia to the Middle East – are hostile. So is the Employers' Group at the ILO, gauging by its responses in June.

However, the Convention has behind it the weight of more progressive governments, as well of course as the Workers Group, ably led in the 2010 discussions by Halima Yacob from Singapore. With concerted lobbying – now - on those who are still wavering or trying to beat off certain important elements, it is well possible that it will be passed this coming June, and with useful wording that can help to kick-start much needed changes for millions of (largely) women around the world.

## **Ignored and abused**

Sixty years ago, in 1948, the ILC already suggested that a special instrument was needed for the world's domestic workers. Over the years, however, no such step was taken. Domestic workers were supposed to be included in the scope of the Declaration of Fundamental Principles and Rights, as well as many Conventions and Recommendations. At the same time, though, some Conventions explicitly allowed their exclusion, through so-called 'flexibility clauses' – for example, the Occupational Safety and Health

Convention (1981, No.155) and the Maternity Protection Convention (2000, No.183), two areas of great concern to domestic workers.

In practice anyway, most governments conveniently ignored domestic workers. The ILO Committee of Experts issued comments to a number of them. The IPEC programme worked in certain regions to eliminate the worst forms of child domestic labour. But none of this led to significant change.

The positive gains in national legislation – in Austria, South Africa, Tanzania and a number of Latin American countries, for example - were largely the result of internal mobilisation, of course. What these examples show is that it is possible to legislate for this sector, and even in relatively poor countries, providing there is the political will. At the same time, however, such laws as do exist often give domestic workers lesser rights than other workers, and it remains an uphill struggle to get governments to enforce them.

Much of the problem is related to deep-seated views of women's role in society. Domestic work – even that undertaken in other people's private homes in return for payment - is somehow taken as just 'something that women do', as much 'care' or 'love' as 'work'. Then, by being excluded from the definition of 'work', very little data is gathered about its size, scope and role, or about the workers involved, which only reinforces the idea that they are not really making an 'economic contribution' as such.

Even worse, there is often little protection from the criminal physical and psychological violence that so many domestic workers suffer. There is something very strange about the psychology of abusing the very person to whom one has entrusted one's most precious loved ones - children, elders, the sick, the disabled – not to mention one's private property.

Among the most notorious employers of domestic workers are those in the diplomatic corps worldwide who use their immunity from certain laws of their host country to avoid their responsibilities as employers. Domestic workers in diplomatic households are often allowed in only on a visa which ties them to that family or that corps. If they run from abuse, they immediately become 'illegal', homeless and destitute. Plus the employer may have seized the worker's passport, even though that is illegal internationally. But few host governments seem willing to take up a domestic worker's case with a foreign embassy on their soil, for fear of spoiling their 'international relations'.

Despite the grave need for protection, this is not a sector easily organised into trade unions. One obvious reason is the isolation of many domestic workers in the private homes of their employers,

where they live as well as work. Elsewhere, unions might be grappling with the fact that many domestic workers do not have a single employer, but are part-time for many households each week. Some unions would also be among those disregarding this work through their own gender discrimination.

Another important factor is the recent rapid rise of migration. There have long been internal and external migrants in this sector, as women from poor communities seek a living. But now literally millions of women are leaving their own families and communities, sometimes for decades, to meet the needs of other families in far off lands. The Middle East in particular is absorbing huge numbers from South and South-East Asia. Governments in the sending countries are facilitating this as the workers' remittances home have become a major foreign exchange earner.

### **Gathering momentum**

On the ground in many parts of the world, though, things had started to change. Trade unions either specifically for domestic workers, or as one of their sectors, have been established, from Peru to Kenya to Hong Kong. Where services such as homecare for the disabled and elderly are part of state provision, public sector unions are involved, for example in Canada.

Elsewhere, domestic workers have formed their own associations, often encouraged by supporters from women's organisations or concerned religious groups. Migrants' rights groups mobilised particularly in Europe and the USA. Support and advocacy groups also now exist, providing safe refuges, lobbying and gaining publicity.

In fact, in Latin America, so many domestic workers had become active in their own organisations that they formed a regional confederation, CONLACTRAHO, as early as 1988. Their Chairperson, Marcelina Bautista, has just been honoured with the annual Human Rights Award by FES in Germany. However, only five years ago, little was known between the continents about such developments.

In Europe, the first initiative took place in April 2005, when the European Trade Union Confederation (ETUC) joined forces with Irene (Industrial Restructuring Education Network Europe) and PICUM, a network of migrant workers' organisations in Europe, to run a conference called 'Out of the Shadows'. A key finding was just how differently this sector is viewed and organised across European and Scandinavian countries.

Eighteen months later, a second conference 'Respect and Rights' was organised by a similarly wide coalition of organisations, including some of those behind the European one, and hosted by the Dutch national union federation FNV. This was the first ever international meeting on this subject, and was

attended by domestic workers' organisations and unions, the Global Unions, the ILO, human rights bodies fighting slavery and child labour, migrants' groups, academic researchers, and so on, from all continents.

It was from this conference that the drive for the ILO Convention began. Not only would it be a major achievement in itself, but also it could provide a focal point around which groups worldwide could mobilise, generating even more public awareness and momentum for change.

The Global Unions at the conference – the foodworkers' IUF and the ITUC confederation – soon realised there was a gap in the ILO standards setting process into which the quest for a domestic workers' Convention could be inserted. And so, with the help of ILO Actrav, the formal process started. By March 2008, the ILO Governing Body had agreed that domestic workers *“will greatly benefit from the development and implementation of international standards that address human rights, fundamental workers' rights and general conditions of work”*, and put it on the ILC's agenda for 2010-11.

It was also clear from the 2006 international conference that domestic workers do not want others to act and speak on their behalf. They want to express their own voice and set the priorities. So, the International Domestic Workers' Network (IDWN) was formed, with a Steering Committee from all continents, to drive the process. The IUF provides the IDWN with an organisational base, supported also by WIEGO (Women in Informal Employment Globalising and Organising).

This has become a very interesting example of how to organise so that the most excluded and 'informalised' of workers can be brought into the most formal of proceedings - and not just as recipients but as active participants. It has included building knowledge among domestic workers worldwide about the ILO, and taking their representatives to the ILC in 2009, to prepare them for the technical and political proceedings ahead.

So, whereas only four years ago, this new ILO Convention seemed only a distant prospect, today we are months away. Now is the time to put pressure on governments, to ensure that as many as possible vote for the Convention, with strong, protective wording, along with its accompanying Recommendation.

One of the main points of contention or resistance includes the 'sanctity' of the household which, in some cultures, is held to be so inviolable that labour inspection is unimaginable. This seems a major reason for the heavy opposition in the Arab countries, for example. Yet, other methods of monitoring and enforcement are possible before sending in inspectors.

Within the European Union, governments seem reluctant to interfere with the free movement of labour, and therefore to regulate labour agencies even though, globally, this only encourages abuse of migrant women.

So, the coalition of organisations supporting the Convention has issued a 'Global Call for Action'. They are suggesting such dates as International Women's Day on 8 March and May Day for public-awareness raising events across the world, to put pressure on the ILC decision-makers, particularly the governments.

We must maximise support in the unions. The IDWN is hoping to beat last year's success by getting even more national workers' delegations to include a domestic worker, with voting rights. Then domestic workers will be truly shaping their own destiny even at this highest of levels.

Of course, after that will come years of efforts to get governments to ratify the Convention. But there can be no doubt as to the justice of their cause, or of their energy. Their time has come.

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*"Our work frees up others for their economic, educational and social activities. We are the 'oil in the wheels' and, without us, many societies and economies would not function."*



**DECENT WORK AND RIGHTS  
FOR DOMESTIC WORKERS**  
Demanding an ILO Convention in 2011