

Learning & Policy Series



Making decent work a reality for domestic workers: civil society's experience of ratifying ILO Convention 189 in the Andes



CARE

Lima Domestic Workers' Union celebrating International Women's Day

Key points

ILO Convention 189 is the first to directly support domestic workers.

Executive summary

All people should be entitled to decent working conditions and, yet, paid domestic workers around the world have been historically excluded from provisions such as established working hours, a minimum wage, social security and maternity leave. This exclusion is a breach of their human rights and has left millions working in exploitative conditions. Women and girls bear the brunt of this injustice as they make up the vast majority of domestic workers. States, civil society organisations and ordinary citizens have generally paid little attention to this

issue as domestic work takes place in private homes, hidden from view and unregulated. However, on 16 June 2011, the International Labour Conference voted to adopt Convention 189 which, for the first time, mandates state-supported protection to ensure **decent work for domestic workers**.

To date, only **12 countries have ratified** and submitted the convention (Uruguay, the Philippines, Mauritius, Bolivia, Nicaragua, Italy, Paraguay, South Africa, Guyana, Germany, Ecuador and Costa Rica). As an organisation dedicated to helping women and girls overcome poverty and injustice, CARE International is

More than half of all work carried out by the world's population is domestic care work.

working to ensure that more follow suit. This briefing paper summarises the findings of recent research and learning from our experience working with paid domestic workers' organisations in the Andean region. The research shows that several factors undermine the ability of these organisations to stand up for domestic workers, including weak internal capacity and representativeness, limited financial resources, and weak links to other social movements.

To help domestic workers defend their rights, international non-governmental organisations and their partners should:

- advocate and campaign for more countries to **ratify the International Labour Organisation's Convention 189**, both directly and by supporting domestic workers' organisations' own efforts
- raise awareness and **shift attitudes** about domestic work among middle and upper income households globally
- **build capacity** of domestic workers' organisations to improve their representativeness, ability to organise, and effectiveness in advocating for the interests of their constituents
- strengthen domestic workers' capacity for **oversight of legislation** as, once laws are passed, not all governments have the will or capacity to implement them
- support the **legal right** to organise and bargain collectively
- **convene and catalyse** coalitions of domestic workers' organisations
- push for increased state funding of the **wider care economy**.

Introduction

ILO Convention 189 defines a domestic worker as any person engaged by a private household in paid employment such as cleaning, cooking, gardening, childcare, or caring for sick or elderly family members. According to the ILO, there are an estimated **68 million domestic workers worldwide**. However, there may, in fact, be as many as 100 million domestic workers, as those below 15 years of age¹ and many migrants are not registered (ILO, 2013: 19, 22).

Globally, **one in 13 female wage workers is a domestic worker**. More than half have no established working hours or the legal right to a minimum salary and more than a third have no right to maternity leave.

In Latin America and the Caribbean, there are between 17 and 19 million domestic workers, accounting for 7% of the urban labour force, and

1. In Latin America and the Caribbean there are an estimated 2 million workers of less than 15 years of age (ILO, 2011).

95% of these workers are women (ILO, 2012).

As such, it is **one of the largest sources of wage employment for women in the region**. The great majority of these workers are poor, often rural migrants of indigenous or Afro-American descent, who face class, ethnic and gender-based discrimination.

Domestic workers are a highly fragmented labour force because they work in individual homes and, in this sense, they experience significant limitations in their capacity to organise themselves in representative groups to advocate for their rights. These organisations themselves are generally underfunded and under resourced, as domestic work has not traditionally been a priority for trade unions, or for human rights' or women's rights' organisations.

CARE believes that both paid and unpaid domestic work should be on the international political agenda. More than **half of all work carried out by the world's population is domestic care work** (Carrasco, 2007: 157) and, yet, because this work is carried out in the private sphere, it is invisible, undervalued and unregulated. States around the world typically invest little in the care economy such as the provision of day care services or elderly care. Private sector actors invest little in crèches which would allow women and girls to go to school or enter the labour force on more equal terms with men.

As a result, paid domestic workers step in to bridge this investment gap, subsidising middle and upper income households, lowering the cost that employers must sustain to maintain employees and their families, and subsidising the public sector in providing care services that might otherwise be a state responsibility (Eyben, 2011).

Since 2010, we have been working to strengthen the capabilities of domestic workers' organisations in Bolivia, Ecuador and Peru. As an organisation that fights for human dignity and is committed to gender equality, the ratification of ILO Convention 189 was identified as a key advocacy target.

Research methodology

In partnership with the women's network Red Boliviana de Mujeres Transformando la Economía (REMTE), we carried out over the course of 2013 a study in three countries in the Andean region (Bolivia, Ecuador and Peru) to better understand the working conditions of paid domestic workers and their advocacy efforts to defend their rights. Research methods were primarily qualitative, including a literature review, semi-structured interviews with domestic workers and partner organisations, and focus groups. The study



CARE/KATHRYN RICHARDS

Maria Rubila Candela Hurtado, a third generation domestic worker, organises her local union in Ecuador.

was designed to analyse workers' challenges to access representative spaces; the characteristics of domestic workers' organisations and their advocacy actions to influence public policy; the institutional and contextual factors that favour change; and what partner organisations can do to support domestic workers' efforts.

The working conditions of domestic workers

Domestic workers face three intersecting forms of discrimination based on their gender, class and ethnicity, and these translate into precarious working conditions.

Gender-based discrimination

Women dominate the profession of waged domestic labour, accounting for 83% of the total worldwide (ILO, 2011: 19). Gender roles and responsibilities have an important bearing on why this is the case and why domestic work is undervalued by both states and society. In most societies, men are traditionally seen as the primary bread-winner and women the primary carer, and this means that domestic work is seen as 'women's work'. Women are constrained by social obligations to care for dependents, their movements are often restricted, and societal perceptions about 'acceptable' jobs for women limit their opportunities in the labour market. As a result, female labour insertion is often in jobs linked to their domestic responsibilities (e.g. nursing, kindergarten teachers and cooks).

'Women's work' within the household has not historically been considered 'real' work because it does not provide a monetary income. It is generally invisible in national statistics such as Gross Domestic Product (GDP) and therefore is accounted for as 'free' labour. This poor accounting allows governments to invest less in providing services such as day care, after-school programmes, and care for an ageing population.

As recent studies show, if unpaid domestic care work were assigned a monetary value it would constitute between 10 and 39% of GDP (Budlender, 2008) and, as such, failing to invest in services in the care economy is a false economy. It is this historical depreciation that accounts for why paid domestic work is not seen as of comparable value to other work and why the workers are themselves undervalued.

Class-based discrimination

Domestic work is one of the oldest professions and it has roots in both slave and feudal economies (Romero, 1992). With accelerated urbanisation over the past 40 years,² the number of domestic workers has increased worldwide, with domestic work ever more concentrated in urban areas where economic inequality is often the greatest (Tronto, 2002: 36). Middle and upper class households employ lower class and lower caste workers; by hiring them it allows middle

2. The global urban population is set to almost double, increasing from approximately 3.4 billion in 2009 to 6.4 billion in 2050 (WHO, 2013). The number of domestic workers has started to decline over the last few years, and this is partly attributed to a squeezed middle class.

Failing to invest in the care economy is a false economy.

Waged domestic labourers typically earn around 40% of average wages worldwide.

and upper class women to enter the labour force. Domestic workers are also often employed to perform tasks that women with a choice are unprepared to undertake (Anderson, 2000).

Domestic work takes place in the household, and this makes the working relationship far more intimate than in a market. On the one hand, employers play the role of 'master' or 'mistress', instructing workers on what they can and cannot do, where they are to sleep, in what part of the house they can sit, eat and with whom they can and cannot speak.

And yet, on the other hand, employers also see themselves as 'patrons', playing a parental role, offering their protection and guidance on how to be a modern urban citizen. The relationship is highly 'maternal', as employers often foster dependency, infantilising their employees and expecting filial loyalty and obedience in return for their patronage (Rollins, 1992: 48-50). In this sense, as King contends, "the person is for sale not just the tasks she can perform" (King 2007, 38-39). Effectively, although they are paid employees, there remains a palpable sense of servitude.

As one adolescent domestic worker in Peru put it: "They call me **service girl** and not by my name. The food was different from my boss's and poor quality, old plastic plates, they said that the **servants don't know how to eat, they're ignorant.**" (Anonymous, Peru study, 2013)

Ethnic-based discrimination

Domestic work is also disproportionately carried out by ethnic minorities and migrants. In Guatemala, at the turn of the 21st century, up to 70% of the country's 300,000 paid domestic workers were indigenous women.

In Peru, Soledad put it thus: "They humiliated me; they called me **dirty highland girl**. My colleague Manuelita was good looking and they always compared us, she didn't like studying and she got poor grades [but they told me] you're a *chola*³ and she's pretty, that didn't discourage me, but I cried." (Soledad, Peru study, 2013)

Rural-urban migration creates a further opportunity for exploitation. So-called 'live-out' workers commute to their place of employment and thus have greater autonomy, but rural migrants often 'live-in' with their employers. These workers usually work full-time and are generally expected to be available at all times. Board and food are often deducted from their salaries.

3. In this context, this is denigrating term used to define a person as mixed race with low socio-economic status.

Domestic workers used to be called ...

- servant girl
- girl (rather than using her name)
- peasant girl
- secre (short for 'secretary')
- susi (contraction of 'your servant')
- my (girl)

Domestic workers' workshop, La Paz, July 2013

As a result, salaries are amongst the lowest in the market,⁴ often below the legal minimum salary, and working hours regularly exceed the legal limits of a 40-hour week, as the table below shows:

Domestic workers' conditions in the Andes

	% total female employment ⁵	% workers who work more than 40hrs/week	Average monthly salary
Bolivia	4.3%	64%	US\$134
Ecuador	5.6%	65%	US\$178
Peru	5.8%	77%	US\$176

Encuesta de Hogares, 2011; ENEMDU, 2011; ENAHO, 2012

Why domestic workers struggle to claim their rights

Domestic workers face two major barriers to getting recognition and to achieving equal labour rights: legal marginalisation and differentiation, and logistical challenges to worker organisation.

Working in a 'legal vacuum'

According to Kabeer (2008), domestic workers lack visibility and voice, and this represents a **double-discrimination**. Employment is often found through word of mouth. Workers can be employed in various private households with different employers, and negotiations around payment and conditions are often made informally, on an individual basis, without a written contract.

One ex-domestic worker from Ecuador, for example, said: "I was a live-in; every fortnight I had a day off. Breakfast was at 7am, so I got up at 6am [to prepare it]. When I talked to them they said it would be 8 hours of work per day, and everything under the law, with health insurance and everything, and as time went on I found out that wasn't true ... **They were supposed to give me a salary of 250 [dollars], but they only gave me 180, I didn't have social security.**" (Anonymous, Ecuador study, 2013)

4. Waged domestic labourers typically earn around 40% of average wages worldwide (ILO, 2011: 67-69).

5. This is the number of domestic workers as a proportion of all working women.

Domestic workers have been largely **absent from state policy**, and they are one of the least protected groups of workers under national labour legislation. The arguments put forward by state and society for denying domestic workers social and legal parity with other workers have been that they do not have a common workplace, do not produce a tangible good, and are often paid in-kind (Chaney, et al, 1989: 4).

Furthermore, states have been unwilling to legislate because of the liberal ideology of a separation between public and private spheres. The 'home' is conceived as the householder's private and unregulated space. Unwillingness to legislate has reinforced the employer's sovereignty over the employee, leaving paid domestic workers vulnerable to physical and sexual abuse, economic exploitation and job insecurity.

The challenge of organisation

Domestic labourers generally have no co-workers, and long and unpredictable hours make organisation and collective action with fellow workers difficult. Over the last two decades, however, domestic workers have been increasingly organising and demanding their rights as employees by pushing for legislation to better their working conditions.

National, regional and global organisations are working together to change laws and educate the public about the nature of their work and their demands for rights. Forming organisations and unions makes a big difference.

A member of the Quillacollo domestic workers' union in Bolivia, for example, argued: *"We're always discriminated against, we're not treated equally in society, we're always seen as 'that servant', 'that girl', 'that plate-washer' so our employers call us these names and they look at us like animals, they don't treat us like people, it's for that reason we want to form an organisation and the Federation supports us."* (Eusebia Guarache, *Bolivia study*, 2013)

The organisational conditions, however, vary considerably between the three countries. **Bolivia has a long history of unionism**, which generated an institutional background for the creation of the first domestic workers' union in 1984, shortly after democracy was restored. The Bolivian Federation of Domestic Workers (FENATRAHOB), composed of 15 unions, was formed in 1993. The fact that the Bolivian organisation is a union federation means that it has a much larger representative base (7,028 members in 2012) and greater leverage with other organisations and social movements (Bolivia study, 2013).

In Ecuador, there is no national union, but there are various smaller associations such as the Association of Domestic Workers (ATRH) which was created in Guayaquil in 1998. The association has a very limited representative base – around 300 members, and only 27 associates actually voted to elect the directorate. Indeed, their membership has not increased over the last decade. Links with other bases such as Quito have also been weak, yet the association does have recognition and influence at both local and national level.

In Peru, formally establishing a national union has been a struggle of more than 40 years. The first march took place in 1977 in Surquillo, Lima, and later that year, 600 workers reunited outside the labour ministry under the banner of **'we're not servants, we're workers'**. In 2003, around 1,000 workers mobilised to approve the domestic workers' law. The Peruvian National Union of Domestic Workers (SINTRAHOGARP) was established in 2006 and the Lima Domestic Workers' Union (SINTRAHOL) in 2009 but SINTRAHOL has only around 300 members. A small constituency in both Ecuador and Peru reduces the potential to influence public policy.

Advocacy efforts to ratify ILO Convention 189

Adopted at the 100th Session of the International Labour Conference on 16 June 2011, the Domestic Workers Convention 189 and accompanying recommendation 201 are the first international labour standards specifically devoted to domestic workers. Once ratified, countries have a year before they must start to comply with commitments in the convention.

The following section compares the actions of domestic workers' organisations in the Andean region and the role of different stakeholders as well as the different political-institutional contexts which help to explain relative success and failure to ratify the convention.

Collective action as a base for advocacy

Beyond mobilisation, each of the aforementioned organisations in Bolivia, Ecuador and Peru had to **forge a common identity**. Each defined common problems. For example, most labour codes in the region were designed in the 1940s and domestic workers were treated differently, often obliged to work 16-hour days rather than the 8-hour working day established for other workers.

Equally, since their creation, all the organisations have **challenged societal perceptions** of the

Domestic workers have been largely absent from state policy, and they are one of the least protected groups of workers under national labour legislation.

Forming a promotion committee for ratification has been a crucial step in both Bolivia and Ecuador.

Convention 189: Key elements

- right to the legal minimum salary (article 11)
- elimination of all forms of forced and child labour (article 4)
- 8-hour work day (article 10)
- right to social security, including maternity leave (article 14)
- a written contract (article 8)

ILO, 2011

value of domestic work and domestic workers as a way to position their equal rights. One example is in changing the pejorative language used to define them. Over time, the organisations have been able to change their title from ‘servant girl’ to ‘domestic employee’ to ‘domestic worker’.

Domestic workers’ organisations need allies in order for their voices to be heard and to defend their rights. Given their difficulties organising compared to other workers, they need to leverage support from other organisations and social movements.

In Bolivia, over the past few years FENATRAHOB was able to **link itself closely to Bolivia’s workers’** confederation, the Central Union Confederation (COB). Crucially, the COB mandated that there be only one domestic workers’ federation in the country. This blocked a break-away movement that would have caused a regional fracture within the federation.

In Ecuador, ATRH has struggled to link itself to broader workers’ movements such as the country’s main unions. The ex-president of the association, Jackelin Patrón, said: “We’ve invited them various times and they don’t come, but we’ll see how we can make them hear us.”

In Peru, SINTRAHOL and SINTRAHOGARP have **links to different unions**. The former is linked to the General Workers’ Confederation (CGTP) and the latter is linked to the Unitary Workers’ Confederation (CUT). There have also been leadership issues. In particular, factionalism within SINTRAHOGARP has made it difficult to coordinate with and between different regional members. Both issues make it more difficult for them to coordinate a joint agenda for advocacy in public policy. Indeed, it was not until October 2012 that such an agenda was agreed.

Coalition building and campaigning

NGOs have played an important role in supporting domestic workers to ratify the convention since its approval at the 100th international conference in 2011.

Bolivia

In Bolivia, FENATRAHOB reached out to partners that had supported 10 years of advocacy efforts to pass the Law for Paid Domestic Work in 2003 and re-established a **promotion committee** in order to ratify the convention.⁶

CARE has been providing technical support to FENATRAHOB since 2010 and has been consistently supporting the committee’s actions since it joined. This committee helped coordinate a national campaign in March 2012 to ratify the convention. The ILO National Project Coordinator in Bolivia, Rodrigo Mogrovejo, indicated that ratification was possible thanks to the coordinated work of all these organisations and the continued support of the ILO.

Committee organisations carried out workshops and fairs in Bolivia’s major cities to inform domestic workers about Convention 189 and, from June 2012 onwards, the labour ministry itself took part in these events. Key messages included the fact that domestic workers have the same rights as any other worker and that Convention 189 recognises the rights of informal workers. These spaces helped workers themselves to become champions for the cause (Sauma, 2013).

Equally, the committee worked hard to **raise public receptiveness** both at home and abroad. The campaign began with a press conference on 30 March 2012 (National Day for Domestic Workers), and on that day the committee organised a march in which domestic workers carried placards through the capital’s main avenue. The committee also took advantage of key moments to put out radio spots, including Labour Day (1 May), when meetings were held with ministers, and when other countries ratified the convention (e.g. Uruguay – 30 April 2012).

However, as with any legislative process, there were some **incompatibilities between Convention 189 and domestic legislation** (related to issues of in-kind payment, the inspection of private homes and work agencies) and various members of congress resisted ratification for this reason. To resolve this bottleneck, the ILO developed a legal compendium for domestic workers and lobbied within the labour ministry directly.

Meetings between the labour ministry, key congress members (e.g. assembly member

6. Members of the promotion committee include: FENATRAHOB; COB; ILO; CARE; REMTE; FOS; Oxfam; FES-ILDIS; Gregoria Apaza; La Coordinadora de la Mujer; La Fundación Solón; El Capitulo Boliviano de Derechos Humanos; Católicas por el Derecho a Decidir; CEDLA; Defensoría del Pueblo; CIDEM; AMUPEI; Centro de Promoción de la Mujer; Diakonia; APDHLP; CENAC – Bolivia; Fundación La Paz



Guayaquil domestic workers' association campaigning for their right to equality.

Marianela Paco), the chancellery, the ILO and other members of the promotion committee helped convince legislators that ratification could take place without contradicting domestic laws.

Ecuador

In Ecuador, CARE helped establish an inter-institutional working group and the International Cooperation Gender Steering Committee (MEGECI)⁷ in 2011 which supported ATRH with financial resources, provided spaces for dialogue and made proposals to promote investment in the care economy. For example, the committee made a proposal to recognise the rights of unpaid domestic workers in the social security law.

CARE and its partners also helped ATRH design an advocacy plan to ratify Convention 189, strengthening their links with other CSOs such as the Assembly of Poor and Diverse Women and the National Confederation of Women for Change.

Between 2012 and 2013, ATRH raised awareness of the issue through workshops with other organisations such as the ILO to promote ratification; and this helped generate coalitions for change. As in Bolivia, partner organisations published widely in the media. A **communication commission** was formed, including UN Women and Oxfam, which led the communications strategy (Ecuador study, 2013).

7. UN Women, Intermon Oxfam, FOS, CARE, GIZ, and the Instituto de Estudios Ecuatorianos

Peru

In Peru, in the first half of 2012, the Ministry for Women and Vulnerable Populations (MMPV) proposed a cost-benefit analysis, given that ratification would incur a substantial modification of the 2003 domestic workers' law. The labour ministry argued that domestic workers should have a written contract but a **different minimum wage to other workers**. The domestic workers disagreed, and thus the ministry sought guidance from the ILO related to working hours and inspection of the workplace, among other issues.

The Peruvian government met its obligation to submit the case for parliament's consideration. However, the proposal lacked support in the labour commission and thus has yet to be ratified.

The promotion committee in Peru also comprises feminist and human rights' organisations.⁸ These organisations have supported training, advocacy plans, communication strategies and research. However, support and clarity of direction was far more limited due to division between the unions. It was only in October 2012, with support from the ILO, CARE and other members of the collective that an action plan for ratification and an advocacy plan were developed. This included actions similar to those in Bolivia and Ecuador such as holding public audiences and forums in congress, and fairs on International Domestic Workers' Day.

8. ADC, CARE, CESIP, Comisión de la Mujer de Conades, DEMUS, Fora Tristán, and Grupo Género y Economía

Domestic workers should be entitled to the same minimum salary as other workers.

Both Bolivia and Ecuador recognise the value of paid and unpaid domestic care work in their constitutions.

Union members also recognised the need to **strengthen relationships** with major unions to get their support for ratification and have more direct engagement with congress and the political executive in order to change the current policy trajectory (Peru study, 2013).

Despite the efforts of these allies, it is worth pointing out that relatively few organisations participate regularly in the committees and fewer still commit direct technical or financial support to the domestic workers' organisations, as few have donor funds for this purpose. Those that are able to support have shoestring budgets.

Taking advantage of a favourable political conjuncture

Over the last decade, there has been a shift in the Andean region to **deepen both representative and participatory democracy**. In Bolivia and Ecuador, economic and institutional crises in the late 1990s allowed citizens to question the legitimacy and representativeness of political parties and systems that marginalised the interests of poor, indigenous and informal workers.

Constitutional assemblies in 2008 and 2009 helped open the debate on labour codes and forge a new social contract between the state and its citizens. Both countries now formally recognise the value of paid and unpaid domestic work (Bolivia: Art. 388; Ecuador: Art. 333). These debates therefore provided a supportive institutional context to expand citizens' rights and strengthened the role of the state in safeguarding these rights.

In Peru, a lack of sustained political will within parliament, which is partly explained by the weight of business interests, has diluted potential support for ratification. The Peruvian constitution makes reference to the right to health, social security, a pension, a minimum salary and collective bargaining. However, despite a series of progressive laws and plans around equality of opportunities, domestic labourers were not identified clearly as workers who ought to be equal subjects of labour rights (Peru study, 2013).

Finding political allies to push through legislation

In Bolivia, since the mid-2000s, FENATRAHOB had **important political allies**. Casimira Rodríguez, who once headed the federation, was made Minister of Justice in 2006, and President Evo Morales himself was an ally when he was in the House of Representatives. Assembly member Marianela Paco was also a crucial ally who communicated constantly with

the promotion committee, which in August and September 2012 went to lobby various committees in parliament, including planning, economic policy and finance, human rights and equality of opportunities.

The head of FENATRAHOB, Prima Ocsa, for example, argued: *"Now we have allies ... when Law 181 for Domestic Workers was passed (30 March 2006), it was quicker because we had people like... Flora Aguilar, congresswoman for Chuquisaca there and another called Elisio, friends, shall we say, and we told them that we had to approve the law as soon as possible and in that way they took on the issue."* (Ocsa, Bolivia study, 2013)

In Ecuador, the restructuring of the workers' movement represented a challenge, generating conflict for ATRH with other class-based and indigenous organisations. Equally, there have been disputes with other domestic workers' organisations related to representativeness. With only around 300 members, ATRH has had much debate as to whether the association should become a union. Notwithstanding, many politicians made campaign promises, allowing domestic workers to make them accountable for these.

The association focused its advocacy on the political executive and was able to hold regular **meetings with key power figures**, including representatives from the labour ministry, the chancellery, members of the assembly and president Rafael Correa himself (Ecuador study, 2013). As a result, on 5 September 2013 the convention was approved in congress with a unanimous vote, and the convention formally ratified on 18 December.

In Peru, no such access was achieved or support forthcoming. On the contrary, the pro-business position in parliament means that support from members is at best lukewarm. Business lobbies, for example, see the demands of domestic workers, especially the right to an equal minimum salary, as a threat to their policies that are geared towards increasing international competitiveness, which depends on low wages (Peru study, 2013).

Peru has complied with the obligation for submission, but has yet to do so. The domestic workers' unions currently have poor links with indigenous organisations and general workers' unions. These unions themselves currently divide civil society actors and thus have weaker links to and influence over state actors.

Bolivia has now pushed through legislation for Convention 189 and with the help of the ILO established a tri-partite working group



Bolivian domestic workers lobbying for dignified working conditions, Plaza Murrillo, La Paz

Domestic work is real work, and it is time it was treated as such.

(government, FENATRAHOB and the Housewives' League)⁹ to enact commitments that will help dignify working conditions in this sector. The main agreement, to date, is to publish a **framework for written contracts**. In this way, what is on paper in law has materialised in a piece of paper that can actually make a real difference for 9 out of 10 domestic workers in the country without written contracts.

Conclusions and recommendations

CARE strongly believes that domestic work is 'real' work and it is high time it was treated as such. ILO Convention 189 is an important step towards recognising the value of domestic work and addressing the challenges of precarious work in the informal sector. **Forming organisations is a vital strategy**, providing a platform to collectively bargain for improved conditions. Yet, the nature of domestic work makes this difficult. Organisations require support to fight for their rights and hold states to account to ensure decent working conditions.

Domestic workers face particular **challenges to access and participate in organisational spaces**, and this accounts for the low level of representativeness of these organisations. This, in turn, diminishes their potential to influence policy-makers and also has repercussions in terms of the management and leadership of the organisations themselves.

9. This also includes the ILO and members of the promotion committee.

Low membership in some of the organisations has generated incentives for authoritarian leadership and led to factionalism, both of which have lessened the potential for downward accountability to members. Yet, the Ecuador case suggests that advocacy success is possible even with a relatively small representative base, providing they have adequate access to decision-makers and sufficient support from partners to position the issue publically.

Clarity of vision makes a difference. Having a national union confederation rather than a regional association helped to build a unified agenda. This allowed Bolivia's Domestic Workers' Federation to make a medium term strategic plan in 2009, before the convention was approved and years before Ecuador and Peru. This unity also helped FENATRAHOB to develop a clear national communication strategy for ratification.

All these efforts were well supported by non-governmental partners in the promotion committee, who provided technical expertise at opportune moments which helped workers to become advocates for the cause, raise awareness and publish in the press, unblock legal bottlenecks, and target political champions in congress, amongst other efforts.

Context makes the biggest difference. Both Bolivia and Ecuador had a supportive political-institutional context to support domestic workers' rights. Constitutional and campaign commitments meant that key political actors were predisposed to listen to domestic workers' demands. This meant that spaces could be created

Passing legislation is an important step, but there is still a long way to go to make this legislation reality.

for inter-institutional dialogue such as working groups and public audiences to present the case for ratification.

Soft advocacy and legal guidance from the ILO also went a long way to push through 'unconstitutional' legislation. On the other hand, commitments to business interests in Peru clearly frustrated efforts to expand domestic workers' rights and security.

Recommendations

Only 12 countries have currently ratified and submitted ILO Convention 189. Others such as Colombia and Argentina have ratified and are on course for submission, but the great majority of countries have yet to follow suit.

We need to further raise awareness on the conditions of domestic workers, disseminate the importance of ratifying the convention and develop campaigns to **shift the attitudes** of middle and upper class households to value domestic work and respect the rights of domestic workers.

In many parts of the world, domestic workers are not legally allowed to join a union. Where they are allowed to do so, the very nature of their work poses huge challenges to their organisation. We need to help **mobilise workers and build coalitions** to push for the right to organise and bargain collectively. To achieve this requires **more resources and technical support** to build the capabilities of domestic workers' organisations.

Domestic worker organisations themselves need to increase their membership and improve their internal accountability. We need to build capability from the bottom up, **supporting workers to organise**, improving the **capacity of leaders to lobby** effectively and ensure that there are mechanisms in place so that those leaders truly represent the interests of their members.

Passing legislation is a step in the right direction to achieving equal rights for domestic workers, but it is not the whole story. Rights are all very well on paper, but policies to implement the convention must be implemented. Most countries lack the oversight capacity to ensure effective implementation and impose sanctions when rights are violated. We need to **strengthen civil society's capacity for oversight** of legislation and strengthen the capacity of national human rights' commissions and ombudsmen so that they are able to effectively respond when rights' violations are reported. It will also be important to strengthen the capacity of labour ministries to ensure compliance with legislation, particularly in terms of making social security accessible to domestic workers.

Finally, we need to **look beyond paid domestic work**. The care economy underpins the whole 'productive' economy and, as a recent report from the UN Special Rapporteur on extreme poverty and human rights (2013) highlights, unpaid care work is a major human rights issue. Unequal care responsibilities within the household are a serious barrier to gender equality and to women's equal enjoyment of human rights, and, in many cases, condemns women to poverty.

We therefore need to develop advocacy plans to convince states to fund and provide care, positioning it as a social and collective responsibility rather than an individual problem – that is to say, INGOs should be pushing for budgets which reflect priorities of the care economy such as providing child care services for working mothers. This will help to share the burden of care and allow women to exercise their right to participate in public life on more equal terms.

This briefing was written by Tom Aston based on a regional report by Pilar Uriona and a literature review by Kuldip Kaur. The field research was carried out by Rosa Guillén in Peru, Elizabeth Peredo in Bolivia and Judith Flores Chamba in Ecuador, and findings were published in separate country reports. These are available on request from Tom Aston, Governance Advisor for Latin America at: aston@careinternational.org



SINTRAHOGARP leaders at a strategic planning workshop.

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Bibliography

- Anderson, B. (2000) *Doing the Dirty Work? The Global Politics of Domestic Labour*. London and New York: Zed Books.
- Budlender, D. (2008) *The Statistical Evidence on Care and Non-Care Work across Six Countries*. Gender and Development Programme, Paper No. 4. UNRISD, Geneva.
- Carrasco, C. (2007) *Mujeres y trabajo: entre la invisibilidad y la precariedad*, *Estudios de derecho judicial, Mujer y trabajo: entre la precariedad y la desigualdad*, N°. 131, pp. 141-164.
- Chaney, E. M. and García Castro, M. (1989) 'A New Field for Research and Action' in Chaney, Elsa, M. and Mary García Castro (eds.) *Muchachas No More: Household Workers in Latin America and the Caribbean*. Temple University Press: 3-13.
- Eyben, R. (2011) *Changing the care-less economy*, available at: <http://oecdinsights.org/2011/03/08/changing-the-care-less-economy/>
- Flores Chamba, J. (2013) *Ecuador-Informe nacional: Situación Organizativa de las Trabajadoras Remuneradas del Hogar en la Región Andina y Procesos de Incidencia Política para la Ratificación del Convenio 189*.
- Guillén, R. (2013) *La Situación Organizativa de las Trabajadoras Remuneradas del Hogar en la Región Andina y Los Procesos de Incidencia Política para Lograr la Ratificación del Convenio 189*.
- International Labour Organisation. (2013) *Domestic workers across the world: Global and regional statistics and the extent of legal protection*, International Labour Office, Geneva.
- International Labour Organisation (2012) *Panorama Laboral 2012. América Latina y el Caribe*. (Lima: OIT).
- International Labour Organisation, (2011) *Convention No. 189 Decent work for domestic workers*, International Labour Office, Geneva.
- Kabeer, N. (2008) *Mainstreaming Gender in Social Protection for the Informal Economy*. Commonwealth Secretariat, London.
- King, A. (2007) *Domestic Service in Post-Apartheid South Africa: Deference and Disdain*. USA: Ashgate Publishing Company.
- Peredo, E. (2013) *Las Trabajadoras Asalariadas del Hogar en Bolivia y Los Procesos de Incidencia para el Convenio 189 de la OIT*.
- Rollins, J. (1985) *Between Women: Domestic workers and their Employers*. Temple University Press.
- Romero, M. (1992) *Maid in the USA*. Routledge, Chapman and Hall, Inc.
- Sauma, L. (2013) *Memoria de la Intervención del Comité Impulsor en la Ratificación del Convenio 189*, La Paz, Bolivia.
- Sepúlveda Carmona, M. (2013) *Report of the Special Rapporteur on extreme poverty and human rights*, United Nations.
- Tronto, J. C. (2002) 'The Nanny Question in Feminism' in *Hypatia* Vol. 17, No. 2: 34-51.
- Uriona, P. (2013) *Situación Organizativa de las Trabajadoras Remuneradas del Hogar en la Región Andina y Procesos de Incidencia Política para la Ratificación del Convenio 189 Informe Regional*.

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