

ITUC ACTION GUIDE

ITUC International Trade Union Confederation
November 2010



Decent work, decent life
for domestic workers

Acknowledgements

This ITUC Action Guide has been published thanks to the financial support of the FES. We are particularly grateful to Mrs Jo Morris, a labour movement researcher and policy adviser, who made a significant contribution to this publication. The Guide has drawn on many excellent publications and web links about domestic work. Thanks are extended to all organisations whose research and reports have been very helpful. Most of all, we were particularly inspired by the personal stories and testimonies of these women and men working with trade unions and domestic workers' organisations to defend labour rights and human dignity around the world. We heartily thank them all for their dedication and for having responded to the ITUC survey.



Dear Friends,

It is my pleasure to provide you with this ITUC Action Guide on “*decent work, decent life for domestic workers*”.

Domestic workers are almost always women, often migrants and children. Despite the fact that it is one of the oldest and most important occupations for millions of women around the world, domestic work is undervalued and in many countries falls outside the scope of labour legislation. Too often, domestic workers have no guarantee of a minimum wage or social protection and their rights to form and join a trade union and to bargain in a collective way are violated. As a result many of them are overworked, underpaid, and cases of maltreatment and abuse, especially of live-in and migrant domestic workers, are countless.

Yet in today’s society, domestic work is vital for the economy outside of the household to function. The current levels of growth and welfare would not be the same without the contribution of domestic workers. In particular over the last two decades, the demand for domestic work has been on the rise everywhere. The massive incorporation of women in the labour force, the ageing of societies, the intensification of work and the lack and inadequacy of public policy to facilitate the reconciliation of family life and work clearly underpin this trend.

In the past, several attempts were made at the ILO to improve the conditions of domestic workers. First in 1948, a resolution was adopted on their conditions of employment. Then in 1965, another resolution calling for normative action in this area was adopted but never implemented. In 1970 the first survey ever published on the status of domestic workers across the world made its appearance. But it is only this year, in 2010, that negotiations for an international standard on decent work for domestic workers were initiated.

Next June, the negotiations should be finalized and an ILO Convention supplemented by a Recommendation adopted. This will be an historical moment, an important step on the road to social justice for this often “forgotten” category of workers. Working hard toward the adoption, ratification and implementation of a strong international instrument for domestic workers represents a unique opportunity to change the lives of these millions of women who are singularly in need of our support.

This ITUC Action Guide aims to provide you with useful information on how trade unions can work for and with domestic workers toward the ILC 2011 and beyond. I am particularly thankful to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations (IUF) who has helped us in putting this information together. Their experience in organising domestic workers has been and continues to be of great value to the international trade union movement.

Implicitly, this Guide requests you to take action in order to restore domestic workers’ rights and dignity. I know you will hear this plea. Time has come for a decent work and decent life for domestic workers!

Sharan Burrow
ITUC General Secretary

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Introduction



Why a new ITUC Guide on Domestic Workers?

In June 2011, the International Labour Organisation (ILO) is set to adopt an international standard to improve domestic workers' rights and give them a recognised status as workers under labour laws. A new ILO Convention would be the culmination of years of campaigning by domestic workers' organisations and trade unions. While the ambition of the ITUC and the Global Unions is the adoption of a strong Convention supplemented by a Recommendation, employers' organisations and several governments favour a simple Recommendation only.

An ILO Convention is a key means by which to ensure that national legislation protects domestic workers – it is our job to press our governments, employers' organisations and unions to give their support to a strong and effective ILO Convention in June 2011.



Unions Campaigning for the adoption of a Strong ILO Convention in 2011

Speak with one voice to tell governments and employers' organisations that trade unions demand a strong ILO Convention on decent work for domestic workers in June 2011. Here is how:

- Build alliances between trade unions and domestic workers' organisations, NGOs, religious groups and other supporters in your country;
- Provide trade union space for meetings and campaigning on domestic workers;
- Write to, meet with and lobby government officials, members of parliament and employers' bodies NOW – explain them why they must support a strong Convention;
- Work with your trade union to make the campaign for domestic workers effective;
- Hold union meetings and conferences to publicise the importance of the ILO Convention to your country;
- Create a wave of public support for a Convention well before your country's delegations leave for the ILO Conference in late May 2011;
- Collect case studies and facts – create stories about domestic workers for newspapers, radio and TV. Make sure that domestic workers have a voice – collect interviews or organise for them to be interviewed by the media, anonymously if necessary;
- Educate union members who employ domestic workers about the pay and working conditions they should have.



The adoption of a new ILO Convention on domestic workers would mean the recognition of domestic work as 'work' worldwide. It would also be an international instrument on which to build the revision of national legislation and practices so as to ensure that the rights of domestic workers are effectively respected.

The best chance of winning a strong and effective ILO standard is if trade unions both in the South and the North campaign together and organise domestic workers in their countries. It is a unique opportunity to build trade union membership among unprotected, informal, mainly women workers.

The ITUC made a long term commitment to achieving decent work for domestic workers by adopting at 2nd World Congress the *Action Programme for Gender Equality*, which calls on unions to continue to organise women workers, in particular domestic workers. The Congress resolution encourages affiliated organisations to join the campaign for the adoption, ratification and implementation of an ILO Convention on decent work for domestic workers, supplemented by a Recommendation. This Guide will help affiliated organisations put that ITUC Congress Action Programme into effect.



Halimah Yacob, Deputy General Secretary of NTUC-Singapore and Workers' Spokeperson – ILC 2010-2011

ITUC Resolution on Gender Equality - 2nd World Congress, Vancouver, 2010

Congress instructs the ITUC and regional organisations and structure, working together with Global Unions partners and affiliates, to:

- intensify the Decent Work, Decent Life for Women Campaign aimed at achieving social justice and gender equality in the workplace and in trade unions and to continue the drive to organise women workers, particularly in EPZs and the informal economy, as well as domestic, migrant, rural, young, and other vulnerable workers...
- fully engage in efforts to enable the adoption of an ILO Convention supplemented by a Recommendation for domestic workers, and its subsequent ratification and full implementation...
- ... build alliances with civil society on behalf of women trade unionists and with women's organisations in order to achieve common goals.

› Unions must mobilise now to win rights and legal recognition for domestic workers. Check out Chapter 7 for the trade union demands regarding legal protection of domestic workers, their fundamental rights to join and form a union, decent pay and working conditions!



Who is the Guide for?

This Guide can be used by:

- Trade unions and activists - men and women - who want to bring rights and justice to millions of exploited domestic workers around the world;
- Union organisers who want to make their union stronger by organising unprotected domestic workers into union membership;
- Union officials, union women's and youth committees, unions' education officers;
- Domestic workers' organisations working with trade unions in their countries. The campaign for domestic workers' rights gives trade unions and informal workers' organisations a unique opportunity to build partnerships and create a new solidarity;
- Religious groups and organisations, NGOs, welfare and other groups campaigning for domestic workers' rights.

How to use the Guide?

The Guide provides background information on domestic work and offers tools, practical examples and tips to advocate for domestic workers' rights and to organise them in trade unions. The Guide does not cover all aspects of domestic work, but is designed to give a taste of the importance of the issue. It is to help you campaign and organise in your country in the run up to the International Labour Conference. Once new international standards are adopted, the Guide could help you make sure the new rights are effectively implemented in your country. You can use different sections at different times.

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The strength of organising:

“A single stick can easily be broken. But when many sticks are bound together, they cannot be broken. Like the sticks, complaints by a single woman will not be considered. But if you all together go and complain, you will get results.”

SEWA –Self-Employed Women's Association, India

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訂立合理工資國際公約

嚴尊工務

訂立合理工資國際公約

交通津貼

全民

訂立合理工資

取消四一八

交通津貼助就業

全民退休保障

訂立合理工資

取消四一八

交通津貼助就業

全民退休保障

職業病中央補償基金

合理行價

訂立合理工資

Setting the Scene



This section gives a background to domestic work in the 21st century and the problems faced by workers, many of whom are migrants, working in an informal and unprotected way.

The Rise of Domestic Work

According to the ILO there are 100 million people working in domestic services. Although domestic workers have existed for centuries, it is only a few decades ago that the demand for domestic work has started to increase sharply everywhere. The recent massive incorporation of women into the labour force, the ageing of societies, the intensification of work and the problems in balancing family life and work underpin this trend. Working women and their families increasingly rely on domestic workers. The ILO considers that domestic workers make up a very large portion of the workforce in developing countries, and that their number has steadily increased in industrialised countries.



Domestic Work: a growing proportion of the labour market

The domestic work sector is especially important in developing countries, where often 4-10% of total employment is domestic work. In some developed countries more than 2% of total employment takes place in this sector, e.g. 4.4% in Cyprus, 2.3% in France, or 3.7% in Spain. In some countries of the Global South, estimates for the proportion of the work force in this sector can be significantly higher. In South Africa, about 9.4% of the total workforce is domestic workers. NGO estimates point to up to 20% of the total workforce in India being employed in domestic work. In Kuwait, 21.9% of total employment takes place in private households

(Source: LABORSTA, 2005, 2007, 2008 and Devos, 2010).

Domestic workers play a vital role in the well-being and the economic structure of society. We live in an era where women, who make up nearly half the work force worldwide, increasingly pay for the domestic services they used to provide for free at home. Yet domestic workers, often migrants, suffer routine negligence and some of the worst abuses endured by any other category of workers.

Who are domestic workers?

Women and girls make up the overwhelming majority of domestic workers worldwide, although in some countries a significant number of men and boys are domestic workers. The ILO estimates that more girls under the age of 16 work in domestic service than in any other category of child labour.

Many domestic workers are migrants coming from other countries. Some have moved within their own country, often from rural to urban areas, to take up employment. Many work in their home community. But for all, domestic work is one of the very few options available to sustain themselves and their families.

Why women work as domestic workers?

A combination of factors contributes to women entering domestic work, either in their own countries or abroad. A major cause is rural poverty which has increased in many countries as a result of market liberalisation, structural adjustment programmes, devastation of the agricultural sector and economic crises. The lack of decent work opportunities pushes many women and girls into domestic work.



The story of Sanu Danuwar, a Nepalese domestic worker



Sanu Danuwar is the president of the Nepal Independent Domestic Workers Union (NIDWU). At the age of just 24, she already has 17 years experience as a domestic worker “I started working as a domestic at the age of seven, in the district of Jhapa, to replace my mother after she had to go back to our village to take care of my five brothers and sisters when my father died. I received no pay. I was working to pay back the money the employer had lent for my father’s funeral. It was a very hard job for someone of my age: I had to do the cooking, the washing, collect the wood, etc. On top of that, I was often beaten by my employer. I ended up running away and going back home.

Shortly after my return, my mother heard about a woman from our village that had married someone in Kathmandu and was looking for a domestic worker. She placed me with the woman, who I went to work for at the age of nine. I am still with her now. During the first few months, I slept in the Guidechen; then I was allowed to share the room with my employer’s daughter. I do all the housework and have never received a wage. No pay had been agreed on before my departure. On occasions, when I visit my family, my employer pays the bus fare. I have only received money on four or five occasions since I’ve been working there, sums of between 1,000 to 5,000 rupees (14 to 70 dollars) to buy sandals or a few other items. I also occasionally receive clothes that used to belong to my employer’s daughter, who is more or less the same age as me. She says that because I receive board and lodging, I have no right to anything else. After working for two years in Kathmandu, I met up with members of CWISH, a non-governmental organisation. I told them that I would like to go to school and they convinced my employer to let me attend informal bridging classes. Nine months later, I was able to enrol in the fourth year of primary school. CWISH gave me the school materials. I would get up at 5 a.m. and work for an hour, and then I would go to school until 10.30 and would then work for my employer until 10 or 11 at night. I was able to keep up with my schooling in this way until the end of secondary education.”

(ITUC Union View on Nepal)

Most domestic workers come from poor households and have generally low levels of education and few marketable skills, other than their skills in keeping house and caring for others. However, increasingly, we find domestic workers with good levels of education (e.g. nurses) who left their country to take up a job abroad well below their skill level but with a better remuneration than the ones they could get in their home country. In particular, women from Eastern Europe often see domestic work as a stepping stone to better jobs in the destination country.

What problems do domestic workers face?

There are three primary concerns about domestic work:

- the “invisibility” of the work – workers are not being recognised or respected;
- deficits in law enforcement;
- the organisation of domestic workers.

Everywhere domestic work is undervalued, unrecognised and virtually invisible. It is poorly regulated and many domestic workers are chronically overworked, underpaid and unprotected. Domestic work typically entails the otherwise unpaid labour traditionally performed in the household by women. This explains to a large extent the informal and undocumented status of many domestic workers.

In the majority of countries, the domestic employment relationship is not specifically addressed, making domestic workers vulnerable to unequal, unfair and often abusive treatment. Accounts of maltreatment and abuse, especially of live-in and migrant domestic workers, are countless. In too many cases domestic work is performed by children.

Domestic workers need to be protected by laws like any other wage earner. Their terms of employment, working conditions, remuneration, and working hours ought to be regulated. Ensuring their access to social protection schemes is a major objective for trade unions. Furthermore, regulating the live-in relationship is a necessity given the level of abuse endured by those particular workers. Other challenges are to find ways of granting them occupational safety and health protection as well as pregnancy and maternity leave and protection.



- › Domestic workers need legal protection just as any other wage earner. They must enjoy their fundamental rights to form and join a trade union and to bargain in a collective way. This would allow them to benefit from national legislation on minimum wage and social protection, including access to health care, and maternity, sick and pension provisions.

Particular problems faced by migrant domestic workers

Migrant domestic workers are at a heightened risk of exploitation.

Several cases have been reported of migrants having fallen victim to deceptive job offers by recruitment agencies. While they agreed to certain working conditions in their home country, upon arrival they were coerced to work in different occupations, for inferior remuneration and under lower conditions. Some have fallen into bonded labour as a result of the transportation and recruitment costs incurred in taking up a job abroad.

In several countries domestic workers' right to work is tied to a specific employer. In practice this implies that the worker is not likely to be able to escape a slavery-like situation out of fear of being deported.

Language barriers and their isolation in the community also make it much more difficult for migrant domestic workers to seek help in cases of abuse.



Estimates on the number of migrant domestic workers

Women make up approximately half of the estimated 200 million migrant workers worldwide and an important part are women and girl domestic workers.

- Asia is a large source of international migrants working as domestics both within Asia and beyond.
- Arab countries employ millions of migrant domestic workers. In Saudi Arabia for example, there are approximately 1.5 million domestic workers, primarily from Indonesia, the Philippines and Sri Lanka.
- In Latin America domestic workers make up to 60 per cent of internal and cross-border migrants. Women migrants from Mexico and other parts of Latin America make up most of the domestic workforce in the US.
- In France more than 50 per cent of migrant women are employed in domestic work.
- In Italy some 600,000 people are registered as domestic workers, the majority are non-EU nationals. There are also many who are undocumented, not having a work permit, making an estimated total of 1.2 million workers providing domestic services to individuals.

(Source: WIEGO)

In Middle Eastern countries the mechanisms for filing complaints are often inaccessible to domestic workers, trapped in private homes, unable to speak the local language, and afraid of deportation. The kafala, or sponsorship system, ties a migrant worker to his or her specific employer meaning that the worker becomes undocumented if the employer terminates the employment contract or if the worker leaves the employer (even if there are legitimate reasons to quit, such as non-payment of wages or abuse). In addition when cases of abuses are brought to the authorities' attention, legal proceedings often drag on for years. Meanwhile the victims have to wait in overcrowded shelters, unable to work. Given the lengthy waits, the illegal status of the worker and the uncertainty about the verdict, a majority of workers withdraw their complaints or do not even start filing a case. It is frequent that domestic workers bringing charges against their employers end up having to defend themselves against counter-allegations of theft, witchcraft or adultery.





Mistreatment of migrant workers in Saudi Arabia

In August 2009, the Filipino government organised the repatriation from Saudi Arabia of 44 Filipino women who had been living in a shelter for months. They were part of a group of 127 Filipino women, mostly domestic workers, who had fled their workplaces, complaining of mistreatment, long working hours, insufficient food, and non payment of wages.

(Source: Human Rights Watch)



Problems faced by child domestic workers

Child domestic workers, often sent by their families to better-off households, are extremely vulnerable to forms of forced labour and abuse. Due to their young age, isolation and separation from their family, they are inherently easier to coerce and control and have less ability than an adult to object to a given task or situation. They are made responsible for a variety of tasks from cleaning, cooking, minding the children and livestock to collecting wood and more; some of these tasks can be very hazardous for very young children or children who are tired and overworked. The families who they are sent to may promise they will receive schooling whilst carrying out domestic work. But in practice the girls are often trapped in domestic work and deprived of an education. Some are trafficked, while others are in bonded labour, forced to work to pay off a loan their parents have taken.

In most countries the minimum age for employment is 15 years old. Yet it is frequent to find child domestic workers younger, some of them starting work as young as six years old.

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“You will find a little maid in every Moroccan family. Some are not even 7 years old. Domestic

chores can be very heavy tasks for children of that age. But this phenomenon doesn't prick the conscience of Moroccan families or the government. We're used to it, it's part of our culture; that's the worst thing,” denounces Majda Fahchouch, a teacher, presenter of a TV programme for children, and the national coordinator of a national trade union project to fight against child labour and dropping out of education

(Source: ITUC Union View on Morocco)

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Whilst domestic work is conventionally regarded as beneficial for a girl's development, in reality many suffer from violence at the hands of their employers. Child domestic workers are frequently not paid for their work. Alongside working long hours for little or no pay, many suffer physical and sometimes sexual abuse, are denied their right to go to school, are restricted from contact with their family and lack the opportunity to make friends. Their conditions of work are frequently hazardous involving the use of chemicals such as bleach, and hot and dangerous instruments such as irons, often without training or protective clothing.



Child domestic workers

Most child domestic workers are between 12 and 17 but some are as young as five or six. The ILO estimates that domestic service is the single largest source of employment for girls under 16 around the world - around 90% of child domestic workers are girls and it is estimated that Asia is home to about 60% of child domestic workers with 1.5 million in Indonesia, 1 million in the Philippines and 100,000 in Sri Lanka.

Source: (ILO)

Sometimes child domestic workers have been trafficked, adding a layer of complexity to their situation. There is also growing evidence of the links between child domestic work and sexual exploitation.

Sexual abuse of child domestic workers

Studies have shown that child domestic workers are commonly called names, humiliated, shouted at and insulted; they are often slapped, beaten, pushed and whipped; it is also not uncommon for girls to suffer sexual abuse in the home of their employer.

(Source: Anti-Slavery International)

When is domestic work modern day slavery?

According to Anti-Slavery International, domestic work is particularly vulnerable to forms of slavery such as forced labour, trafficking, and bonded labour due to the unique and specific circumstances of their work inside a private household, combined with a lack of legal protection.

For some domestic workers, the circumstances and conditions of their work amount to forced labour: where employers forbid them from leaving the home, withhold or do not pay their wages, use violence or threats of violence, withhold their passports or identity document, limit their ability to have contact with family or deceive them about their rights in order to compel them to work.

According to Moulkheiry Sidiel Moustapha (CGTM-Mauritania), president of the CGTM watch committee for migrants, many migrant women find themselves at the mercy of the networks who looked after them on their arrival and to whom they must repay large sums of money. “The committee works in partnership with the other civil society groups linked to the issue of trafficking and forced labour involving female domestic workers. The union has been running a wide scale awareness raising campaign with associations grouping migrants from Guinea, Senegal, Mali, Côte d’Ivoire, Gambia, Guinea-Bissau, Burkina Faso and Togo. Open around the clock, the priority of the trade union centre for migrants is to make contact and keep the dialogue with these women open. Aside from information and awareness raising, the trade union centre for migrants also takes cases of abuse against domestic workers or the non-payment of wages to the courts.”



Diplomats at several London embassies accused of using migrant domestic workers as “modern-day slaves”

Following UK migrant workers organisation, Kalayaan, referring 22 cases of alleged trafficking of migrant workers to the UK national referral mechanism, the London Times newspaper reported in February 2010 that diplomats at several London embassies were found to use migrant domestic workers as “modern-day slaves”, depriving them of food and subjecting them to systematic abuse. “The workers claim they were lured to Britain with promises of good pay, but have been beaten, sexually abused and forced to sleep in a hallway or Guidechen. In the past 12 months, at least nine cases involving diplomats have been referred to a government scheme to combat trafficking.” Another four cases involving diplomats were referred to the scheme before April 2009 by Kalayaan. Government officials concluded that in all but one there were grounds to suspect workers had been trafficked.





Winning Rights for Domestic Workers

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This section looks at ways in which unions can develop a campaign to win new rights for domestic workers and build trade union organisations.

Domestic workers want to enjoy their right to be treated fairly, as any other worker, and want their skills to be recognised. Domestic workers, often 'hidden' in private households, need protection, respect and recognition for the work they do. There is a unique opportunity to campaign for the implementation of new rights for domestic workers: the ILO standard setting process has sparked worldwide momentum for the cause of decent work for domestic workers.

Together with international standards, domestic workers need strong unions to press for adequate national legislation and minimum standards, to negotiate national and sectoral collective agreements, and to have a strong organisational base.



Protecting migrant domestic workers in the UK

As a result of a long campaign by the Transport and General Workers Union in the UK, one of the first things the newly elected Labour government did in 1997 was to amend the status of migrant domestic workers, who were virtual slaves, and to recognise their rights.

Unions helping to set national legislation and minimum standards

Trade union national centres and their affiliates are in a unique position to advocate for new laws and policies. By negotiating national legislation and minimum standards, they can win new rights for domestic workers.

Winning social protection in India

In 2006, the National Commission for Enterprises in the Unorganised Sector (NCEUS) proposed measures to protect the workers in the informal economy through labour regulation and social security coverage. As a result, the Indian parliament passed in 2008 the “Unorganised workers social security bill”. This bill finally recognises domestic work as a type of “unorganised employment” and includes the domestic workers in its scope of application following a number of advocacy campaigns by organisations of domestic workers.

As social partners and as members of tripartite negotiations between government, employers and unions, it is possible for workers’ organisations to move the agenda forward and change the environment in which domestic workers are employed.



Innovative good practice - Belgium service cheques system

In Belgium, the government and social partners agreed to combat undeclared work including domestic work. They put in place a cheque system which the Belgian ACV-CSC Food and Services trade union finds innovative:

- Domestic workers are recruited by a “service cheque company” with whom they have a formal written employment contract. The company is therefore the employer.
- If an individual needs help in his or her house, he or she contacts the company to hire a domestic worker.
- When the work is completed, the individual pays the domestic worker 1 service cheque per hour worked. The cheques can be used to pay for cleaning, window washing, laundry, ironing, preparing meals and transporting disabled people.

The system is not available to firms and can only be used by individuals or families.

A major advantage of the system is that it breaks the unilateral relationship between the worker and the employer which is open to abuse and exploitation. What is even better is that both the worker and the employer become visible through the system: workers can now be reached and organised by Belgian trade unions and the same applies for the service cheque companies. Further, the worker gets a decent wage per hour including contributions to the social security office through which the worker can take paid leave, enjoy maternity leave, receive sickness benefits etc.

This system creates real decent work opportunities for low skilled workers, including those of other nationalities who reside legally in Belgium and possess a work permit. While the benefits of the system are enormous for domestic workers as well as the families employing them, the cost for the State budget is considerable. This system is indeed heavily subsidised by the federal state of Belgium.

(Source: ACV-CSC Food and Services)



A Belgium Service Cheque SystemXII



Important issues for domestic workers include health and safety regulations at the workplace and social protection. Maternity leave and benefits as well as sick leave are of particular importance to these predominantly young female workers.

Like for any other worker, legal provisions regarding annual leave, hours of work and days off are crucial and can make a big difference to the lives of domestic workers.

Korean unions campaign for social protection

The Korean House Managers Cooperative campaigned for social security protection for domestic workers (referred to as house managers) in 2009, successfully recruiting more members and strengthening the organisation.

Even when an influential trade union movement and domestic workers' organisations have won important victories, the challenge remains to ensure that the law is enforced and that domestic workers are treated with respect by their employers. This requires strong union organisations.

South Africa

After the non-racial government came into power in 1994, South Africa's domestic workers won rights under employment legislation, including trade union recognition. "But", says Myrtle Witbooi of the South African Domestic, Service and Allied Workers' Union (SADSAWU), "we are still trying to get respect, still demanding acknowledgement for our contribution to the economy."



Using union bargaining and organising strength

Domestic workers' strength and power to negotiate decent work conditions ultimately depend upon their capacity to organise and engage in collective action. To overcome obstacles, including legal restrictions and isolation in private households, domestic workers around the world have taken control of their working lives by organising in and with trade unions. Alliances between trade unions and domestic worker organisations in Latin America have been particularly successful in winning new laws and minimum pay levels.



Uruguay: United Trade Union of Domestic Workers (SUTD) - PIT CNT

In 2008 SUTD signed a collective agreement for domestic workers. First, a law was passed, adopting an initiative of the Tripartite Commission on Equal Opportunities which gave domestic workers the same rights as other employees. Then, in the framework of a tripartite approach to collective bargaining, the Wages Council created the Domestic Service Group, under which collective agreement was reached between the SUTD and a counterpart to the sector (the Housewives' League, Consumers and Users of Uruguay). The agreement stipulates a minimum wage and an adjustment procedure, a special bonus, a seniority bonus, severance bonus, overtime, working conditions, clothing and work tools. In addition, a clause commits the partners working together to eradicate informality.

(Source: ITUC – TUCA).

In Peru domestic workers organised themselves into a powerful alliance that eventually won new and wide ranging rights. They are now in the process of setting up a union for domestic workers and strengthening their leadership capacity.

In 2003, the same year as in Bolivia, the Peruvian Government passed new legislation for domestic workers, the Household Work Law No.27986 which is a first step toward the recognition of domestic workers' labour rights.

Organising Domestic Workers in Peru: a success story

Marcolina de los Milagros Infante Ramirez, IPROFOTH, describes how Peruvian domestic workers changed the law.

“The Household Work Law passed in 2003 took many years of struggle, a lot of demonstrations, travelling around the country to win visibility for this work and gain support, and so on. At the time, many women who demanded their rights were dismissed by their employers. We worked as a network of household workers’ organisations in ten regions. We visited night schools where household workers might be. We published articles to raise public awareness. We lobbied the Ministry for Women and the Ministry for Social Affairs for support; they said they had no budget, but they gave us resources such as places to hold our conferences. Eventually we got the new law, and we are very proud of our achievement. It lays down that household workers have the right to a contract with their employer; this does not have to be written but can be verbal.

The contract must include:

- wage levels; provision of food and sleeping quarters are not considered as part of the wage;
- proof of payment or work done so that the household worker later has proof of employment;
- maximum working hours of 8 hours per day;
- weekly free day of 24 hours on Sunday plus public holidays; additional pay if longer hours are worked;
- 15 days leave per year on at least half-pay
- bonus for Christmas and Independence Day on 28 July.

The Government now sets a minimum wage, recognises the right of household workers to register for social security, join a pension plan, and pursue further education. We have started working with employment agencies so that they know about these rights, and respect them.

We are just starting to build a trade union. At night we go to the homes where household workers are working and invite them along; or we go out on the streets early in the morning when they are out buying bread. The union is very new and was only officially registered in October 2006. At first the Ministry said, ‘Why do you want a union, when you are not organised in a workplace?’ but we had to be strong and kept pushing them.

Source: ITUC - Spotlight - interview with Marcolina de los Milagros Infante Ramirez

The fact that domestic workers have no natural employer counterpart for collective negotiations is often cited as the reason for exclusion both from labour law and from trade unions. But the negotiating counterpart can be a local authority, government or government department. Some domestic workers' unions and national centres have gone the route of finding or creating an employer bargaining counterpart, and successfully concluded collective agreements. In France in 1999 the trade unions negotiated the first collective bargaining agreement with the Federation of Individual Family Employers (FEPEM), representing some two million employers. This is renegotiated every year and includes wages, hours, leave, training, and maternity on which the same safeguards provided for workers in other private sectors were extended to cover domestic workers, particularly in relation to the ban on the termination of employment contracts during pregnancy. The collective agreement applies to both full and part time workers.

Italy has a comprehensive collective agreement covering domestic workers which unions and employers re-negotiate every four years, with wage levels being revised every year. The agreement is recognised by the Ministry of Labour.



Joint Labour Committee for Domestic Workers

In December 2004, the Irish Congress of Trade Unions asked the Minister for Labour Affairs to set up a Joint Labour Committee (JLC) for Domestic Workers which would establish the minimum rates of pay and working conditions for domestic workers.

The Irish Industrial Relations Acts provide that Joint Labour Committees may be set up by the Labour Court, on application of the Minister for Enterprise, Trade and Employment. The establishment of a JLC does not require the prior approval of any employers' organisation. JLCs normally operate in areas where collective bargaining is not well established.

The main areas to be set out in such a JLC for domestic workers or 'workers in the private home' are:

- Rates of pay
- Calculation of working time (on call and adequate breaks)
- Holidays
- Maximum deduction from wages for room and board
- Minimum facilities (sleeping and living quarters)
- Minimum notice periods

The ICTU asked for special attention to be paid to ensuring enforcement because, in the particular case of domestic work, the place of work is also a private home. The ICTU also called on the Government to allow work permits to be issued specifically for domestic workers.

They also proposed an amendment to the Employment Permits Bill 2005 to allow for:

- the refusal of employment permits where the wages or conditions proposed are below those set out in employment regulation orders (EROs) and registered employment agreements (ERAs):
- the preparation and establishment of (Statutory) Codes of Practice/Conduct.

Such an amendment would bring existing statutory employment rights into the context of the private home.

(Source: ICTU/ETUC)

Federation of Asian Domestic Workers Unions in HK - Organizing Committee
香港亞洲家務工工會聯會籌委會

Decent Work for
Domestic Workers
家務工 要尊嚴!

我們是勞工
並不是奴隸

WE ARE WORKERS,
NOT SLAVES!

*FADWU*CMR*AMC*
*APL*FILCOMSIN*

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Work for
Workers
要尊嚴!

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Federation of Asian Domestic Workers Unions in HK - Organizing Committee
香港亞洲家務工工會聯會籌委會
Decent Work for
Domestic Workers

As the number of migrant domestic workers increases, it becomes more important that unions in sending and receiving countries work together.

Challenge of controlling migrant workers' abuses

According to Human Rights Watch, Sri Lankan domestic workers face serious abuses, including violence, harassment and exploitation when they migrate to work in the Middle East. "Governments in the Middle East expose Sri Lankan domestic workers to abuse by refusing to guarantee a weekly rest day, limits to the workday, freedom of movement and other rights that most workers take for granted. For its part, the Sri Lankan government welcomes the money these women send home, but does little to protect them from exploitative bosses or labour agents."

Joint actions by unions in countries of origin and destination of migrant domestic workers can and do play an important role. Informing workers willing to migrate about their rights in the destination country and providing them with the contact details of a union there have proved to be very efficient practices. In particular, the opening of help centres, shelters or information desks in receiving countries have prevented the worst forms of exploitation and abuses from taking place. In some cases, recruitment agencies were put under a stricter control by the union, forcing them to change their unscrupulous practices.



Recruitment agencies make big money out of domestic workers:

All over South Asia, recruitment agencies encourage people to go and work abroad with the promise of a new life. Some of these agencies have been accused of charging the candidates to migrate before sending them abroad to jobs that do not exist. Often migrants have to pay exorbitant fees in addition to their transportation costs which result in the non-payment of wages or salary deductions for lengthy periods of time. The Global Unions call for the regulation of recruitment agencies in line with ILO Convention No 181 on Private Employment Agencies

- › Make sure your government votes in favour of a Convention on decent work for domestic workers, supplemented by a Recommendation at the next International Labour Conference in June 2011



Taking Action

| 4





This section sets out the steps in developing a campaign to win new rights for domestic workers. It further looks at how building alliances between trade unions and civil society organisations helps achieve common goals.

The ITUC in cooperation with IUF and the International Domestic Workers' Network (IDWN) are committed to building alliances between trade unions and civil society organisations to advance domestic workers' rights.

Building alliances

Domestic workers' organisations and associations have devoted years of dedication and struggle to win legal recognition and respect for their work. They have been campaigning for years to end exploitation and abuses. The prospect of a new ILO standard on domestic work is a tribute to their hard work, as well as to trade unions' support and campaigns. Trade unions need to further work with domestic workers' NGOs to build solidarity and capitalise on the different strengths of each organisation.

At the international level the Global Union IUF has spear-headed a relationship with the International Domestic Workers' Network (IDWN), a network of domestic workers' organisations and unions affiliated to national centres. The IDWN provides support to domestic workers, plays an important advocacy role at the regional and global level and has largely contributed to making domestic workers more visible. The network assists in the organisation of domestic workers' unions, functions as a channel to exchange information and organises mutual support and solidarity to advance common political aims at all levels.

National centres and unions can do much to build and support powerful alliances between unions, domestic workers, religious groups and other organisations.

When unions and organisations campaign together, the chances are higher for domestic workers to get the protection and recognition they need.

Building Alliances in the South and the North

In Latin America, South Africa and Hong Kong there is a long tradition of domestic workers' organisations working together with trade unions, often becoming member-unions of the national centres themselves. In Europe, links between organisations and groups of migrant domestic workers with trade unions have been instrumental in enabling migrant workers to press their case to governments and institutions where trade unions have influence. Trade unions can help advocate new national rights, provide funding and training for migrant worker groups, and run translation services for the workers. Practical support might include provision of office space, copying or printing facilities, or computer skills.



Organising with love - lessons from the New York Domestic Workers Bill of Rights Campaign

Domestic workers and the Domestic Workers Union formed the New York Domestic Workers Justice Coalition. Its Bill of Rights campaign brought together domestic workers' organisations from seven different communities and language groups to maximise their power as a workforce. In September 2010 New York State Governor David Paterson signed into law a "bill of rights" for domestic workers who have been excluded from the nation's fair labour standards law, providing the 270,000 domestic workers in NY with more rights and protection than anywhere else in the US. Domestic workers in New York will finally enjoy the rights that other workers have enjoyed for decades. New York may be leading the way but the California Domestic Workers Bill of Rights (CDWBR) is the next American campaign target.

Source: Domestic Workers United (DWU)



Campaigning to change policy and practice

Trade unions have a long experience in fighting for better laws and policies. But looking at law enforcement is particularly important in the case of domestic workers given the invisibility of their work.

Several trade unions in Europe and in the Americas are defending the rights of undocumented workers. The employment and exploitation of thousands of undocumented migrant workers is a growing phenomenon worldwide. Undocumented workers are particularly vulnerable to abuses and their fundamental rights are often violated. They often work under less favourable conditions than local workers. Unions have a crucial role to play to ensure equal treatment is applied to both local and undocumented migrants. At the international level, the Global Unions cooperate with the Platform for International Cooperation on Undocumented Migrants (PICUM) to develop policy recommendations on undocumented migrants.



ITUC Resolution on migrant workers

...5. Congress deplores the widespread abuse and exploitation of migrant workers by employers and by agents and intermediaries and the failure of governments to act adequately to protect them. Migrant workers, particularly those in irregular status, are not only more often unemployed than local workers, they are more often employed in precarious, temporary jobs, undeclared by employers, with lower wages and less social protection and often in the informal economy. Such exploitation undercuts existing rights, terms and conditions for all workers, resulting in social and community divisions and underlining the need for irregular workers to benefit from equal protection of labour legislation. Problems are more severe in sectors with a low trade union presence, such as domestic work, which requires particular attention.

MigrAr is a German trade union advice centre for migrants without a secure right of stay. It is supported by the public sector union Verdi, along with other civil society organisations. The centre provides undocumented workers with legal advice, fills court cases on behalf of workers who have overstayed their visa and brings them into union organisation.



MigrAr advice centre: leaflet for undocumented workers

The MigrAr publishes a leaflet in 6 languages which is widely distributed amongst migrant workers. It says:

You're entitled to rights - even if you're undocumented!

Low pay or no wages at all? You can sue your boss!

Work accident or on sick leave? You're entitled to receive health care and sickness benefits.

No annual leave? Take legal action for your statutory right.

A 14-hour workday and just 8 hours wages? Sue your boss for outstanding pay.

Planning Union campaigns – scoping the issues step by step

Campaigns should be seen as an important first step to unionisation. Experience shows that by being involved in a trade union's campaign, domestic workers end up willing to be members of the union. Some of them will become future activists and leaders.

The suggestions below are a step by step guide to planning a campaign:

› Consult domestic workers and their organisations at an early stage

It is important to recognise the specific knowledge of domestic workers' organisations. Early consultation and co-operation will help:

- develop mutual trust and understanding;
- ensure a strong unified campaign and help build alliances in practical ways;
- exchange key information on the issues facing workers;
- identify the support domestic workers need and how trade unions can assist.

› Plan joint trade union/ domestic workers activities

Joint activities will build trust and friendship and help make a strong campaign. Examples of joint activities might include:

- co-hosting events and meetings on workers' rights and trade unions;
- holding welfare advice sessions;
- providing translation assistance;
- inviting domestic workers to speak at trade union events and rallies;
- launching story-telling, singing or other cultural competitions;
- developing informal social activities for trade unions and domestic workers to get to know each other and build mutual understanding.



› Build trade union support for domestic workers

In order to campaign successfully for new rights, it is crucial to build support for domestic workers among trade union members, activists and leaders. Many union members may not be aware of the terrible pay and working conditions of many domestic workers. They may not realise that domestic workers are usually excluded from the protection of national employment legislation. Vital support from union members can be encouraged through:

- raising awareness at all levels (including in decision making structures, committees, delegations, regional bodies, workplace branches etc..) by providing well documented information;
- advocating domestic workers' rights at union conferences and meetings,
- inviting domestic workers to speak at union meetings;
- pressing for policy commitments, resource allocation and joint work with domestic worker organisations;
- providing stories and news about domestic workers for union publications and websites;
- winning formal political support for policy proposals and/or campaign action plans from the decision making body in the union.

› Get to know the situation of domestic workers

To take effective action, organisations first need to know what the problem is, where domestics workers work and what they want. This can be challenging because domestic workers are spread out in individual houses. They are difficult to contact, do not have a lot of time to meet with other workers and are often exposed to threats or pressure from their employer.

- Public statistics and reports may help ascertain the number of domestic workers but as many are undocumented, other methods may be needed;
- members of unions and domestic workers' organisations can play a role in 'mapping' the number of workers through their own sources of information
- information on pay and place of work can be gathered by domestic workers' organisations, NGOs or religious groups
- trade unions can help provide a framework to carry out a mapping exercise, offer analysis and help with the organisation of logistics and transport.



› Map the legal rights of domestic workers in your country

An inventory of the legal rights of domestic workers in your country will help identify campaign priorities. This can be done by carrying out a survey or lining up a series of interviews among domestic workers. Make an evaluation of the enforcement of legal provisions and identify the gaps between law and practice.

In order to assess the existence of rights for domestic workers in the legislation of your country, the following questions can be asked:

- are domestic workers covered by employment legislation?
- are domestic workers entitled to a written contract of employment?
- do domestic workers have the right to join or form a trade union?
- is there a minimum wage in force for domestic workers?
- are hours of work regulated by law?
- is there a right to paid annual leave, weekly days off and overtime compensation?
- do they have access to national social protection schemes?
- are domestic workers entitled to maternity protection and leave?
- are domestic workers covered by health and safety legislation?
- is there effective enforcement to stop child domestic work and to ensure children attend school?
- do domestic workers have access to complaint procedures, the labour courts and effective remedies when their rights are violated?

This list will help you pick up your campaign priorities. It is recommended to focus first on the issues you have most chance of winning. Then you can build on your success through publicity and start campaigning on the next target.



Niger union survey leads to TV debate

Niger: The Niger Confederation of Labour (CNT) and the Christian Workers Movement (MTC) undertook a survey in Niamey and Dosso to investigate the working and living conditions of domestic workers. In Niamey, 300 domestic workers agreed to answer the survey; in Dosso, 100 workers were found willing to do so. The majority were women (74%), with no general education (65%). These surveys clearly indicated that the legislation is not properly applied to domestic workers.

- Wages: none of the people taking part in the survey were paid the legal minimum. 8% of respondents, mostly live-in domestic workers, received nothing at all apart from food and housing. Employers considered these as a form of in kind payment, even though they are in many cases substandard, according to a majority of the respondents.
- Domestic workers are only exceptionally declared to the national social security institute or “Caisse Nationale de Securite Sociale” (CNSS). In Dosso, a city about 138 km from Niamey, none of the domestic workers were registered to the CNSS. The survey also revealed that most of the respondents did not know what the CNSS is.

The surveys provided so much material -including very shocking testimonies- that both organisations decided to go public with it. In December 2008 and in May 2009, representatives of both organisations took part in a TV debate on the plight of domestic workers. They also continued to provide legal counselling to domestic workers and employers alike, for example on how to register workers to the CNSS. When there are open conflicts, they mediate between the parties.

Quoted in Respect, rights and recognition: Domestic work and the ILO standard setting process 2010-2011; World Solidarity and ACV-CSC Food and Services, May 2010,



ITUC Spotlight interview with Diana Holland, Chair ITUC Women's Committee and Assistant General Secretary Unite the union



How did your union start approaching these domestic women workers? It must have been hard, as they work in private homes...

In fact, they approached me. They invited me to one of their meetings. They explained their situation and then stuck a microphone in my hand and asked me what I could do about it! We started with the organisation that these migrant domestic workers already had and worked out how it could cooperate with the

unions. We had to adapt our working methods as a union; for instance, we have a group of collectors of union fees, since many of these women cannot get bank accounts.

To begin with, the priority was to campaign with these migrant domestic workers to get their rights recognised. When that campaign was successful, the form of support could change. Trade union representatives now go to the community centres where many domestic workers regularly meet and offer them advice.

Our union works with the Filipino trade union movement in this area and we would like to build similar contacts with other countries. In Britain we got an agreement whereby migrant domestic workers entering the country receive a document pack that includes references to our union and to Kalayaan.

What services do you offer them in practice?

We work with their organisation, Kalayaan to provide them with computer and language courses. Some women migrant domestic workers have been trained as trade union representatives so that they can, in turn, train others. We have also been involved in campaigns against deportation. Many migrant domestic workers want to benefit from our experience and confidence in conducting negotiations with the authorities. They also want help with getting a stronger voice themselves. This is very important, because although much of the work done by women around the world is invisible, that is particularly true of domestic work. END INTERVIEW

Organising domestic workers in South Africa



The South African Domestic Service and Allied Workers' Union, (SADSAWU) currently has 25,000 members, mostly women, who pay 120 rand (€12) per year in union dues. Reaching this level hasn't been easy, because these women are afraid of joining a union. The SADSAWU President says 'We have

to spend a lot of time explaining them how important it is for them to join, reminding them, for example, of the unfair work practices seen every day in South Africa. The workers who have never attended a trade union meeting have no idea how to defend themselves, they don't know their rights, but they soon come to realise how useful it is to join a union. In case of dismissal, for example, they would simply leave their job, not realising that the employer owes them money, and doesn't have the right to throw them out from one day to the next.

This is particularly the case since the change in legislation we fought for: they now have the right to stay in their employer's accommodation for a month, whilst they find another job.'

SADSAWU also offers training to help domestic workers defend themselves in discussions concerning overtime, wages, etc. There are also leadership and HIV/AIDS training.

Costa Rica: a breakthrough

"The Law on Domestic Work has been a triumph, the culmination of three years work, a great victory. Domestic workers are now legally entitled to the minimum salary, social security, a work contract and an eight-hour working day".

ITUC Spotlight interview with Ana Bertha Navarro Munoz (CTRNL – Costa Rica)

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Kenya:
Involving the police
'We explain to domestic workers to report any case

of exploitation they know of to the authorities, the police. This will spark an outcry and people realise that there is a union taking care of women domestic workers. We have contacts with the police stations who help us, we have taught them about what happens to these workers. When an employer realises he or she is in the wrong, they may try to bribe their way out, but from then on they usually try harder to respect their maid's fundamental rights, if only to avoid problems in future'.

*ITUC Spotlight interview with
Albert Njeru (KUDHEIHA - Kenya)*

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Organising Domestic Workers

| 5





This section outlines the steps that can be taken to begin the challenging task of organising domestic workers.

Organising domestic workers is challenging. It demands a well-worked out campaign.

Finding out about domestic workers' working and living conditions

There is no 'one size fits all' approach to the needs of domestic workers because laws and practices are different from one country to the next. The mapping process outlined in the previous section will give an indication of the issues to address. But it is important to have a clear understanding of domestic workers' working conditions, wages, working hours and general treatment. Carrying out a survey may help gather the necessary information. Confidentiality is crucial in that process and the identity of the domestic workers should not be revealed in public reports.

“

“Women domestic workers have different expectations from the unions than other categories of workers. What these women need is a strong trade union and to feel they are part of an organisation with hundreds of thousands of other workers alongside them. Having a union membership card also provides migrant domestic workers with an identity, since that identity may have been stolen by their employer hanging on to their passport, or because their status on entering the country did not entitle them to individual rights as workers.”

Diana Holland, Chair ITUC Women's Committee and Assistant General Secretary, Unite the union, UK

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Kenya union survey reveals the lives of domestic workers

“Sexual harassment, no employment contract, no freedom of association, very low pay. Many domestic workers have a low level of education and are not aware of their rights because they are still very young or have been employed since childhood. KUDHEIHA-Kenya carried out a survey on domestic workers in Mombasa, in collaboration with the AFL-CIO Solidarity Centre. The survey showed that most domestic workers are not given food by their employer, that their identity cards are confiscated, that they are underpaid and that many of them are locked in the house when the employer leaves, with the risk of being unable to escape if there is a fire.” Albert Njeru

(Source: KUDHEIHA- Kenya)

Conducting a survey of domestic workers: a checklist

A survey would be the basis on which to plan an organising campaign to recruit domestic workers in the future.

Questions to workers should be simple and straightforward. It is best not to ask too many questions, focus on the ones that are essential. Domestic workers must have the certainty that the information they give will not be passed on to their employer or any government agency.

- Consult domestic workers organisations when they exist before setting up your questionnaire
- Find out the best places and moments to carry out the survey
- Organise face to face meetings or group discussions with domestic workers
- Topics to be covered could include: the existence of an employment relationship, migratory status, length of time working for the same employer, working conditions, wages paid or unpaid, access to social protection, maternity coverage, work time records, list of tasks, abuses, problems etc..
- Build a profile of the domestic workers (age, region of origin, working hours, wages etc.)



Planning an organising campaign

Trade unions have a long experience of organising workers. However, there may be some specific aspects that need to be considered when organising domestic workers. The following list of tips has been drawn up on unions' and domestic workers' experiences:

- Meet on their day off, which is usually the Sunday, after work or through networking;
- Regular visits and meetings in the neighbourhood will help gain trust over time. Various methods can be used: going door to door in an area with a high concentration of domestic workers, contacting organisations or people familiar with them, using the local media or social network
- Encourage the more confident workers to assist in meetings and take part in activities
- Recruit organisers among domestic workers
- Identify potential leaders who can help build a network
- Identify people with skills such as writing, networking, speaking, computers etc
- Offer training to motivated people
- Prepare and distribute a pamphlet explaining how trade unions can help and support domestic workers
- Find interesting stories for local radio, the print media, internet websites and social networks such as Facebook.



The Self-Employed Women's Association (SEWA) emphasises that any work with domestic workers requires training potential leaders and members on organising workers. SEWA has one of the most successful track records of organising workers in the informal economy.



Self-Employed Women's Association (India) - The SEWA approach

SEWA puts emphasis on the selection of leaders among the domestic workers themselves. They provide the identified leaders with adequate training so that they are capable of organising more domestic workers. SEWA's organising methods include meetings, training, case-studies, games and songs.

"SEWA's philosophy is that joining an organisation gives collective strength and bargaining power so that we can reach our collective aims. We can get a solution to the problems through organising. To get laws implemented or changed and to pass new laws, organising strength is necessary. All members acquire the feeling of awareness, courage, morality and unity." SEWA organiser.

Domestic Workers Organise themselves into a union in Mozambique

SINED – the National Union of Domestic Employees is an organisation of Mozambican domestic workers which started in March 2006 through a campaign by the workers, mobilising a 'good number of fellow workers who understood the necessity of creating a union'. In April 2008, the union was legally recognised by the Ministry of Labour and SINED became a member of the Mozambique national centre OTM-CS. The union produced a flyer with information on domestic workers' rights as stipulated by the national law. It aims to undertake training of its members in matters related to domestic work and to work in cooperation with other unions. SINED currently has about 700 members



Domestic workers are vulnerable to intimidation and the threat of dismissal from employers so are unlikely to want to be seen talking to the union. Like many other national centres around the globe, the Hong Kong Confederation of Trade Unions found ways of working with domestic workers and contacting workers away from the workplace. The HKCTU provides them with clear written information about where they can get help and support.

Hong Kong Confederation of Trade Unions (HKCTU) encourages domestic worker groups to unionise

HKCTU ran programmes at retraining centres. Women workers took domestic worker skills training courses there. At three of the centres, with the assistance of organisers, groups were formed, and over a year and a half they built the foundations of the union. HKCTU supported this union from the beginning and provided training to the leaders. In reaching out to the local and part-time domestic workers, the HKCTU runs skill-training courses for domestic workers in 5 districts. These courses bring part-time domestic workers together who otherwise are scattered and isolated. Domestic workers who have come to join the courses not only learn and practice the skills of cooking, cleaning, ironing, etc but also labour rights and how the Hong Kong Domestic Workers General Union, which they are encouraged to join, can help them.

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National Union of Domestic Employees (NUDE) in Trinidad

“We have come up with

innovative ideas, such as organising within the communities, visiting domestic workers at their homes and churches and village councils and spreading the word through attending other organisations’ events. Using popular theatre makes it exciting and attractive to new members and gives them information, while also raising their awareness on what rights they have and do not have under existing legislation. Meeting face to face with domestic workers has proved to be successful in recruiting new members and inviting them and other regular members to meetings”.

Ida Le Blanc, NUDE

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South Africa: SADSAWU's advices

The South African Domestic Service and Allied Workers Union (SADSAWU) in South Africa is a domestic workers' union, part of COSATU. Myrtle Witbooi, SADSAWU General Secretary and Chair of the International Domestic Workers' Network (IDWN), has advice based on 40 years experience: *"The best way to organise or reach domestic workers is to meet them at parks or play centres, churches, in the streets of the suburbs where they work or as they leave work. The SADSAWU also uses the trains and buses to make first contact with domestic workers. To be effective we have pamphlets with all the information so that they can get in contact with one of our centres. We try to form groups from different areas and once a month we bring them together. We also get as much information as possible about their work circumstances and use this to draw up a mapping document to present to labour organisations we are working with."*

Given the low wages prevailing in the sector, domestic workers may encounter serious problems in paying affiliation fees. In fact most of domestic workers' unions are short of funds – indeed many may not have sufficient funds to affiliate to the trade union national centre. Several national centres have resolved this problem by reducing the affiliation fee charged or by not charging at all.

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A voice from Senegal

Fatou Bintou Yaffa, president of the Women's Committee and deputy

general secretary of the CNTS explains: *"we had to offer these women lower union dues, to help them get a trade union card, which they are extremely proud of. We always consider their constraints, for example, by meeting them on Sundays; they cannot take time off on any other day, as they would risk losing their jobs"*.

Fatou insists on the need for unions to help domestic workers train and educate themselves.

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Reaching out to organise

Trade unions can organise domestic workers directly. But there are also many ways in which well-established trade unions can support and assist organising efforts of others.

ITUC Spotlight interview with Marissa Begonia, a Filipino domestic worker

Justice for Domestic Workers (J4DW) is a self-help group in the UK for migrant domestic workers, part of UNITE the union. We campaign and defend our rights, particularly following the changes to the immigration laws. It is important that we, as domestic workers, speak up for ourselves and our rights, rather than having someone else do it for us. Any action becomes more alive, more visible, and more effective when domestic workers campaign for themselves, although of course the support of other trade unions and NGOs is very important. Unite helps us a lot in campaigning, and developing our skills through education and training.....

We also provide English and IT classes through UNITE, as most of the domestic workers don't have English as their first language. This also helps them fulfil the requirements of the immigration procedure. Unite also provides us with some union courses, training and awareness-raising classes that give us the knowledge to fight for our rights. This education and training help us develop and improve our skills so that we can be confident when speaking in public, in the parliament, at government meetings, national and international conferences and mobilisations. This is one of the best ways to organise domestic workers, as most of them come to us not just to ask for help but also to learn. We help them understand that by joining the union, they have access to education, training, benefits, and we make them aware of the importance of campaigning.

The ITUC is committed to working with domestic workers' organisations and networks and urges trade unions to organise in partnership with domestic workers groups for improved rights, pay and conditions.

Working in an alliance is something that the IUF has put into practice. Unlike most workers whose work falls under the informal economy, domestic workers do have a history of union organisation in the food and agricultural sector. The IUF responded to the determination of domestic workers' organisations to win ILO international standards, by setting up a joint network with these workers' organisations.

“



Working Together in Asia

“Where domestic workers have set up their own

organisations, trade unions can reach out and build solidarity. In the first instance, it can be simple help, such as providing meeting space and access to photocopying. As the collaboration and mutual respect grows, the relationship can be deepened and then formalised into an alliance or association; this may mean changing the union's statutes. Domestic workers' organisations in many countries are keen to establish such a relationship, retaining their self-organisation but benefiting from the strength and position of the trade union movement.”

Lee Siew Hwa, Committee for Asian Women (CAW), Bangkok

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The International Domestic Workers' Network (IDWN) – a global partnership between unions and domestic workers' organisations.

The International Domestic Workers' Network (IDWN) is an initiative of domestic workers' unions and associations supported by the IUF and Wiego. The IUF provides the organisational basis for the IDWN. The network has full support of the IUF decision making bodies, but the strategies, priorities and actions are decided upon by the IDWN itself and its Steering Committee.

The IDWN drew up an action plan to assist domestic workers' organisations. The recommendations include:

- Act as a pressure group and as a watch-dog on national governments;
- Facilitate communication between network members, national trade unions, national centres, Global Unions and the ILO;
- Share information between all members of the network on good practice;
- As some network members can hardly survive, channel funds to them and/or help them to raise funds by assisting with donors contacts, letters of support, etc.
- Circulate solidarity statements for campaigns, including letters to governments.
- Support local, national, regional and international campaigns with resources, information, etc.
- Support network members participation in meetings and events,
- Build capacity within the network, including by providing training and development support.





Union services for domestic workers

This section gives some suggestions of ways in which unions and national centres can provide services to support domestic workers.

Legal advice

A domestic worker seeking legal redress against her employer is often fighting a losing battle, but trade unions can offer invaluable support in terms of legal assistance. This type of support is much appreciated by undocumented workers who are in a particularly vulnerable situation. Unions can also assist domestic workers' associations with the mechanisms for filing complaints to the ILO.

In some cases, legal advice is coupled to the provision of additional services. For example providing shelter to live-in domestic workers who flee their employers may be necessary. Shelter is one of the services provided by the Indonesian migrant workers' union in Hong Kong while the DWU in the United States decided to offer practical services such as health checkups to domestic workers.

Securing decent working conditions for domestic workers

Domestic workers' unions can promote standard employment contracts among domestic workers. Some act as an intermediary between domestic workers and employers who are committed to offering decent working conditions. Ideally the employment contract to be signed by both the worker and employer has been checked by the union, which can monitor its implementation.

In Indonesia, the Tunas Mulia Domestic Workers Union negotiates Union Standard Contract for its members. The Standard Contract stipulates a minimum wage and weekly leave for the domestic worker who signs it. The Union persuades employers to sign the Standard Contract by promoting responsible and quality services. A copy of all the Standard Contracts signed goes to the Union. Today the Union keeps over 400 of such Standard Contracts.



Counselling

Domestic workers who have been abused, accused of stealing, or going through a court case are in need of support. Setting up a union advice centre or a union confidential telephone hotline has proved useful. A study conducted in 2001 by the Asia Migrants Centre in Hong Kong reported that one in four foreign domestic workers suffers from abuse ranging from verbal to physical and sexual assaults.



Training

Many unions and domestic workers' organisations provide courses and training on workers' rights, trade unions and organising. A majority of unions found these capacity building activities essential to build confidence and leadership among domestic workers.



Union education initiatives in Africa

Training is the cornerstone of any sustainable action. We plan to open two training centres in Dakar. The aim is to help domestic workers to improve their qualifications (for example cooking, child care, caring for the elderly) because once they are qualified they will more easily be able to demand respect and better salaries.

Fatou Bintou Yaffa, Deputy General Secretary, CNTS Senegal

Before beginning our training we select a number of women in the area, we ask them when they are free and where we could meet them, and we bring them together, group after group. We begin by inviting one, then two, then a whole group. They prefer Sundays, but some employers lock their maids up in the house, even on that day. It is also difficult because they are worried about being seen as someone who knows about trade union activities, because in Kenya employers look upon the unions as trouble makers.

Spotlight interview with Albert Njeru (KUDHEIHA - Kenya)



Now,
over to you!





This ITUC Guide on domestic workers has set out the main campaign and organising issues. Now it is up to you to make a difference in your own country!

Trade union demands:

Decent work, decent life for domestic workers!

› Domestic workers are mainly women, children, migrants, or indigenous people.

Their work is undervalued, underpaid, invisible, not recognised, and not respected. These are the main reasons why in many countries domestic workers are excluded from labour legislation and social protection schemes. Many are denied the right, either in law or in practice, to form or join a trade union. As a result, exploitation, mistreatment, violence, and physical and sexual abuse often go unpunished.

› Domestic workers are among the most exploited categories of workers who:

- work excessive hours for wages below standard;
- often live under the same roof as their boss in unhealthy conditions,
- are exposed to all kinds of abuse;
- have very limited or no option to take a day off, and
- encounter difficulties to contact the outside world, family and friends.

› Trade unions must break the silence.

Through their actions, locally and globally, as well as at the EU level, trade unions can help secure decent work for domestic workers. By joining a union, domestic workers can get out of the shadow, stand up and unite to demand decent living and working conditions.

› An international Convention to protect the rights of domestic workers is urgently needed.

The International Labour Conference of June 2011 will be crucial to ensure that the rights of domestic workers are internationally protected. The tripartite negotiations must deliver strong ILO instruments that will make a real difference to the living and working conditions of all domestic workers around the world!



- › Make sure your government votes in favour of a Convention supplemented by a Recommendation at the next International Labour Conference of June 2011!

What do we want?

- › **National legislations that recognise labour rights for domestic workers:**

Labour laws excluding domestic workers from their scope must be amended. Existing legislation related to domestic work needs to be properly enforced. Everywhere in the world, domestic workers must enjoy their fundamental right to form and join a trade union. They must have access to labour courts and effective remedies when their rights are violated. Some countries like South Africa, Costa Rica and Uruguay have taken significant steps to extend labour laws and regulations to domestic workers paving the way for the formalisation of their work situation.

- › **A European framework protecting domestic workers' rights should be established:**

Domestic workers are often excluded from health and safety EU Directives as well as from the scope of the Maternity Protection Directive 92/85. This must change.

- › **A fair remuneration for domestic work:**

As it is seen as unqualified work that "any woman can do", domestic work is undervalued and underpaid. Domestic workers, like any other wage earner, have the right to a minimum wage and to a fair bargaining process through which they can claim a decent living wage.

- › **Entitlement to social protection including maternity protection for domestic workers:**

Domestic workers must have access to national social protection schemes. As the great majority of domestic

workers are young women, maternity protection is a must. ILO Convention 183 must be ratified and implemented to provide adequate protection to all working women.

› Decent working and living conditions for domestic workers:

Working hours need to be regulated by law, and the law needs to be enforced. Domestic workers, like any other worker, should have the right to paid annual leave, weekly days off and compensation for overtime.

› Children must go to school:

Programmes and policies are needed to stop child domestic work and ensure that children can go to school. As a bottom line, ILO Conventions on child labour (No 138 and No 182) need to be fully respected.

› More domestic workers members of our organisations:

Domestic workers need trade unions and trade unions need them. Domestic workers can benefit from trade unions' influence, support and experience, and trade unions will be stronger when more and more domestic workers join their ranks.

› Trade unions and organisations of domestic workers working closely together:

The struggle of domestic workers is our struggle. Fighting together adds strength to our common goal: a world with social justice and decent work for all.

References and Resources

ITUC publications:

Available at www.ituc-csi.org or upon request by sending an email to: equality@ituc-csi.org:

Decent Work, Decent Life for Women - Discussion Guide

1st World Women's Conference: Conclusions and Recommendations

2nd World Congress – ITUC resolutions

ITUC Guide - How to Combat Forced Labour and Trafficking

Annual surveys of violations of trade union rights

Reports for the WTO General Council Review

ITUC Union View:

Domestic Work: Mobilising for an ILO Convention

Mauritania-Senegal: Defending the rights of migrants,

Burma: trade unionists brave the tightrope

Sri Lanka: Trade unions hard at work,

Migrant workers in the Middle East,

Morocco - Raising Awareness and Visibility: Women Make Progress,

Nepal: unions advocate peace to secure development

ITUC Spotlight interviews:

14-09-2010: Spotlight interview with Elizabeth Tang (HKCTU-Hong Kong)

19-08-2010: Spotlight interview with Ana Bertha Navarro Munoz (CTRN – Costa Rica)

02-08-2010: Spotlight on Marissa Begonia (J4DW/Unite/TUC – United Kingdom)

04-06-2010: Spotlight Interview with Luc Demaret (ILO-Actrav)

29-01-2010: Spotlight interview with Albert Njeru (KUDHEIHA - Kenya)

04-01-2010: Spotlight on Claudine Akakpo (CSTT- Togo)

01-01-2010: Spotlight interview with Moulkheiry Sidiel Moustapha (CGTM-Mauritania)

01-01-2010: Spotlight interview with Fatou Bintou Yaffa (CNTS-Senegal)

17-12-2009: Spotlight interview with Mamadou Niang (CGTM-Mauritania)

19-11-2009: Spotlight interview with Rosane Sasse (UGT-Brazil)

20-10-2009: Spotlight interview with Marcelina Bautista (CONLACTRAHO-Mexico)

28-07-2009: Spotlight interview with Titus Mlengeya (CHODAWU – Tanzania)

International Labour Organization Publications

www.ilo.org

All Documents related to the ILC 2010 and 2011, in particular:

ILO Report IV(1) - Decent work for domestic workers

ILO Report IV(2): Decent work for domestic workers

ILO: Check what your government say: http://www.ilo.org/ilc/ILCSessions/98thSession/ReportsubmittedtotheConference/lang--en/docName--WCMS_123731/index.htm

IUF Global Union - International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations and the International Domestic Workers' Network (IDWN)

www.iuf.org www.idwn.info

- Various reports, documents, publications, information sheets, and news all available at <http://www.domesticworkerrights.org/>

- International Women's Day 2010 - Rights and Recognition for Domestic Workers <http://www.iuf.org/women/> <http://cms.iuf.org/?q=node/287>

Public Service International

www.world-psi.org

PSI Winning workers rights

http://www.world-psi.org/TemplateEn.cfm?Section=Winning_workers_rights&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=130&ContentID=13265

UNIFEM/ UN WOMEN

www.unifem.org/

Various reports, programs and documentaries

Human Rights Watch:

www.hrw.org

Various reports, particularly migrant and child domestic workers: <http://www.hrw.org/en/category/topic/women%E2%80%99s-rights/women-workers>

Anti-Slavery International:

www.antislavery.org

Various reports on migrant and child domestic workers, and domestic workers trapped in forced labour

Wiego

www.wiego.org

Fact sheet on domestic workers http://www.wiego.org/publications/FactSheets/WIEGO_Domestic_Workers.pdf

Domestic Workers Rights Leaflet

<http://www.wiego.org/leaflets/DomesticWorkersRights-2008.pdf>

Relevant international instruments:

ILO Core Conventions apply to all workers worldwide:

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

C98 Right to Organise and Collective Bargaining Convention, 1949

C29 Forced Labour Convention, 1930

C105 Abolition of Forced Labour Convention, 1957

C138 Minimum Age Convention, 1973

C182 Worst Forms of Child Labour Convention, 1999

C100 Equal Remuneration Convention, 1951

C111 Discrimination (Employment and Occupation) Convention, 1958

Main international instruments on migrant workers:

UN Convention on the Protection of the Rights of Migrant Workers and Members of their Families

ILO Convention No 97 Migration for Employment (Revised),

ILO Convention No 118 Equality of Treatment (Social Security),

ILO Convention No 143 Migrant Workers (Supplementary Provisions),

ILO Convention No 157 Maintenance of Social Security Rights,

ILO Convention No 181 Private Employment Agencies

Main international instruments on occupational safety and health, equality, conditions of work:

ILO Convention No 47 Forty-Hour Week,

ILO Convention No 95 Protection of Wages,

ILO Convention No 121 Employment Injury Benefits,

ILO Convention No 155 Occupational Safety and Health,

ILO Convention No 156 Workers with Family Responsibilities,

ILO Convention No 158 Termination of Employment,

ILO Convention No 171 Night Work Convention

ILO Convention No 175 Part-Time Work Convention,

ILO Convention No 183 Maternity Protection

UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

UN Convention on the Rights of the Child

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Publisher responsible in law: Sharan Burrow – ITUC General Secretary