I. Introduction

I.i. The context

Paid domestic work is not only one of the oldest occupations, but also one of the “emerging” activities that account for the work of increasing numbers of women workers in many developing and developed countries. Estimates based on official statistics from 117 countries suggest that there are at least 53 million domestic workers worldwide, with women workers constituting more than four-fifths of the number. Domestic work accounts for at least 7.5 per cent of all women in paid employment in the world, while in some regions this ratio is much higher, such as Latin America and the Caribbean and the Middle East (ILO 2011). This is elaborated by the data in Table 1, which provides some estimates of the extent of domestic work based in official statistics. While these are known to be underestimates (in some cases quite substantially so) they still provide some idea of how important this work is, despite its invisibility and lack of wider recognition.

To some extent this reflects demographic patterns that place increasing requirements on the “care economy”, as well as patterns of GDP growth and macroeconomic processes that are associated with rising inequalities and do not generate sufficient productive employment opportunities in other activities. Thus, the greater is the income inequality in a country, the greater is the likelihood of the proliferation of paid domestic work. But on a more fundamental level the nature of the expansion of this form of women’s work is determined by the gender construction of societies across the world, whereby women remain responsible for the care economy and social reproduction even when they are engaged in outside work, and so transfer some of this burden of previously unpaid work on to paid workers (usually other women). This has been associated with a globalization of the care economy, with growing use of migrant workers across and within countries, as well as the growth of part-time domestic work.
Table 1: Global and regional estimates of domestic workers by sex

<table>
<thead>
<tr>
<th>Panel A. Both sexes</th>
<th>Domestic workers</th>
<th>Domestic workers in % of total employment</th>
<th>Domestic workers in % of paid employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced countries (selected)</td>
<td>3,555,000</td>
<td>0.8%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Eastern Europe and CIS</td>
<td>595,000</td>
<td>0.3%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Asia</td>
<td>21,467,000</td>
<td>1.2%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Asia excluding China</td>
<td>12,077,000</td>
<td>1.2%</td>
<td>4.7%</td>
</tr>
<tr>
<td>Latin America and Caribbean</td>
<td>19,593,000</td>
<td>7.6%</td>
<td>11.9%</td>
</tr>
<tr>
<td>Africa</td>
<td>5,236,000</td>
<td>1.4%</td>
<td>4.9%</td>
</tr>
<tr>
<td>Middle East</td>
<td>2,107,000</td>
<td>5.6%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Total</td>
<td>52,553,000</td>
<td>1.7%</td>
<td>3.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Panel B. Females</th>
<th>Female domestic workers</th>
<th>Female domestic workers in % of female employment</th>
<th>Female domestic workers in % of female paid employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced countries (selected)</td>
<td>2,597,000</td>
<td>1.3%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Eastern Europe and CIS</td>
<td>396,000</td>
<td>0.4%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Asia</td>
<td>17,464,000</td>
<td>2.5%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Asia excluding China</td>
<td>9,013,000</td>
<td>2.6%</td>
<td>11.8%</td>
</tr>
<tr>
<td>Latin America and Caribbean</td>
<td>18,005,000</td>
<td>17.4%</td>
<td>26.6%</td>
</tr>
<tr>
<td>Africa</td>
<td>3,835,000</td>
<td>2.5%</td>
<td>13.6%</td>
</tr>
<tr>
<td>Middle East</td>
<td>1,329,000</td>
<td>20.5%</td>
<td>31.8%</td>
</tr>
<tr>
<td>Total</td>
<td>43,628,000</td>
<td>3.5%</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Panel C. Males</th>
<th>Male domestic workers</th>
<th>Male domestic workers in % of male employment</th>
<th>Male domestic workers in % of male paid employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced countries (selected)</td>
<td>958,000</td>
<td>0.4%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Eastern Europe and CIS</td>
<td>199,000</td>
<td>0.2%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Asia</td>
<td>4,003,000</td>
<td>0.4%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Asia excluding China</td>
<td>3,064,000</td>
<td>0.5%</td>
<td>1.7%</td>
</tr>
<tr>
<td>Latin America and Caribbean</td>
<td>1,588,000</td>
<td>1.0%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Africa</td>
<td>1,400,000</td>
<td>0.6%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Middle East</td>
<td>778,000</td>
<td>2.5%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Total</td>
<td>8,925,000</td>
<td>0.5%</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

Source: ILO estimates based on data from official sources.

Thus, as noted by Blackett (2011:3), “The insatiable “need” in the current stage of globalization for workers who are perpetually market available and relentlessly productive is coupled with significant demographic changes leading in many parts of the world to increased longevity. ...The observed contemporary rise in the demand for privatized care work cannot be separated from the state retreat from the provision of certain services and
an observed increase in the tendency towards the privatization of care through a cost reduction logic and a weakened commitment or capacity to pay for social protection via employer taxation and contributions in an environment where employers are perceived also to be footloose investors who may relocate. And the persistence of the need for contracted care in many developing countries reflects, in part, the fact that most have never had the privilege to develop robust social security systems.”

Despite its growing importance, domestic work in most countries remains largely unrecognised, generally undervalued, and almost always poorly regulated. Lack of regulation and extension of basic forms of worker protection to domestic work is to a significant extent the result of its very nature, since it is typically performed in individual households by workers without external monitoring of the terms and conditions of employment or easy possibilities for association. Since most domestic workers are women (and often migrant women) they are even less likely to be in a position to organise and demand their rights collectively. It is usually perceived as something less than regular work by both employers and the workers themselves, and contracts are usually determined bilaterally in conditions of unequal bargaining power without strong awareness of either labour market conditions or the legal rights of the workers. The relatively high proportion of child labour in this activity is also a reflection of the sheer difficulties of monitoring and regulation.

In the context of these existing and emerging patterns of employment, it is important to identify strategies and policy directions for translating the ILO Convention on Domestic Workers, as well as other international commitments (such as under CEDAW) into programmable actions. This paper will examine such possibilities and look at existing “good practices” in different countries and the specific contexts in which they have emerged, which will allow for an assessment of the opportunities for replication of such good practices.

The paper is organised as follows. In the remainder of this introductory section, the implications and ramifications of the ILO Convention on Domestic Work are considered, along with the implications of CEDAW especially for migrant domestic workers. In the second section, the evidence on the extent of domestic work in different regions and countries is examined, along with the available information on recent trends in such employment, including wages and conditions of work. The third section examines the legal provisions and official policies towards domestic work in different countries, as well as moves towards the social and political mobilisation of domestic workers, with a view to capturing some examples of “best practice” as well as other positive moves. The final section examines the replicability of such practices and provides some recommendations at different levels (local, national, regional and global).
I.ii. ILO Convention No 189

The ILO Convention on Decent Work for Domestic Workers (ILO 2011) was adopted at the 100th International Labour Conference in July 2011. It defines domestic work as work performed in or for a household or households and a domestic worker as a person engaged in domestic work within an employment relationship. According to this definition, a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker. This definition therefore excludes all those who perform domestic work as unpaid labour within households or families, as well as those who engage in casual part-time paid activity (such as part-time or casual babysitting) in addition to their other regular activities.

Even so, the convention recognises that a domestic worker may be employed on a full-time or part-time basis; may be employed by a single household or by multiple employers; may be residing in the household of the employer (live-in worker) or may be living in his or her own residence (live-out); and may be working in a country of which she/he is not a national.

The main features of the Convention can be described in summary form as follows:

**Basic rights of domestic workers**
- Promotion and protection of the human rights of all domestic workers (Article 3).
- Respect and protection of fundamental principles and rights at work: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) elimination of all forms of forced or compulsory labour; (c) abolition of child labour; and (d) elimination of discrimination in respect of employment and occupation (Articles 3, 4, 11).
- Effective protection against all forms of abuse, harassment and violence (Article 5).
- Fair terms of employment and decent living conditions (Article 6).

**Information on terms and conditions of employment**
- Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner, preferably through a written contract (Article 7).

**Hours of work**
- Ensuring equal treatment between domestic workers and workers generally with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and annual paid leave (Article 10).
- Weekly rest period of at least 24 consecutive hours of work (Article 10).
• Regulation of stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls) (Article 10).

Remuneration
• The minimum wage is applicable if a minimum wage exists for other workers (Article 11).
• Wages must be paid in cash, directly to the worker, and at regular intervals of no longer than one month. Payment by cheque or bank transfer is accepted when allowed by law or collective agreements, and with the worker’s consent (Article 12).
• In-kind payment is allowed only under three conditions: (1) it is only a limited proportion of total remuneration; (2) the monetary value is fair and reasonable; and (3) the items or services given as in-kind payment are for personal use by, and of benefit to, the worker. Thus uniforms or protective equipment, etc., are not to be regarded as payment in kind, but as tools that the employer must provide to workers at no cost to them for the performance of their duties (Article 12).
• Fees charged by private employment agencies are not to be deducted from the worker’s remuneration (Article 15).

Occupational safety and health
• Right to safe and healthy working environment (Article 13).
• Measures to ensure workers’ occupational safety and health (Article 13).

Social security
• Social security protection, including maternity benefits (Article 14).
• Conditions for domestic workers that are no less favourable than those applicable to workers generally (Article 14).

Standards concerning child domestic workers
• Requirement to set a minimum age for entry into domestic work (Article 4).
• For domestic workers aged 15 years old but less than 18 years old, their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training (Article 4).

Standards concerning live-in workers
• Decent living conditions that respect the workers’ privacy (Article 6).
• Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household (Article 9).
• No obligation to remain in the household or with its members during their periods of rest or leave (Article 9).
• Right to keep their identity and travel documents in their possession (Article 9).
• Regulation of stand-by hours (Article 10).

**Standards concerning migrant domestic workers**
- A written contract that is enforceable in the country of employment, or a written job offer, prior to travelling to the country of employment (Article 8).
- Clear conditions under which domestic workers are entitled to repatriation at the end of their employment (Article 8).
- Protection of domestic workers from abusive practices by private employment agencies (Article 15). This may require co-operation among sending and receiving countries to ensure the effective application of the provisions of the Convention to migrant domestic workers (Article 8).

**Private employment agencies**
- Regulate the operation of private employment agencies (Article 15).
- Ensure adequate machinery for the investigation of complaints by domestic workers (Article 15).
- Provide adequate protection of domestic workers and prevention of abuses, in collaboration with other Members where appropriate (Article 15).
- Consider bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices (Article 15).

**Dispute settlement, complaints, enforcement**
- Provide effective access for domestic workers to the court, tribunals or other dispute settlement mechanisms, including accessible complaint mechanisms (Article 17).
- Ensure compliance with national laws for the protection of domestic workers, including labour inspection measures. In this regard, the Convention recognizes the need to balance domestic workers' right to protection and the right to privacy of the households' members (Article 17).

It is notable that the Convention explicitly recognises that domestic workers themselves need to mobilise and form associations in order to ensure these conditions. According to the Convention, domestic workers can and should organise and mobilise support for the ratification and implementation of the Convention by their Governments. In addition, regardless of whether the country in which they work has implemented the Convention or not, they can use the provisions of the Convention to influence changes in laws and improve their working and living conditions.

**I.iii. CEDAW and the implications for rights of domestic workers**
The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By now almost all member states of the UN have ratified it, although over fifty countries have ratified the Convention subject to certain declarations, reservations, and objections, including 38 countries that have rejected the enforcement article.¹

Article 11 of CEDAW, which deals with employment, also contains provisions that would apply directly to domestic workers:

- The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

The CEDAW declaration on migrant workers has a great deal of relevance for domestic workers, since so many of them are migrants (as described in Section II.ii below). This specifies some common responsibilities of countries of origin and destination, including the formulation of a comprehensive gender sensitive and rights based policy with the active involvement of women migrant workers and relevant NGOs; and support for quantitative and qualitative research, data collection and analysis to identify the problems and needs faced by women migrant workers in every phase of the migration process in order to promote the rights of women migrant workers and to formulate relevant policies. But it also lays out clear responsibilities of governments as described below:

Responsibilities specific to countries of origin

Countries of origin must respect, protect and fulfill the human rights of their female nationals who migrate for purposes of work, through measure such as the following:

- Lifting of discriminatory bans or restrictions on migration on the basis of age, marital status, pregnancy or maternity status, as well as restrictions that require women to get permission of their spouse or male guardian to obtain passports or to travel.
- Education, awareness-raising and training with standardized content, especially the provision of free or affordable gender and rights-based pre-departure information

¹ http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm
and training programmes that raise prospective women migrant workers’ awareness of potential exploitation, including: recommended contents of labour contracts, legal rights and entitlements in countries of employment, procedures for invoking formal and informal redress mechanisms, processes by which to obtain information about employers, cultural conditions in countries of destination, stress management, first aid and emergency measures including emergency telephone numbers of home embassy, and services; information about safety in transit including airport and airline orientations and information on general and reproductive health, including HIV/AIDS prevention.

- Regulations and monitoring systems to ensure that recruiting agents and employments agencies respect the rights of all women migrant workers. Such legislation should include a comprehensive definition of irregular recruitment along with the provision of legal sanctions for breaches of the law by recruitment agencies. Accreditation programmes could ensure good practices among recruitment agencies.

- Provision of health services with special attention to voluntariness, the provision of free or affordable services and to the problems of stigmatization.

- Travel documents, to ensure that women have equal and independent access to travel documents.

- Legal and administrative assistance in connection with migration for work, including legal reviews should be available to ensure work contracts are valid and protective of women’s rights on a basis of equality with men.

- Safeguarding the remittances of income by providing information and assistance to women to access formal financial institutions to send money home and to encourage them to participate in saving schemes.

- Facilitating the right to return free of coercion and abuse.

- Services to women upon return, including comprehensive socio-economic, psychological and legal services aimed at facilitating the reintegration of women who have returned, with monitoring of service providers to ensure that they do not take advantage of the vulnerable position of women returning from work abroad, and should have complaints mechanisms to protect the women against reprisals by recruiters, employers, or former spouses of the women.

- Diplomatic and consular protection of the rights of women migrant workers abroad, including quality support services available to women migrants including timely provision of interpreters, medical care and counselling, legal aid and shelter when needed.

Responsibilities specific to countries of destination
States Parties in countries where migrant women work, should take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities, including measures such as:

- Lifting of discriminatory bans or restrictions on immigration and ensuring that their visa schemes do not indirectly discriminate against women and lifting bans that prohibit women migrant workers from getting married to nationals or permanent residents, to becoming pregnant or to securing independent housing.
- Legal protection for the rights of women migrant workers, such that constitutional and civil law, as well as labour codes provide to women migrant workers, the same rights and protection that is extended to all workers in the country including the right to organize and freely associate. In particular, governments should ensure that occupations dominated by women migrant workers such as domestic work are protected by labour laws including wage and hour regulations, health and safety codes, holiday and vacation leave regulations. These laws should include mechanisms by which to monitor work place conditions of migrant women especially in the kinds of jobs they dominate. (Emphasis added.)
- Ensuring that women migrant workers have the ability to access remedies when their rights are violated. This includes laws and regulations that include adequate legal remedies and complaints mechanisms, and easily accessible dispute resolution mechanisms, protecting both documented and undocumented women migrant workers from discrimination or sex-based exploitation and abuse. This also includes the repeal or amendment of laws that prevent women migrant workers from using the courts and other systems of redress (such as loss of work permit or possible deportation by immigration authorities when a worker files a complaint of exploitation or abuse and while pending investigation).
- Ensuring that women migrant workers have access to legal assistance and to the courts and regulatory systems charged with enforcing labour and employment laws, including through free legal aid.
- Providing temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives as well as provide facilities for safe accommodation during trial.
- Legal protection for the freedom of movement, particularly by ensuring that employers and recruiters do not confiscate or destroy the travel or identity documents belonging to women migrants, and taking steps to end the forced seclusion or locking in the homes of women migrant workers, especially those working in domestic service.
- Ensuring that family reunification schemes for migrant workers are not directly or indirectly discriminatory on the basis of sex.
• Non-discriminatory residency regulations, including regulations to allow for the legal stay of a woman who flees from her abusive employer or spouse or is fired for complaining about abuse.

• Training and awareness-raising programmes concerning the rights of migrant women workers and gender sensitivity training for relevant public and private recruitment agencies and employers and relevant state employees, such as criminal justice officers, border police, immigration authorities, border police, social service and health care providers.

• Monitoring systems that ensure that recruiting agents and employers respect the rights of all women migrant workers.

• Access to linguistically and culturally appropriate gender sensitive services for women migrant workers, including language and skills training programmes, emergency shelters, health care services, police services, recreational programmes, and programmes designed especially for isolated women migrant workers such as domestic workers and others secluded in the home, in addition to victims of domestic violence. Victims of abuse must be provided with relevant emergency and social services regardless of their immigration status.

• The rights of women migrant workers in detention must be respected, whether they are documented or undocumented, to ensure that women migrant workers who are in detention do not suffer discrimination or gender-based violence, and that pregnant and breastfeeding mothers as well as women of ill-health have access to appropriate services.

• Adopting policies and programmes with the aim of enabling women migrant workers to integrate into the new society, while remaining respectful of the cultural identity of women migrant workers and protective of their human rights in compliance with the Convention.

• Protection of undocumented women migrant workers: This needs specific attention. Undocumented women migrant workers must have access to legal remedies and justice in cases of risk to life or to cruel and degrading treatment or if they are compelled into forced labour, face deprivation of fulfilment of basic needs including in times of health emergencies or pregnancy and maternity, or if they are abused physically and sexually by employers or others.

It is evident that CEDAW already provides a near comprehensive listing of desirable laws, regulations and practices for governments to ensure the rights of domestic workers. Clearly, both the ILO Convention and CEDAW provide the foundation for policy recommendations. However, it is unfortunately just as evident that these recommendations are generally honoured more in the breach, since the conditions of domestic workers in many countries still point to wages and working conditions that are very far from the ideal
suggested by these statements. The conditions of domestic work in different countries are explored in the next section.

II. Trends and patterns of domestic work

II. i. Understanding the extent and nature of domestic work as an economic activity

For obvious reasons, it is extremely difficult to get accurate and reliable data on the extent of domestic work. The informality of most domestic work and the individual/personal nature of contracts militate against the clear demarcation and recognition of domestic work. The involvement of migrant workers (often irregular and undocumented), along with the possibility of part-time domestic work, also add to the difficulties of arriving at accurate estimates of the incidence of such work. Available surveys point to severe under-reporting of such work in official statistics, which is often compounded by the varying definitions used for categorising domestic work and the fact that many official data collection agencies tend to lumps such work along with other “social, community and personal services”.

The limited data that are available indicate that domestic work is overwhelmingly feminised. As indicated in Chart 2, in 2006 women accounted for the dominant share of domestic workers, generally more than 85 per cent in the countries for which data were available.

Chart 2.
However, there is no clear indication from this dataset that the degree of feminisation intensified over the previous decade, as there are varying trends in different countries. Indeed some countries show much lower proportions of female involvement, as is evident from the example of India described below. Similarly, while domestic workers in Africa are overwhelmingly women, official statistics from Egypt suggest that male domestic workers outnumber women (Beckett and Scholar 2011).

Table 2: Estimates of women domestic workers in some countries

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Number of women domestic workers</td>
<td>18.05</td>
<td>18.51</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>95.3</td>
<td>95.8</td>
</tr>
<tr>
<td>Belize</td>
<td>Number of women domestic workers</td>
<td>10.14</td>
<td>9.8</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>91.2</td>
<td>91.6</td>
</tr>
<tr>
<td>Brazil</td>
<td>Number of women domestic workers</td>
<td>18.73</td>
<td>17.1</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>95.3</td>
<td>95.0</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Number of women domestic workers</td>
<td>15.5</td>
<td>17.56</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>91.7</td>
<td>95.0</td>
</tr>
<tr>
<td>El Salvador</td>
<td>Number of women domestic workers</td>
<td>10.3</td>
<td>9.88</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>96.3</td>
<td>95.3</td>
</tr>
<tr>
<td>Mexico</td>
<td>Number of women domestic workers</td>
<td>9.46</td>
<td>11.55</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>95.6</td>
<td>93.7</td>
</tr>
<tr>
<td>South Africa</td>
<td>Number of women domestic workers</td>
<td>9.36</td>
<td>8.66</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>85.0</td>
<td>84.1</td>
</tr>
<tr>
<td>Spain</td>
<td>Number of women domestic workers</td>
<td>7.11</td>
<td>6.67</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>92.0</td>
<td>93.2</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Number of women domestic workers</td>
<td>2.87</td>
<td>2.81</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>98.6</td>
<td>86.7</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Number of women domestic workers</td>
<td>20.12</td>
<td>18.88</td>
</tr>
<tr>
<td></td>
<td>Share of women domestic workers</td>
<td>92.6</td>
<td>93.3</td>
</tr>
</tbody>
</table>

Source: Calculated from ILO (2010) Table 1.1, page 6

These numbers can vary sharply depending upon source, and it is widely recognised that the official estimates (including those presented in Chart 1 and Table 1) are likely to be underestimates. Another estimate based on LABORSTA data, for example, finds the number of women domestic workers in Brazil to be as high as 6.3 million in 2008, accounting for 16.4 per cent of the total female work force (Shwenken and Heimeshoff 2011). A further problem is that in many developed countries, irregular migrants also contribute to the provision of domestic work, and they are also prone to be mostly unrecorded. In the US, Passal and Cohn (2009) estimated that nearly one quarter of those in private household
employment in 2008 were irregular migrants. The significance of migrants in such work is not only confined to developed countries: in Argentina, 78 per cent of women immigrants are said to be employed in domestic service (Tokman 2010).

Shwenken and Heimeshoff (2011) indicate the possible extent of the difference between official and actual numbers of domestic workers for some countries in Europe. In Italy, LABORSTA data show that 419,000 workers are employed in private households, but other estimates are as high as 1.2 million. In Germany, there were 40,000 officially registered domestic workers in 2000, but another estimate (Schupp 2002) found around 1.1 million workers employed in private households without paying into the social security system.

Unsurprisingly, in most developing regions, domestic workers are mostly native born rather than migrants as they are in much of the developed world. While this is generally an activity dominated by women, as noted above, there are some regions where male involvement is also significant. For example, in some countries of North Africa like Egypt and Algeria, male domestic workers outnumber females, at 71 per cent and 55 per cent of the total respectively (Namakusa 2011). This cannot be ascribed only to Islamic attitudes towards female employment, since in other dominantly Muslims countries of North Africa and West Asia, female involvement in paid domestic work is hugely significant.

II.ii. Migrant domestic workers

Many (perhaps even the majority) of domestic workers may be migrants of different kinds, although this is very hard to estimate. For example, Beckett and Scholar (2011) suggest that 80 per cent of all female migrant workers are domestic workers. The global number of cross-border migrant women involved in domestic work in the country of destination was estimated to be between 17 and 25 million in 2007 (Panell and Altman 2007) but the numbers could well be higher at present. Many domestic workers are also internal migrants, coming from backward to more developed regions or from rural to urban areas in search of work on their own or with families.

In Asia, women cross-border migrants come dominantly from three countries: the Philippines, Indonesia and Sri Lanka. In the Philippines, women migrants have outnumbered their male counterparts since 1992, and in all these countries women are between 60 to 80 per cent of all legal migrants for work (Asis 2003). The majority are in services (typically low paid domestic service, as caregivers or housemaids) or in entertainment work. While Filipina women tend to travel all over the world, women from the other two countries go dominantly to the Middle East and Gulf countries in search of employment. Around 56 per cent of the migrant workers from Sri Lanka are women employed as housemaids, who go to work dominantly in Saudi Arabia, Kuwait and the
United Arab Emirates. Legal migration from Indonesia is dominated by women taking up domestic work in Singapore, Malaysia and Hong Kong. (Ghosh 2009)

This domination in informal and care activities makes women migrants less able to ensure for themselves much of the legal protection of workers that would otherwise prevail in the destination area. Domestic work is often excluded from the legal framework surrounding work contracts, and because it does not come with legally enforceable contracts that protect the workers, and so allows for exploitative work conditions involving long hours without overtime payment, absence of other rights, and so on. Domestic workers typically also do not benefit from freedom of association, even when it is legally permitted or encouraged in the destination country, and therefore do not have many of the rights that collective action by workers and trade unions would try to provide for workers. They are also apparently more likely to face problems such as delayed wage payment or even non-payment of full wages, or transfer of wages into accounts that they cannot access. Migrant domestic workers are often also the victims of unequal access to basic public services, including most importantly health services. This is particularly important given the special needs of women especially with regard to reproductive health care. There is typically inadequate or no provision of maternity benefits and even the possibility of dismissal on pregnancy. Obviously, irregular immigration status exacerbates the risk of exploitation of women migrant workers, who may be more likely to accept very adverse conditions simply for fear of being exposed and possibly deported.

Domestic service is one of the most common occupations of women migrants from developing countries to developed ones. This is particularly true in some European countries like France, Italy, Spain and Greece, as well high and middle-income countries in Asia and the Gulf states. In the 1990s, this was also encouraged by official policies: a significant proportion of the migrants who entered Italy, Greece and Spain through the quota system were women domestic workers, and they also dominated among those migrants who were subsequently regularised. For some developing countries, this is now the major component of migration: in Sri Lanka between 1996 and 2001, housemaids were between 75-91 per cent of all female migrants, and more than half of all migrants (Siddique 2004).

The migration of women workers can lead to an international transfer of the job of providing care, as is illustrated by the example of migrant women workers from the Philippines. Many such women perform domestic tasks – the labour involved in social reproduction – that are still the lot of women in the more developed industrial societies in Europe or North America, or the more dynamic and rapidly growing developing parts of Asia such as Hong Kong, Singapore and South Korea, or the oil-exporting countries of West Asia and the Gulf. They thereby potentially free such female labour for more active participation in the paid labour market, and contribute to the economic growth of the
receiving country. Kremer and Watt (2006) also argue that this type of migration increases the wages of low-skilled natives and provides a fiscal benefit by correcting tax incentives towards home-based production.

The gender division of labour permeates and even drives the migration process, creating demand in the receiving society and enabling migration from the sending society. This reflects the fact that in both regions women have not been able to negotiate a more equal division of labour within the household, so that social reproduction remains their responsibility. This three-tiered involvement of women in the international transfer of domestic labour becomes an important, even if often unnoticed, feature of the accumulation process in the host society. It becomes an important factor driving economic booms, even if its role is not as explicitly evident as the feminisation of export-oriented manufacturing, for example. As noted by Beckett and Scholar (2011:6) “Unlike many other migrant workers, domestic workers contribute to and sustain the receiving country’s economy by undertaking the work of social reproduction necessary to sustain labour market participation by the receiving country’s citizens, women and men, without challenging existing gender roles.”

It also contributes to the growth of the sending economy through the mechanism of remittances. In general because female migrants typically work in service activities related to the care economy, they are typically more stable over the business cycle of the host economy than the remittances out of male migrant workers’ incomes, which are more dependent on employment in manufacturing and construction.

At the same time, the concerns of social reproduction in the sending society still remain. It has usually been the case that migrant women’s own household responsibilities back home must be fulfilled by other women, since the gender division of labour at both ends of the migratory spectrum still leaves women primarily responsible for the domestic work, whether in paid or unpaid fashion. This housework back home is often performed by women relatives, such as mothers, sisters and daughters. But the very large wage differentials across sending and receiving countries can allow such migrant workers in turn to relegate their own domestic work by hiring poorer local women to care for their own children and perform necessary household tasks. In turn, such women may even be migrants from rural areas who have come into cities and towns in search of income. This is also associated with the social phenomenon of “diverted mothering”, which has been defined as the process in which the “time and energy available for mothering are diverted from those who, by kinship or communal ties, are their more rightful recipients.” Sau-ling Wong (1994: 69) Historically, this was observed among Black female domestic workers in the United States, who had to leave their children behind, saw them infrequently, and instead lavished their time, attention and love on other more privileged children whom they were paid to care for. But this description can now be just as easily valid for women
from developing countries who perform paid domestic work and child care functions in rich industrial countries. And, in turn, their own children back home could then be the recipients of diverted mothering from even lower paid domestic workers.

These various difficulties faced by women migrant domestic workers may be compounded by institutional constraints. Local trade unions typically do not concern themselves with migrant workers, and even less with female migrants. In some cases, migrants are explicitly not allowed to join local unions by law, and even when this is allowed, migrant women usually face additional obstacles in joining unions and face other kinds of resistance and hostility from other workers, because of perceptions that they are driving down wages and working conditions in the host countries. Usually the only substitute for such union protection is through the NGOs that are focussed on providing services and protection to migrants, but their coverage is limited in geographical and quantitative terms. In some countries there are even formal constraints imposed on access by women migrants to the legal system, such as loss of work permit on filing a case against an employer. But in addition there are other social, cultural and economic barriers that can prevent them from accessing and benefiting from all their legal rights. One basic constraint is often lack of sufficient knowledge of the local language and consequent inability either to be fully aware of their own rights or lack of ability to go through the required channels to demand their rights. Women engaged in domestic work may be under the constant watch of employers and therefore not be able to communicate with others to compare situations or report abuse. There is the possibility of hostility or indifference of officialdom. There are issues of occupational safety and physical and psychological health, such as exposure to dangerous chemicals because of cleaning work, lack of access to prompt and adequate health care, and depression resulting from isolation, as well as other hazards related to harassment in various forms. Lack of outside contacts and isolation from peers, fear of reprisal and other methods such as withholding of passports by employers all contribute to a web of exploitation and have been found to be a major cause of prolonged exploitation of women migrants in some cases. This is not just true of cross-border migration of domestic workers; evidence of such conditions is often found also for domestic workers who have migrated from one part of the country to another or from village to town or city.

II. iii. Some country examples

India

In India, data on the extent of paid domestic services comes mostly from the employment surveys of the National Sample Survey Organisation. Recent data indicate that women dominate in this activity, and also that it has become increasingly important as an employer, especially for urban women. Chart 2 describes the distribution of domestic
workers (defined as those who are engaged in this as their usual activity as either principal or subsidiary work) across area and gender.

![Distribution of domestic workers in India in 2009-10](image)

Source: NSSO Report No 537 on Employment and Unemployment in India, 2009-10

It is evident from Chart 2 that of total domestic workers in the country in 2009-10, more than two-thirds lived in urban India and 57 per cent of them were women. This is a lower rate of female involvement in this type of employment than in many other countries, and reflects the combination of several forces: the long history in India of the affluent employing domestic servants, which created aspirations of such hiring patterns also among the newly affluent; low employment generation in other activities as well as uncertain household income generation prospects that have increased the supply of such workers; and changes in income distribution and GDP growth patterns that have created a new middle class that is able to afford to demand such workers.

However, while overall female share of such work is not as high as in some other countries, Chart 3 suggests that the rate of feminisation of such work has been increasing, especially in urban India. Over the decade of the 2000s, 75 per cent of the increase in the total number of domestic workers was accounted for by women.
Not only is this activity becoming more feminised, but it is becoming more important in the total employment of women, especially in urban India. The NSSO Survey of 2004-05 showed a dramatic increase in the number of women engaged in domestic service, but several other anomalies in the data from that report suggest that some of the features suggested in that report were more in the nature of outliers. However, even if the comparison is made only between 1999-2000 and 2009-10, (indicated in Chart 4) it is clear that especially in urban India, domestic work accounts for a growing and increasingly significant share of the total employment of women. (The shares are much higher is only principal status activities are considered and if self-employed workers are removed from the analysis.)

Further, of the total increase in the number of women workers in the entire decade, a whopping 14.4 per cent was accounted for by domestic work. This suggests that more remunerative and desirable work is simply not available even for women who wish to enter the labour force, and they are forced to seek this employment as the only alternative. The continuing perception is that such work, especially when performed by women, essentially adds to family incomes rather than is the main source. This further operates to
reduce the reservation for women workers and reduce the potential for increased wages and better working conditions.

The growing significance of domestic work in paid employment in India makes it all the more imperative to ensure that such work is given dignity and occurs under decent conditions with adequate pay. At the moment, because of the personalized nature of such work, the informality of most contracts and the difficulty of monitoring conditions, as well as the generally adverse labour market conditions, most such work takes place under extremely difficult and oppressive conditions, with low pay, little or no limits on working hours, lack of autonomy and respect of the workers, and almost nothing in the form of worker protection or social security.

It is unfortunately the case that as long as overall productive employment generation remains so sluggish, there will be continuing pressures on both male and female workers that can force them to accept working conditions that are poor and even sometimes degrading. However, both public policy and labour mobilisation can play roles in improving such conditions even when the overall employment scenario is bleak. At
present, domestic workers are unprotected by almost all labour legislation. None of the labour laws, such as Workmen’s Compensation Act 1926, Inter State Migrant Workers Act 1976, Payment of Wages Act 1936, Maternity Benefit Act 1961, Minimum Wages Act 1948, Equal Remuneration Act 1976, Employee’s State Insurance Act, Employees Provident Fund Act, Payment of Gratuity Act, 1972 are applicable to them. However, they have been recently included in the Unorganized Workers’ Social Security Act, 2008. As noted below, some states have taken the initiatives to issue Minimum Wages Notification.

Thus, for example, even admitting domestic work under the provisions of Minimum Wages legislation can play some role in improving the remuneration of these workers. It is true that such minimum wage legislation is more honoured in the breach in India, where the conditions of excess labour supply and poor generation of decent work opportunities have combined to create desperation on the part of those engaging in such work. Even so, coverage under the minimum wage laws increases the bargaining power of domestic workers and can begin to contribute the improvement in their working conditions.

Mostly such legislation and even official recognition of domestic work as economic activity that should be subject to labour regulation and provide some degree of labour protection has not come on its own as a “gift” from officialdom, but has resulted from prolonged efforts at mobilisation or workers and lobbying the government. In India, minimum wages are determined by state governments, and there is wide variation in both coverage and level of wages across states. In the Indian state of Tamil Nadu, employment in domestic work was included in the schedule of the Tamil Nadu Manual Labour Act 1982 only in June 1999, after prolonged demands by associations of such workers, NGOs and others. Nearly a decade later in January 2007, the Tamil Nadu Domestic Workers’ Welfare Board was constituted, and a few months later there was a preliminary notification for a Minimum Wage Act for domestic workers, which also specified wages for particular tasks and working hours. A number of other states, such as Karnataka, Kerala and Rajasthan, have also included domestic workers in the minimum wage laws, but implementation is patchy at best.

In some states, such as Kerala, the specified minimum wages have been set relatively low and are well below the actual market wages (because of the role played by outward migration and remittances in affecting labour demand in Kerala). However, the state government has also included domestic workers as members of the Kerala Artisan and Skilled Workers’ Welfare Fund, which has the important implication of allowing them to avail of social security schemes. This has linked with the movements for association of such workers: the Kerala arm of the National Domestic Workers’ Movement has been registered as a trade union in Kerala from 2008, and it has been appointed to issue labour certificates for the social security fund to its members. Obviously implementation remains a problem, but this is aided by the attempts at unionisation of such workers and related
collective action, as have occurred in Kerala, Mumbai and elsewhere. What is required is professionalising the relations between employer and employee, which can only be done through a combination of organisation, legislation and institution-building.

Another serious problem is the use of child labour in domestic work, in both paid and unpaid forms (and even, in extreme cases, as bonded or unfree labour). While Indian law prohibits the employment of children below 14 years age in certain (usually “hazardous”) occupations through the Child Labour (Prohibition & Regulation) Act 1986, the ban was only extended to domestic work in 2006. However, there is hardly any monitoring or attempt to implement this law, and empirical studies suggest that the use of child labour in domestic work remains significant. Some recent media reports of ill-treatment of children (usually migrants from poor rural families with little autonomy or ability to seek redressal) engaged in domestic work in middle class urban households have highlighted the extent to which such practices remain rife. On a national level, attempts to include domestic workers under social protection laws and policies have also still been limited, despite public interest litigation designed to identify the gap and use the courts to require governments to meet their obligations for protecting the rights of domestic workers.

This makes it imperative for the Government of India to ratify the ILO Convention on Domestic Work, which was passed by the International Labour Congress in 2010. This Convention clearly outlines the basic rights of domestic workers, and provides guidelines on terms and conditions of employment, wages, working hours, occupational safety and health, social security and the avoidance of child labour. Ratification is obviously just a first step in a longer process, but it will prove to be an important step in ensuring the dignity of all workers in the country.

However, regulation and monitoring needs to be done sensitively or it may be counterproductive. The example of official processes for ensuring the safety of women migrant workers is a case in point. The government of India imposes restrictions on the emigration of women in ‘unskilled’ categories such as domestic work in the attempt to protect women from potential exploitation. However, Kodoth and Varghese (2011) argue that this can curtail women’s access to mobility and emigrant work opportunities. In the case of Kerala, such restrictions have “directed potential migrants to the use of informal and/or illegal processes in connivance with state agencies” and thereby made their conditions even worse.

Sweden
While paid domestic work has a very long and relatively unbroken tradition in India, Sweden provides an interesting example of a country where this had largely vanished and has only recently become evident once again. In the second half of the 20th century, as welfare state provisions expanded in Sweden and as public provision of basic social services expanded and became more widely affordable, paid employment in domestic work largely vanished. The social emphasis on equality (with a focus on reducing both gender and class inequalities) was important in creating a widespread perception that such work should be performed in a shared manner by members of households, and aided not only by state provision of child care and related facilities, but also by technological improvements that reduced the time and drudgery involved in many activities and greater employer sensitivity to the needs and family responsibilities of both male and female adults.

However, the past two decades have witnessed an increase in both demand for and supply of paid household services that come in the category of domestic work. As noted by Calleman (2011), this reflects social and economic changes that are both internal to Sweden and external to it in the form of globalisation. Internal reasons include changes in the labour market and in the public provision of services, both of which are related to broader economic policies in Sweden. Increasing wage differentials made it easier for some households with higher income earners to be able to purchase domestic services from paid workers coming from lower wage households, even as cuts in the provision of institutional care and related services made it harder for families to manage using their own personal labour. The supply of workers willing to engage in these activities was boosted by the increase in unemployment and the relative stagnation of wages at the bottom of the pyramid. At the same time, globalisation and in particular the easing of labour movement restrictions within the expanded European Union operated to increase the supply of domestic workers from outside Sweden. This was further enabled by the greater presence of employment offices (such as “au pair” agencies) that were able to function because of international employment agreements, as well as work sought by women members of migrating households.

In fact, cross-border migration has been an important source of labour supply for domestic work – and in this sense Sweden is similar to many of the other European countries in terms of increasing reliance on work performed by migrant women for meeting the various needs of social reproduction. Many of these workers (as elsewhere in Europe and North America) can be irregular or undocumented migrants, rendering their position more vulnerable.

Because of the relatively recent expansion of domestic work as a paid economic activity after a period when it had disappeared not just from the data but also from the social reality, the legal, regulatory and social norms governing the relationship in Sweden
are still relatively undeveloped. Indeed, the category “domestic work” or “work in private households” is still not recognised in the official employment statistics of Sweden, making it difficult to gauge its extent, much less to determine the conditions under which it occurs. In the past (in the early part of the 20th century) domestic work was not considered to require labour protection because it was seen as less physically and psychologically demanding than work in (say) factories even though it frequently involved longer hours, and because the varied nature of the tasks involved made it hard to stipulate either working hours or work conditions. This exclusion of domestic work from labour legislation (or the later inclusion in The Act on Housemaids of 1944 which was essentially designed to make it easier for private households to recruit workers) relegated the women involved in such work to the margins of the labour market.

In the 1960s and 1970s, as such paid employment declined in Sweden, this became a matter of less significance. Public provision replaced private solutions, as parental leave was extended and there was an expansion of child care centres and old age care and nursing services. In the 1990s, the situation changed once again for the reasons noted above, and the demand for private domestic work was met largely by documented and undocumented migrants from within and outside the European Union. In an attempt to draw more such work into the regularised category, the Act on Tax Reduction for Domestic Work was introduced in 2007. This rendered domestic services legitimate and enabled the emergence of diverse kinds of paid labour services and companies that provide them. Calleman (2011: 126) notes how the underlying premise of this regulatory design and practice goes beyond reinforcing traditional gender stereotypes to even contribute to their regeneration. “With respect to gender equality, the government has obviously focused on the customer—which is more often than not presumed to be a heterosexual couple or family—and has made the assumption that such domestic services have relieved the woman in the couple from some parts of her domestic duties, thus providing her with more equal status in the labour market. The fact that the woman and the man might have formerly shared some of the housework—for instance, cleaning and cooking—and that now other women have taken on this role does not enter the equation. Thus, it seems that this type of tax reduction may contribute to maintaining, or even producing, class, gender, and ethnic inequality.”

In Sweden, there are currently three primary forms of labour contracts in domestic work: self employment, employment in home-services companies, and employment directly in households. Self employment (for example when a woman performs cleaning activities in several different households) tends to be mostly informal and largely unprotected. The assumption is that the (mostly informal) contracts are made between equals, which provides the worker no power to ensure leave, vacations, adequate safety or protection against adverse working conditions, harassment or discrimination. Employment
in home service companies is governed by the general employment legislation, but even here it is effectively discriminatory for the domestic workers (Calleman 2011:130). For example, inspection of the working environment and working hours in private homes can only be done at the request of one of the parties or in special circumstances. Similarly, the firm is not allowed to discriminate among customers or harass them, but there is no protection from harassment by customers for the people performing the services. The difficulty of ensuring adequate working conditions is accentuated by the relative lack of unionisation: only 5-10 per cent of workers in home service companies are unionised, compared to the average unionisation rate of 70 per cent for workers in general. This may be related to the fact that between 50 to 80 per cent of such workers are estimated to be from outside Sweden.

Employment directly in households is currently governed by the Domestic Work Act, which is much less protective of workers’ rights than general labour legislation. There is no requirement for written contracts specifying employment conditions; dismissal is possible without the employer having to give a reason; longer and more flexible working hours are permitted and employers demanding overtime work cannot be punished; and the “right to privacy” restricts possibilities of official inspection of working conditions within households. However, “au pair” workers may be governed by other (and occasionally contradictory) legislation under the European Agreement on Au Pair Placement. However, in all cases there is total absence of trade unions, associations and collective agreements. This is an important issue particularly with respect to wages: Swedish law does not provide for minimum wages, on the assumption that trade unions will safeguard workers’ rights and ensure wages, but where there are no unions and mostly informal contracts with few legal provisions for protection, ensuring adequate wages for such work is also a major concern.

The example of Sweden shows that even in a country with otherwise impressive labour legislation and worker protection, domestic work has been marginalised and fallen through regulatory cracks, allowing for various forms of discrimination and undesirable conditions for such workers. Clearly, even in Sweden, the conditions noted in the ILO Convention are not met and there is need for significant regulatory and institutional change for these to be achieved.

III. Some good practices: Recent legal, regulatory and policy initiatives with respect to domestic work

It is quite striking to observe the extent to which domestic work seems to be absent from legal and policy provisions relating to employment and workers’ rights, and little
explicit recognition of the particular conditions of domestic work that make the implementation of standard labour laws difficult if not impossible. This is broadly true across the world, including developed, developing and transition countries, although there are some more recent honourable exceptions that provide guidance on how this can actually be done in an effective way.

**Specific labour legislation for domestic workers**

While domestic workers should certainly be covered under general labour legislation as far as possible, the specific nature of domestic work may require specific legislation to ensure adequate protection. Labour laws covering domestic workers have been introduced and implemented in several countries – Argentina, Bolivia, Brazil, Chile, France, Hong Kong, Jordan, South Africa, Spain, Switzerland, Uruguay and others (GFMD 2012).

A law regulating domestic work has existed in Italy since 1958 and the first national collective agreement was signed in 1974, covering privately employed domestic workers. The agreement is revised every four years by the main representative unions of the sector and federations of private householders. The agreement is very comprehensive and sets up minimum requirements for the salary components attached to the different professional levels working time, weekly rest, health and safety provisions, holidays, maternity protection, time off for training purposes, sick leave etc. The agreement has been considered by many as a good practice. However, domestic work is still a highly unprotected and abused sector in the country and challenges remain to regularize a vast majority of workers (mainly women and migrants) employed illegally in households. (ETUC 2012).

In Spain, Royal Decree 1620 of November 2011 was the result of the social dialogue between government, and most representative employers’ organizations and trade unions which reached the agreement after the adoption of the ILO Convention 189. The law came into force in early 2012. The most important achievements contained in the law are: written contract in accordance with the law; periods during which domestic workers are at the disposal of the household will be paid as hours of work or compensated with rest periods; equal treatment between domestic workers and workers generally in relation to normal hours of work, periods of daily and weekly rest, paid annual leave and payment in kind; recognition of the fundamental rights at work, including protection against discrimination and harassment; written termination of employment by the employer. In addition, social security coverage for domestic workers has been strengthened in order to ensure that conditions are not less favourable that those applicable to workers generally. However, domestic workers still remain outside the scope of unemployment benefits.

**Ensuring proper work contracts and formalising domestic work**
Some places such as Hong Kong (China) and Quebec (Canada) have adopted a model contract system for domestic work, in which both living and working conditions need to be formally stated. Similarly, Spain's new regulation provides domestic workers with the right to a written contract and also provides a model contract drawn up by the public authorities.

In other countries, contracts must be entered into under existing labour law but often apply explicitly and exclusively to non-national migrants involved in live-in domestic work, and contain provisions that are below international norms and norms applicable to local workers. Thus, Article 14 of the 2009 Lebanese contract law specifies that domestic workers must be permitted to communicate with their families but is silent on other possible forms of isolation or sequestration (Varia 2011).

In Jordan, the Ministry of Labour in 2003 endorsed a standard unified working contract for non-Jordanian domestic workers, which strengthens the co-ordination between Jordan and sending countries, guarantees migrant domestic workers the right to health insurance, medical care, holidays and other rights in accordance with Jordanian workers and international human rights standards. The contract includes provisions for employers to bear workers’ travel costs, work and residence permits; life and accident insurance, with workers paying for half the insurance premium; suitable accommodation, meals, clothing and medical care; a weekly holiday; a monthly salary with payment records kept by both parties; no restrictions on worker’s communications and correspondence; a bonus equivalent to 15 days wages at the end of a 2 year contract.

The government of Chinese Taipei has endorsed punitive measures for employers who have committed wrongdoing such as non-payment for three months, violation of the terms of the contract, physical or other abuse, and has allowed such workers to transfer to other employers.

In general, the tendency is to subsume domestic workers into the broader category of "workers" and thereby assume that all the rights and privileges that are available to workers in general are also available to domestic workers. However, because for a domestic worker the workplace is usually a private home, there are huge (and usually insurmountable) problems of supervision and monitoring to ensure that the laws are actually enforced and workers’ rights are adequately recognised. The problem is often particularly severe with respect to migrant domestic workers, who are typically even more vulnerable to exploitation and less likely to have access to knowledge or support groups that can support them even in cases where the legal provisions are violated.

Thus, for example, in Ireland, it has been noted that “while domestic workers are treated as workers like any others, there is no attempt in the Irish legislative framework to recognise the problems inherent in applying both the content and spirit of employment
protections within the private home or the specificity of the issues arising in the context of the employment relationship.” (Mulally 2012). However, there has been more recent policy focus on promoting voluntary compliance by employers. One such example is the “Code of Practice for Protecting Persons Employed in Other People’s Homes”, which was drafted by the Labour Relations Commission in 2007, in consultation with both trade unions and employer representatives. The Code notes the safeguards available to domestic workers in general employment law, but also identifies additional issues of particular concern to domestic workers. A written contract of employment is seen as essential. The Code emphasizes that it is the duty of the employer to ensure that the employee has knowledge of her/his rights and entitlements. The Code also notes that employers should not withhold personal documentation of the employee (such as identity cards, passports, bank account numbers and passbooks and so on). It notes that live-in domestic workers should be provided with a secure private room with a bed. It places a lot of emphasis on the dignity, autonomy and right to some leisure time of the employee. The Code is therefore quite comprehensive in recognizing both various problems facing domestic workers and the obligations upon employers to ensure the rights of the employees. However, it is basically just a statement of good intentions: because it is non-binding and does not create any legally enforceable obligations on the employer, it is essentially no more than a listing of desirable practices.

In France, the CESU (Cheque Emploi Service Universel) was introduced in 2006 as a simplified instrument for hiring, remunerating, and paying social charges to workers supplying personal services, including housekeeping. This is part of a broader national plan in which care work is seen as a sector with great potential for employment creation. The CESU system covers both the services provided by a licensed enterprise and those rendered by domestic workers who are employed by private households. It involves a simplified system of registration of domestic workers and the payment of employer’s contributions, as well as fiscal incentives to the participating employers and the household users (Tomei 2011). Workers must be paid at least the minimum applicable wage. In casual work, the declaration form acts as an employment contract. This has acted as a way of formalising domestic work (although it has been found that informality still persists to a large extent) and improving the conditions of domestic workers. There has been a considerable increase in the number of domestic workers receiving social security benefits. In this context, Tomei argues (2011: 208) that the “industrialization” of domestic work, through the creation of salaried posts within service agencies, could result in the greater standardization of employment relationships and in less arbitrariness and volatility.

In Brazil, there have been recent moves to offering tax deductions to employers as a means of encouraging them regularly to pay the social security charges of their domestic workers as well as to pay them at least the minimum wage. This too involves a move
towards formality of work done in private homes. Since this is a very recent scheme introduced in 2006, it is hard to estimate how successful it has been so far, but data comparing 2005 and 2007 suggest that the impact was limited (Tomei 2011).

Regulating and ensuring minimum wage payments

One of the problems of regulating wages for domestic workers is the widespread use of kind payments, and the inclusion of various features as kind payment (such as meals or the provision of a place to stay at or near the home of the employer). In Spain, the decree of November 2011 specifies that payments in kind cannot represent more than 30 per cent of the remuneration (with a prohibition of payments in kind below the minimum wage threshold.

Wage payments in kind for domestic work (especially for live-in workers but also for others) are quite common especially in many developing countries, but they can be an important source of abuse and underpayment. Some of the strongest attempts to curtail the use of in-kind allowances in place of wage payments for time worked have come from African countries like Côte d'Ivoire and South Africa.

Regulating work time

Regulations on working time are particularly important for live-in domestic workers. Such regulation requires a move away from customary or traditional relating to home workplaces. Even when the legal requirements are very loose for employers (such as in Singapore where a seven day working schedule is legally permissible for domestic workers) such rules are still important because they indicate a move towards incorporating domestic workers into the broader framework of labour law available for all workers, in which working hours are counted and remunerated. This in turn generates greater recognition and respect for the worker's autonomy and need for her/his own personal and family life. This is very important in the case of live-in domestic workers, for whom there is often an explicit or implicit requirement of perpetual availability. Where the domestic worker is providing care functions that include looking after the old, the sick or the very young, often the working can day can even stretch into night. Such continuous work is often not adequately recognised, and therefore not sought to be reduced nor adequately rewarded. Since the employer-employee relation in such cases is necessarily a very personalised one, it can make it all the harder for the worker to insist on her own personal, relational and recreational time.

In Spain, Royal Decree 1620/2011 specifies an increase of the daily rest period for domestic workers to a minimum of 12 hours and suggests improved rules for on-call periods.
According to Beckett and Scholar (2011), African regulators have been at the forefront in adopting specific laws that regulate work time for domestic workers (Zimbabwe, South Africa) or collective agreements between employers and workers (Mali, Sénégal), as well as general laws that technically include all workers (Ghana). There has also been recognition of and restrictions on ‘on call’ time in South Africa, along with a focus on providing a specific day off per week.

**Monitoring of domestic workers’ conditions:**

In Ireland, a pilot scheme of labour inspections of private homes was carried out by the National Employment Rights Agency in 2011 (Mulally 2012). This emerged from legislation that provided for the inspection written employment records such as contracts, pay slips and/or timesheets, as well as interviewing and obtaining information from relevant people. This exercise revealed that one of the most important constraints in implementing any legal provisions for domestic workers in particular is the most basic one of finding such workers in the first place. The inspection scheme did not venture into matters such as examination of the living quarters of the worker. Another problematic area was in relation to the evaluation of the actual time worked, which would in turn affect the estimates of the wage payments and whether these conformed to the minimum wage law. This is an innovative scheme that is likely to have a salutary effect on workers’ conditions even without penal provisions for employers, because of the effects of naming and shaming exploitative practices.2

Some important examples of labour inspection and registration practices exist in Ecuador and Uruguay. In the city of Buenos Aires in Argentina a specialized domestic service tribunal has come up, which has combined regulation with proactive measures to reach the public, including drives to register domestic workers and to encourage domestic workers and employers of domestic workers to register for social protection.

**Encouraging associations of domestic workers**

Monitoring also depends on social mobilisation and association among workers so that they can be aware of the rights. Official pressure for enforcement typically reflects a political context in which the rights of all workers are more recognised and valued. Thus, for example in South Africa, the Commission for Conciliation, Mediation and Arbitration (CCMA), which is a dispute resolution body established in terms of the Labour Relations Act, 66 of 1995 is an independent body that is not controlled by any political party, trade union or business. Studies have found that there is a high degree of awareness of employment rights among domestic workers in South Africa, and significant use of the

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2 In fact in Ireland the inspection scheme in 2011 found evidence of only minor violations of the law, rather than severe infringements that amounted to major denial of rights or exploitation of workers.
CCMA (Benjamin 2009). Moreover, inspection services apply to the domestic work sector, subject to consent of the home owner or authorization by the Labour Court, although practical challenges to enforcement abound.

The close link between workers’ associations and monitoring of regulations is also recognised in Uruguay. A law adopted in 2006 set norms to regulate domestic work and paved the way for their collective bargaining, including through wage council establishment that provided the institutional framework for negotiations between unions and employer entities. The labour inspectorate has a special unit that monitors compliance and regularisation of domestic workers in respect of social security contributions. Domestic workers can file complaints with the inspectorate which is also authorized to inspect workplaces, including private residences to enforce domestic workers’ rights (WGMD 2012). The domestic worker collective bargaining agreement in Uruguay was reached through a tripartite structure - the domestic workers’ union, the Uruguayan League of Homemakers and Consumers, that undertook to represent employers of domestic workers in wage negotiations, and the Ministry for Employment and Social Security Ministry (MTSS).

**Social protection for domestic workers**

In Quebec Canada, the employer of a migrant domestic worker is required to take out medical coverage for the domestic worker equivalent to that available under the provincial health scheme. Spain has recently adopted new legislation in 2011 extending the general social security system to domestic workers. In Uruguay, all employers including those of domestic workers are legally required to register employees with the Banco de Prevision Social (BPS, Social Welfare Bank) under which employers and employees make monthly payments to the employees’ pension and health fund.

**Policies for migrant domestic workers**

Domestic workers who are undocumented or irregular migrants face particular challenges with respect to being able to fulfil their rights as workers or avail of social protection. In many countries, they are simply excluded from the purview of all the workers legislation. Fudge (2011) shows how in Canada, the plurality of legal institutions, objectives, and techniques of the overlapping and competing jurisdictions adds further complexity to the different territorial scales (international, transnational, national, federal, provincial, and industry) involved in regulating migrant domestic workers. In Canada, the terms and conditions of domestic workers’ employment fall within the authority of the

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provinces and territories, some of which require employment agencies to be licensed, although the details of the licensing regimes differ across the country. Moreover, the fact that live-in caregivers are required to reside in the residences of their employers creates problems for the enforcement of labour standards legislation. Then there are the associations that represent employment agencies and immigration consultants, which impose membership requirements and generate industry-specific codes of conduct – all of which means that monitoring the actual conditions of domestic workers (especially migrants) can simply fall through the cracks.

Dealing with recruiting agencies is an important aspect of ensuring that migrant workers get a fair deal in the process of migration. In the Philippines, private recruitment agencies are subject to detailed regulation. The Migrant Workers and Overseas Filipinos Act of 1995 explicitly adopts a workers’ rights-based approach to the regulation of recruitment agencies. The regulations prohibit travel agencies from operating as recruitment agencies and require agencies to assume joint and several liability with employers for all of the workers’ claims relating to wages. The regulations stipulate that the employer (or principal) is responsible for the cost of the worker’s visa and airfare, and they limit the amount of the fee that a recruitment agency can charge the worker to a maximum of one month’s salary unless such fees are prohibited in the host country.

IV. Strategies

These individual good practices in different countries already provide elements of a broader strategy that can ensure the effective implementation of the guidelines proposed in the ILO Convention and the CEDAW. Policy initiatives for making domestic work decent and viable must obviously concern themselves with legal and regulatory aspects that recognise and respect the rights of domestic workers as withal other workers. But they need to go beyond that, to frame the discussion to ensure that there is a primary focus on enabling and encouraging their association and mobilisation to fight for better rights. This is important not simply because it avoids the paternalism and patronising aspects of top-down official mechanisms. It is especially crucial and required for domestic workers simply because the nature of their employment makes monitoring and enforcement of laws and regulations extremely difficult in the absence of mobilisation and association among the workers themselves.

Public provision of services contributing to social reproduction

This is a critical element of the process of recognising and providing respect and dignity to domestic work. This necessarily requires public policies such as the generous provision of good public child care, social services, and health care, parental leave shared by women and men, and gender equality in wages and income tax regulation. The point is
to ensure that strategic policy interventions lead to the redistribution of unpaid work within and beyond households (Elson 2008; Antonopoulos and Hirway 2010, Esquivel 2011).

Sharing responsibilities for domestic work

The collectivisation of domestic tasks and the equal sharing of such tasks between women and men are important moves towards more egalitarian societies that must be art of any move to give domestic work adequate recognition and respect. Some of this recognition can be seen in the international policy discussion, for example at the United Nations, where the resolution adopted at the 53rd CSW in 2009 asks member states to:

- Design, implement and promote family friendly policies and services, including affordable, accessible and quality care services for children and other dependants, parental and other leave schemes and campaigns to sensitize public opinion and other relevant actors on equal sharing of employment and family responsibilities between women and men;
- Promote greater understanding and recognition that caregiving is a critical societal function and should be equally shared between women and men within the family and households and strengthen dialogue and coordination between all relevant stakeholders;
- Measure, in quantitative and qualitative terms, unremunerated work that is outside national accounts, in order to better reflect its value in such accounts, and recognize and take necessary measures to incorporate the value and cost of unpaid work within and between households and society at large in policies, strategies, plans and budgets across all relevant sectors. (CSW 2009: pp 4–5)

Better data collection and analysis

As is evident from the preceding discussion, the state of data collection and knowledge about the extent of domestic work and the terms and conditions under which it is performed remains very poor and there is only scattered information available for some countries. It is therefore urgently necessary to generate required knowledge (including proper statistical data collected as for all other employment) about domestic work and domestic workers, including migrant and part time workers. This knowledge alone can sometimes serve to generate more public awareness and pressure for more egalitarian and sensitive policies.

Plugging gaps in existing labour legislation

Formalising domestic work
Regulating recruiting agencies for migrant domestic workers

Co-operation at bilateral, multilateral and global levels.

International mobilisation

One such example is the “12-by-12” campaign for ratification and implementation of Convention No. 189, led by the International Trade Union Confederation (ITUC) in partnership with International Domestic Workers Network (IDWN), other global unions and NGOs has campaign teams working in over 80 countries.

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