

DOMESTIC WORKERS COUNT TOO: IMPLEMENTING PROTECTIONS FOR DOMESTIC WORKERS



A Briefing Kit

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This kit entitled, “Domestic Workers Count Too: Implementing Protections for Domestic Workers”, developed by UN WOMEN and ITUC, is informed by the experience of struggle, resilience and creative practice of local and overseas domestic workers organizations, unions and NGOs supporting them. It is an invitation to all of us – governments, civil society and international organizations – as development practitioners, to continue enriching our understanding of the nature of domestic work and the growth of the sector; the contribution that domestic workers make to economic and social development; the impact of violations against domestic workers; why they need protections and how to protect them.

In the light of promising initiatives implemented by governments, and civil society groups, including organizations of domestic workers, trade unions and international organizations, and path breaking developments in the international human rights system, this kit specifically focuses on why and how to protect domestic workers. In doing so, it makes the normative and efficiency case for implementing legal and social protections for domestic workers. It highlights the international standards to protect domestic workers; demonstrates how to apply these and shares lessons learned from good practice around the world on the issue.

The views expressed in this briefing kit are those of the author(s) and do not necessarily represent the views of UN WOMEN, the United Nations or any of its affiliated organizations and ITUC.



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INTRODUCTION

Domestic workers are workers employed by private households within national boundaries or overseas to do house chores and care work. They constitute an integral part of the labour force worldwide. According to ILO data, the estimates are 4-10% of the labour force in developing countries and about 2% of the workforce in developed countries.

More importantly this sector is expected to grow in many developed and middle-income countries. This is anchored in the interaction of several factors – changing demographic trends marked by falling birth rates, static or declining workforces and growing ageing populations, combined with other trends. These include: women's increasing participation in the workforce especially in more developed or middle income countries because of higher education levels or to plug labour shortages; the lack of a culture of shared domestic responsibility between men and women; inadequate state provision of affordable care services; the reluctance of nationals to take on low-paid, low-skilled and low-status domestic jobs in many richer countries of employment; and the desire to maintain a certain lifestyle and social status. This creates

a “care crisis” of sorts. For the middle class and rich, the recruitment of domestic workers is an affordable solution. These are usually women, seen as readily available, needy, inexpensive, pliable, and naturally imbued with nurturing and home-care abilities, from poorer contexts. They may be nationals migrating from rural to urban areas within middle income or developing countries, or women who have moved across national or regional boundaries. In Spain, for example, which has the highest number of domestic workers in the European Union, over 90% of those registered in 2009 were women and 61% were non-nationals, mainly from developing countries in Latin America.¹ A 2010 study found that in Argentina, Chile, Brazil and Paraguay, 89%-96% of migrant women are domestic workers.²

Although domestic work contributes to renewing and sustaining life and is critically linked to social and economic development, it is not regulated in many contexts. This is because it is invisible and conducted within the private space of the home – not defined as a “workplace”. It also carries the low value of women's unpaid housework, not defined as work, because it is not perceived as producing



value. Domestic work is in fact seen as a “labour of love” or part of women’s innate attributes, needing no special skill. The special bonds of attachment that may develop between employers, domestic workers, and family members being cared for, complicates an understanding of domestic work as work that needs regulation.

Not only does a lack of regulation of this sector devalue the economic and social contribution of domestic work to development, it exacerbates abuse and exploitation of workers. This includes: contract substitution, poor wages, non-payment or delayed payment of wages, very long hours of work, no break periods or rest days, restrictions on freedom of movement and association, no access to collective bargaining, inadequate food and accommodation, including lack of privacy, sexual and gender-based violence.

However, while 40% of 73 countries studied worldwide have no form of regulation of any kind for domestic workers,³ labour laws covering domestic workers have been introduced and implemented in several countries over the years. These include Argentina, Bolivia, Brazil, Chile, France, Hong Kong, SAR, Jordan, South Africa, Spain, Switzerland, Uruguay, some US states and others. These initiatives are in line with international human rights standards, including the recently adopted ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers, 2011; the General Comment on Migrant Domestic Workers by the Committee on the Protection of the Rights of All Migrants and Members of their Families (CMW), 2010; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and its General Recommendation No 26. on Women Migrant Workers (including domestic workers), adopted by the Cedaw Committee in 2008.

This briefing kit makes promising national practice and international human rights standards important points of departure. It explores through personal testimonies, the significance of regulating and protecting domestic work from the point of view of domestic workers, trade unions, governments and employers, in some of these countries. But it goes beyond “making the case”, to also demonstrating how standards to promote and protect the rights of domestic workers, exemplified in the international human rights system and analysis of good national practice, can actually be applied at the country level and up scaled.

ENDNOTES

1. León, M., (2010) “Migration and Care Work in Spain: the Domestic Sector Revisited” *Social Policy and Society*, Vol:9, No. 3, July 2010, p. 4908.
2. Victor E. Tokman (2010) *Domestic Workers in Latin America: Statistics for New Policies*. p 19. Available at: www.wiego.org/pdf/Tokman-Domestic-Workers-Latin-America.pdf
3. ILo (2010) *Report IV(I): Decent work for domestic workers*, International Labour Conference, 99th Session, 2010. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_104700.pdf (accessed 26 April 2011).

40%

OF 73 COUNTRIES STUDIED WORLDWIDE
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ANY KIND FOR DOMESTIC WORKERS

“WE SHARE OUR STRATEGIES, WE LEARN FROM ONE ANOTHER. WE ARE STRONGER FOR IT”



SAYS CASIMIRA RODRIGUEZ, A DOMESTIC WORKER, ORGANIZER AND FORMER MINISTER OF JUSTICE OF BOLIVIA

RODRIGUEZ'S KEY MESSAGES

Women should lead the movement to enforce protections for domestic workers

Protecting domestic workers promotes the recognition of all women and girls who perform domestic work

Domestic workers are powerful political leaders and change agents

“I am from Bolivia and also of the Quechua culture. I have been a domestic worker since I was 13 years old. In this path of my work, I have known many difficult moments...I realized the importance of solidarity and was able to listen and share experiences with others who had known exploitation... This was how I became involved in the local domestic workers union in Cochabamba which I helped found in 1985. It was there where we were able to find many common solutions to our problems as compañeras. Problems of marginalization, exploitation.”

THE CONTEXT

- Domestic workers are the third-largest sector of workers in Bolivia.¹ The number of domestic workers in Bolivia is between 130,000-150,000² and over 96% are women.³
- Overwhelmingly, domestic workers are women from the Quechua, Aymara or other indigenous communities. Most migrate from rural areas to the cities before the age of 15 with very little education.⁴
- It is estimated that over 90% of domestic workers are live-in workers who reside with their employers.⁵
- In 1996, domestic workers in Bolivia organized to form FENATRAHOB, the National Federation of Household Workers of Bolivia. Casimira Rodriguez, was head of this national union from 1998-2001. The organization campaigned for the Household Worker Act which became law in 2003.
- In Bolivia domestic workers earn around 80% of the average wages of other workers.⁶

THE HOUSEHOLD WORKER ACT (LAW 2450), 2003

- FENATRAHOB succeeded in securing the Household Worker Act (Bolivia: Law No. 2450) which was passed by the National Congress. The Law provides for:⁷
 1. A minimum wage, with in-kind payments prohibited;
 2. Normal working hours of 8 hours per day for live-out domestic workers and 10 hours per day for live-in domestic workers;
 3. A rest day on Sundays;
 4. Annual leave of 15 days per year, and holidays off;
 5. A bonus of one years' paid leave after five years' service;
 6. Accommodation that is adequate and hygienic, with access to a bathroom and shower.
 7. Public authorities who receive complaints from domestic workers about abuse, physical aggression and sexual assault by their employer or a household member are required to initiate investigations.
- A 2008 law extends healthcare coverage to domestic workers. It gives them healthcare and hospitalization coverage for workers and their children, and makes doctors available in the evenings (from 5pm-9pm) so that workers can actually access medical care.⁸

- A new pension law, passed in 2010, applies to domestic workers who make sufficient contributions. Workers who affiliate to the Comprehensive Pension System (SIP) and make a monthly contribution that is equivalent to roughly 14% of the minimum wage over 10 years, can apply for a pension.⁹
- In Bolivia, the labour legislation provides for a domestic work employment contract.¹⁰

SUCCESS FACTORS IN ACHIEVING THE LAW

- **Strong women-led advocacy by workers and employers.** Bolivia is a success story not just for enforcing its law but also for women-led advocacy by domestic workers and supportive employers. Casimira Rodriguez, founder of FENATRAHOB has also been the Minister of Justice of Bolivia and General Secretary for CONLACTRAHO, the Confederation of Domestic Workers Latin America, indicating her clout as a leader across the region. Elizabeth Peredo, Director of Fundación Solón, an organization supporting domestic workers and other excluded groups in Bolivia, coordinated the Action Committee for the Law 2450 and ran a campaign to support its speedy implementation. The campaign won an award from the Human Rights Institute in France, and the Action Committee that ensured that the bill was passed, includes many women's organizations.
- **A government committed to empowering women workers.** The government is politically committed to protecting domestic workers, thanks in part to the changes sweeping Bolivia during the past decade, from the election of President Evo Morales, Bolivia's first indigenous head of state to recent constitutional reforms. The government's commitment was evident during negotiations for the ILO Convention. Bolivia raised concerns about "in-kind payments" as a way for employers to avoid paying fair wages, especially for live-in domestic workers. The national law prohibits in-kind payments, and through leading by example Bolivia was able to negotiate for provisions on "in-kind payments" in the Convention and Recommendation that protected workers from exploitation.

BOLIVIA IS ONE OF 8 COUNTRIES THAT HAS RATIFIED THE ILO CONVENTION ON DOMESTIC WORKERS. IT COMPLETED THE RATIFICATION PROCESS LAST YEAR.

RODRIGUEZ'S STORY:

TRAFFICKING SURVIVOR, DOMESTIC WORKER, AND BOLIVIA'S FIRST INDIGENOUS WOMAN MINISTER

Casimira Rodriguez was just 13 years old when she was trafficked from her rural home in the Mizque region and forced to become a domestic worker in a household that was also a cocaine laboratory, in Cochabamba, Bolivia's fourth-largest city. Enslaved for two years, Casimira only managed to escape when her mother arrived to help her break out of the house. At the age of 17 years she returned to Cochabamba and found domestic work with a sympathetic employer. "Once I had a chance to work in a home where they respected me as a woman and a worker, I was able to get to know other domestic workers like myself... This is how I came to provide support, through my own leadership, helping and listening to other compañeras." She began organizing domestic workers in the early 1990s, at a time when it was incredibly difficult to organize informal workers, especially women. "We participated in fairs, conferences, we launched campaigns...The unions were limited in that they could only work on Sundays, the day the women are off from work...Even though we are part of the labor movement in Bolivia our sector is unique because it is made up of all women. So this has been a great opportunity to rally women together and have them participate directly."

As a leader, Rodriguez kept women at the heart of the movement for domestic worker's rights. "We have focussed on boosting awareness about the domestic worker

response to those who argued that domestic workers 'had it easy was this – "To me, this is a great lie. They say you are part of the family while you serve their needs. By the time you are aged 45 or more, then you are not of as much help. It is difficult to find work at this age...That is another problem we have...no rights at retirement...you see domestic workers out on the streets, or with no work then they are older."

Rodriguez has built alliances with other domestic workers' movements across Latin America. "For example our neighbour Peru was going through a similar process trying to get a law passed...so we shared a lot with them. Just at this moment, I had the opportunity to be the Secretary-General of CONLACTRAHO, the Confederation of Domestic Workers for Latin America." For her, domestic workers must not just be made visible – they must also be made human. "We are women just like any other women, but we have lived a historical discrimination where we have not even been considered women, but rather objects at work... Thanks to the fight of the domestic workers' movement, we have talked about how hard this work is – cleaning the house, caring for the children, washing...we have even brought recognition to housewives and the importance of their work." What next? Making sure that protections are actually enforced. When Casimira became the Minister of Justice in 2006 under President Evo Morales in his first

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