

About the proposed new International Convention for Domestic Workers' Rights

Briefing

by the International Domestic Workers' Network (IDWN)

Geneva, 14 June 2011

On 16 June 2011, governments, employers and workers of the world, meeting at the International Labour Conference (ILC) in Geneva, Switzerland, will vote to adopt (or not) a proposed Convention and an accompanying Recommendation on Decent Work for Domestic Workers.

If adopted, these international instruments will truly break new ground. They will take a huge step forward in human history to combat the exploitation, abuse, and lack of respect endured by many of the world's domestic workers. Some of us work in conditions of forced labour or slavery, with no respect for our rights as fellow human beings. Others may work for relatively good employers. But all of us are in a sector of the world's workforce that has been overlooked and ignored for far too long. Almost everywhere we do not enjoy the full rights and legal protection that other workers do.

Those who are working in the private homes of others number at least 50 million, some believe 100 million, people across the world. Yet until now we have been treated as 'invisible', not respected for the huge contribution we make in society and the economy as a profession, and denied our rights as workers like other workers. It is an injustice that has lasted too long.

Background to the ILO Discussions

The final vote on this Convention is historic in two senses. First, it is to bring into internationally-agreed labour standards a long ignored sector of the world's workforce. Secondly, it comes during the 100th sitting of the International Labour Conference.

The ILC is the annual conference of the International Labour Organisation (ILO), founded in 1919 and now part of the United Nations. At the ILC, representatives of the three social partners – governments, employers and workers – discuss, debate and negotiate over international standards relating to employment issues.

The vote for this Convention on Decent Work for Domestic Workers comes after two full weeks of detailed negotiations between the three partners, in 17 sessions of the tripartite committee, sometimes late into the night. Official delegations of governments, employers and workers debated over the proposed text of the Convention and its accompanying Recommendation, paragraph-by paragraph, word-by-word. There were 263 amendments to the text put forward, not counting the sub- and sub-sub- amendments!

This is the second year of such detailed discussions. There has also been in-depth research into such things as existing law and practice in all member countries. This is the official process before such a Convention is agreed.

The idea for this Convention was kick-started by domestic workers' own organisations from around the world, meeting in the International Domestic Workers' Network (IDWN). We have been supported by the Global Unions, particularly the IUF, the international union federation for workers in the food and allied sectors, as well as the International Trade Union Confederation (ITUC), Women in Informal Employment Globalising and Organising (WIEGO), and ACTRAV which is the workers' support body of the ILO. National and local-level trade unions, migrant workers' associations, women's groups, religious organisations, and many more, have also contributed greatly. And it was supportive governments who persuaded the ILO in 2008 to put "Decent Work for Domestic Workers" on the agenda for the International Labour Conference.

For the past two weeks, representatives of domestic workers' organisations and supportive NGOs from across the world have been in the Observers Gallery, following in detail the sessions of the ILC. This year, some twenty domestic worker representatives have had official status as 'workers' delegates', sitting in the main body of the room, some with full voting rights, thanks to their national trade unions and/or governments who put them forward for this. This is a big achievement, reflecting the need to give domestic workers respect and rights to speak for ourselves at all levels – including at the United Nations. Several of us have also given speeches from the podium in the UN Grand Assembly Hall, as well as in many other side events while here in Geneva.

If adopted, the Convention will become part of international law. Then, when each government ratifies the Convention, they must put what it contains into their national legislation. They will also have the duty to report back to the ILO on their progress. The accompanying Recommendation gives guidance to governments on designing laws and policies, so as to turn the minimum standards contained in the Convention into reality.

Some governments attending the ILO have already indicated their willingness to ratify the Convention. However, in other countries where the government is less supportive, the process of ratification may take many years. IDWN members and supporters are therefore committed to continuing to work hard at the national level to ensure that our own governments do put the contents of the Convention into law in each country. It is important to note that, in those countries where national law is already of a higher standard than the Convention, it cannot be changed to meet the lower standard.

However the vote goes on Thursday, we have already achieved some very big successes through this process. We have come together in a global network, generating more confidence and sharing experience between ourselves to build our own organisations.

What is more, the need for domestic workers to have respect and to be valued for our contribution is now widely appreciated across the world. Many now accept that we are not 'helpers', 'nannies' or 'maids', but workers, with rights as well as obligations.

In the run-up to the ILC and over these few weeks, we have generated a lot of media interest in many countries. We have finally come 'out of the shadows'.

As we head towards the vote on Thursday, we do so with great optimism that the majority of workers, governments as well as employers here at the ILC in Geneva will vote for the new Convention and Recommendation for our rights.

IDWN: www.domesticworkerrights.org + blog from the ILC: <http://idwnilo.wordpress.com/>

What the Convention says

The proposed Convention starts by recognising the “*significant contribution of domestic workers to the global economy*” and that this work is “*undervalued and invisible, and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities*”.

It affirms that domestic workers’ have the same fundamental rights at work that all workers have:

- the rights to freedom of association and collective bargaining,
- the elimination of all forms of forced labour,
- the effective abolition of child labour, and
- the elimination of discrimination in respect of employment and occupation.

Governments have the duty to take measures to make sure that domestic workers enjoy these fundamental rights.

The Convention also says that governments shall set a minimum employment age for domestic workers that is not lower than that for other workers. They will take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Other measures that Governments should take include (not a complete list) ensuring that domestic workers:

- Enjoy fair terms of employment, as well as decent living conditions that respect their privacy.
- Are informed of our terms and conditions of employment, preferably through written contracts
- Are free to reach agreement with their employer on whether or not to reside in the household
- Do not have to remain in the household during their daily or weekly rest, or annual leave
- Have the same normal hours of work, overtime compensation, periods of rest, and annual leave as other workers
- Get weekly rest of at least 24 consecutive hours
- Are covered by minimum wage legislation
- Have the right to a safe and healthy working environment
- Have access to social provisions, including maternity
- Are protected against abuse by private employment agencies who recruit or place domestic workers, including migrant domestic workers; this includes not allowing agencies to take fees out of workers’ pay
- Have effective access to the courts, labour tribunals or other dispute resolution mechanisms.

Many of the provisions mention the “*specific characteristics of domestic work*”. Some say that the measures can be applied “*progressively*”. It is true that in many countries new approaches may need to be developed for domestic workers to enjoy all of their employment rights. But we will need to keep up the pressure so that such words are not used so as to hamper progress.

The accompanying **Recommendation** gives governments a lot of detailed guidance relating to the employment of domestic workers. It includes ensuring decent living conditions for live-in domestic workers, promoting model employment contracts, providing information to migrant domestic workers, promoting occupational health and safety training for domestic workers, and much more.