



DOMESTIC WORK IS WORK

Using ILO Convention 189 to Protect
Workers' Rights Across the Commonwealth



Acknowledgements

Collaboration and coordination at all levels are vital to ensure that the rights of domestic workers are protected and promoted across the Commonwealth.

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About CHRI

The Commonwealth Human Rights Initiative is an independent, non-governmental, non-profit organisation that works for the practical realisation of human rights across the Commonwealth. Headquartered in New Delhi, we have offices in London, UK and Accra, Ghana. Since 1987, we have focused on human rights issues related to Access to Justice, Access to Information, Media Rights and Freedom of Expression, and Contemporary Forms of Slavery and Human Trafficking.

Working to eradicate contemporary forms of slavery

We support the achievement of Sustainable Development Goal (SDG) Target 8.7 through research, evidence-based advocacy, knowledge sharing, strategic engagement, and network and capacity building. CHRI began advocating for Commonwealth-wide action on modern slavery in 2016 which culminated in a commitment to end modern slavery reflected in the Communiqué of the 2018 Commonwealth Heads of Government Meeting.

Conducting rigorous research

Our research on issues relating to contemporary forms of slavery includes the comprehensive report, *Eradicating Modern Slavery: An assessment of Commonwealth governments progress on achieving SDG Target 8.7*, as well as *Creating an Effective Coalition to Achieve SDG 8.7* which was presented at the 2018 Commonwealth Heads of Government Meeting and *The Commonwealth Roadmap to SDG 8.7* which outlines a roadmap for Commonwealth states to achieve SDG Target 8.7. Our research provides the basis for our evidence based advocacy.

Strengthening partnerships and networks – working together

CHRI founded, and is currently Secretariat to, the Commonwealth 8.7 Network — a global network of 60+ local civil society organisations that share a common vision to eradicate modern slavery and human trafficking. Together we raise awareness, strengthen skills, share good practice, provide

support to survivors, and advocate for change to laws and policies. In 2019, the 8.7 Network received the Commonwealth Secretary-General's Innovation for Sustainable Development Award.

Advocating for change to standards and policies

We advocate for the achievement of SDG Target 8.7 with Commonwealth states and at the United Nations, ensuring that international standards reflect the realities of those on the frontlines, including survivors. CHRI provides technical and capacity building support to civil society actors especially from small island states in the Commonwealth, to engage directly with UN mechanisms, including through facilitating in-person participation at the UN Human Rights Council and with UN human rights mechanisms such as the Universal Periodic Review. CHRI has special consultative status with the UN Economic and Social Council, and is accredited with the Commonwealth Secretariat.

More about CHRI: humanrightsinitiative.org/content/contemporary-forms-of-slavery

More about the Commonwealth 8.7 Network: commonwealth-87.org



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About this Report

Ten years ago, ILO Member States, urged by the advocacy of human rights and labour organisations, rallied around the rights of domestic workers to adopt the Domestic Workers Convention, 2011 (No. 189)¹. Despite this seminal breakthrough in labour protection, anti-human trafficking advocates and supporters of decent work continue to work tirelessly to push a very simple argument: **Domestic Work is Work**. That is to say, domestic workers must have the same labour and social protections as any other worker. To accord them any less renders them particularly vulnerable to abuse, exploitation and even trafficking.

Marking the 10th anniversary of the adoption of the Domestic Workers Convention (C189), this report aims to raise awareness of the importance of ratifying the Convention to ensure decent work for domestic workers, a labour force that is absolutely essential to the global economy but remains largely invisible and marginalised.

Only 35 countries around the world have ratified the Convention, and of these, only 9 are in the Commonwealth. Representing a third of the world's population, 2.4 billion people in 54 countries, the Commonwealth can lead by example, with member states setting a standard for good practice by ratifying and implementing C189.

Through case studies, this report explores the situation of domestic workers and the status of ratification of C189 in specific Commonwealth countries.

It includes five Commonwealth nations that have yet to ratify C189: **United Kingdom, Uganda, India, Papua New Guinea** and **Dominica**. These countries were selected because their governments have either committed to or are considering ratifying C189, or they have faced mounting local civil society pressure to ratify the Convention – all this suggesting there may be some momentum for change.² Each case study focuses on the challenges facing domestic workers and explores actions that both governments and civil society can take to support domestic workers and promote C189.

This report also includes two additional case studies – countries that have shown their commitment to protecting the rights of domestic workers and advancing decent work for all by ratifying C189: **Jamaica** (in 2016) and **South Africa** (in 2013). These stories of good practice provide insights into lessons learnt for effective civil society advocacy and government collaboration. The stories of Jamaica and South Africa also exemplify the power of strategic grassroots advocacy for bringing about essential change.

This report brings together evidence gathered through extensive desk research into publicly-available sources, as well direct consultations with civil society and activists in the countries represented.

Through case study illustrations, this report aims to show not only where ratification and implementation of C189 could make a practical difference in the lives of domestic workers, but also how in some contexts the ratification of C189 and civil society advocacy has led to the expansion of protections afforded to domestic workers.



Introduction

THE DOMESTIC WORKERS CONVENTION

The COVID-19 pandemic shook the job security of millions of domestic workers and put them at greater risk of abuse, exploitation and trafficking.³ Meanwhile, the pandemic marked an intense period of reliance on domestic workers for childcare, as well as health support.⁴ Dependence on domestic work is expected to continue as nearly 40% of new job opportunities in emerging industries between 2020 and 2023 will be in the care economy, which is mostly occupied by domestic workers.⁵ Over the last decade it has become clear that protecting and expanding the domestic work sector is not only integral to upholding human rights and decent work standards, it is a key component to ensuring our sustainable future.

In 2011, the International Labour Organization (ILO) adopted the seminal Domestic Workers Convention (C189)⁶ to promote decent work for domestic workers and recognise their invaluable contribution to the global economy.⁷ C189 was supplemented by the Domestic Workers Recommendation (R201),⁸ which provides guidance on implementation of the provisions of C189.⁹ Domestic work is defined in the Convention and in this report as 'work performed in or for a household or households and domestic worker refers to 'any person engaged in domestic work within an employment relationship.' A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.¹⁰

Domestic work is work performed in or for a household or households and domestic worker refers to any person engaged in domestic work within an employment relationship.¹¹

Since the adoption of C189 and R201 a decade ago, domestic workers have transitioned from an unrecognised sector to vocal activists at the forefront of human rights dialogue.¹² The unions, human rights NGOs and labour organisations that campaigned tirelessly for the adoption of this Convention understood that the ILO sets global working standards, and dedicating a convention solely to the rights of domestic workers was necessary in order to advocate effectively for

decent work.¹³ According to evidence collected by the ILO, since these standards were adopted over a decade ago, domestic workers and those that advocate for their rights have witnessed some notable advancements from 2010 to 2020:¹⁴

- **15% increase in the number of domestic workers included under the scope of labour laws and regulations.**
- **21% increase in the number of domestic workers entitled to weekly rest of at least the same length as that of other workers.**
- **12.6% increase in the number of domestic workers entitled to a period of annual leave that is at least the same as for other workers.**

Unfortunately, while 2021 marks the tenth anniversary of C189, the rights of domestic workers are still not on par with the rights of other workers globally. For example¹⁵:

- **28% of countries impose no limits on normal weekly hours of work for domestic workers.**
- **94% of domestic workers are not covered by all social security branches in their country.**
- **43% of domestic workers are either excluded from minimum wage coverage or have a statutory minimum wage lower than other workers.**

The ILO estimates that in 2019, there were at least 75.6 million domestic workers worldwide, aged



Geneva, Switzerland, 16 June 2011. Domestic workers celebrate the adoption of the Domestic Workers Convention (C189) at the 100th session of the International Labour Conference. Photo Credit: IDWF via Flickr.

15 years and over, 76.2% of whom are women.¹⁶ Domestic workers typically work long hours for very low wages and are often excluded from labour and social protections.¹⁷ Where protections and enumerated rights do exist in national legislation, there is a high risk of non-compliance due to the informal¹⁸ nature of the work and the lack of collective organisation or union membership.¹⁹ The risk of abuse is even higher for migrant domestic workers, who have limited freedom to change employers and are often dependent on recruitment agencies and stringent visa terms.²⁰

Given the hostile legal and social climates domestic workers often find themselves in, they are particularly vulnerable to conditions amounting to contemporary forms of slavery, an umbrella term that encompasses a variety of exploitative situations that a person cannot refuse or leave because of threats, violence, coercion, deception and/or abuse of power.²¹

Situations of contemporary forms of slavery include human trafficking, forced labour, debt bondage, forced or servile marriage and the sale or exploitation of children. This report touches on the potential risk of human trafficking resulting from

domestic work and defines human trafficking as involving three elements:

- (i) recruitment, transportation, transfer, harbouring or receipt of persons;
- (ii) by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
- (iii) with the intent of exploiting that person through: prostitution of others, sexual exploitation, forced labour, slavery (or similar practices), servitude, and removal of organs.²²

Contemporary forms of slavery – an umbrella term that encompasses a variety of exploitative situations that a person cannot refuse or leave because of threats, violence, coercion, deception and/or abuse of power.

Over the past ten years, limited progress has been made in expanding rights for domestic workers

and lessening their risks and vulnerabilities to contemporary forms of slavery. Globally, only 35 countries have ratified C189,²³ and only 9 of these are in the Commonwealth. The ILO estimates that since 2010, the number of domestic workers covered by the protections in labour legislation has increased by 15% globally.²⁴

However, ratification is not the end-all solution for the realisation of the rights protected by ILO standards. Governments, in conjunction with civil society and with ILO technical assistance, often go through a period of examination and revision of existing legislation in order to achieve compliance with an ILO instrument prior to or immediately following ratification.²⁵ In fact, C189 specifies that implementation must be multi-sectoral and 'in consultation with the most representative employers and workers organisations.' Once ratified, it usually takes a year for the Convention

to come into force and after this point, it cannot be denounced²⁶ for ten years.²⁷ Some countries use ILO instruments as mere standards when reforming labour law, but do not formally engage in the ratification process. This is not ideal as this practice excludes such governments from monitoring mechanisms thereby undermining international accountability.²⁸ In the case of C189, monitoring includes submitting a report to the ILO every six years, detailing laws and policies implemented nationally to meet the Convention's standards.²⁹ Non-ratification also diminishes the power of civil society advocating for workers rights when using the ILO instrument in advocacy efforts. Ratification of C189 is key to protecting domestic workers rights, but the implementation process requires continued collaboration between government and civil society, as well as continued international review and assessment.

Key Provisions of the ILO Domestic Workers Convention, 2011 (C189)³⁰

Under the provisions of the Convention, States shall:

- Allow freedom of association and collective bargaining for all domestic workers
- Set a minimum wage for domestic workers that is not lower than the established minimum wage for workers generally
- Not deprive domestic workers under the age of 18 and above the minimum age of employment an education
- Protect domestic workers against all forms of abuse, harassment, and violence
- Secure fair terms of employment, decent working conditions, and if applicable, decent living conditions for domestic workers
- Inform domestic workers of their terms and conditions of employment
- Require that recruited migrant domestic workers receive a written job offer prior to crossing national borders
- Cooperate with other countries to ensure the effective application of C189 to migrant domestic workers
- Ensure domestic workers are free to reach an agreement with their employer on whether to reside in the household
- Safeguard domestic workers' ability to leave the household during periods of daily and weekly rest or annual leave
- Ensure domestic workers are allowed to keep their travel and identity documents in their possession
- Provide equal treatment between domestic workers and workers generally in terms of working hours, overtime compensation, daily and weekly rest where weekly rest is at least 24 consecutive hours, and paid annual leave
- Ensure that periods where domestic workers remain at the disposal of the household to respond to possible calls are regarded as hours of work
- Protect the occupational safety and health of domestic workers
- Guarantee that domestic workers enjoy the same social security protections and general conditions as available to other workers
- Take measures to ensure fees charged by private employment agencies are not deducted from the remuneration of domestic workers
- Grant all domestic workers effective access to courts, tribunals or other dispute resolution mechanisms that are not less favourable than those available to workers generally
- Implement measures for labour inspection, enforcement and penalties

The Role of the Commonwealth



London, United Kingdom, 19 April 2018. Commonwealth leaders congregate during the 25th annual Commonwealth Heads of Government Meeting. The Commonwealth is falling behind on its duty to protect domestic workers: Only 9% of Commonwealth States have both ratified and brought C189 into force. Photo via Flickr

Of the 35 countries which have ratified the Domestic Workers Convention (C189) worldwide, only 9 are Commonwealth nations.

At time of writing, 35 countries have ratified C189, only 9 of which are Commonwealth countries. Of the 54 Commonwealth nations, the 6 which have both ratified the Convention and brought it into force are: Grenada, Guyana, Jamaica, Mauritius, South Africa and Namibia.^{31,32} Of the 35 countries that have ratified C189, 4 still need to bring it into force. This is dismally low compared to other fundamental ILO conventions. For example, the ILO conventions on Freedom of Association, Forced Labour, Discrimination and Child Labour have each been ratified by between 157 and 187 countries.³³

Despite the low uptake both in the Commonwealth and globally, the Commonwealth has made a few recent strides. In 2021, of the four countries that

have ratified the Convention and are due to bring it into force by the end of 2022, three are members of the Commonwealth: Antigua and Barbuda, Malta and Sierra Leone.³⁴

Of the 4 countries that ratified C189 in 2021, 3 are members of the Commonwealth.

This recent string of ratifications demonstrates a renewed and concerted focus on the rights of domestic workers in the Commonwealth. Given that the treatment of domestic workers within the Commonwealth falls below the global standards enumerated in C189, this momentum is important and should be leveraged. For example, as of February 2020, labour laws do not extend to all workers in over 50% of Commonwealth countries.³⁵ In 20% of the Commonwealth, there is evidence that domestic workers or migrant workers are not allowed to unionise.³⁶ These gaps

in protection contravene Articles 3 and 14 of C189, which guarantee domestic workers the freedom to associate, the right to collective bargaining, and 'conditions that are not less favourable than those applicable to workers generally'. Action is clearly needed in the Commonwealth to bring labour laws into line with the global standards outlined in C189.

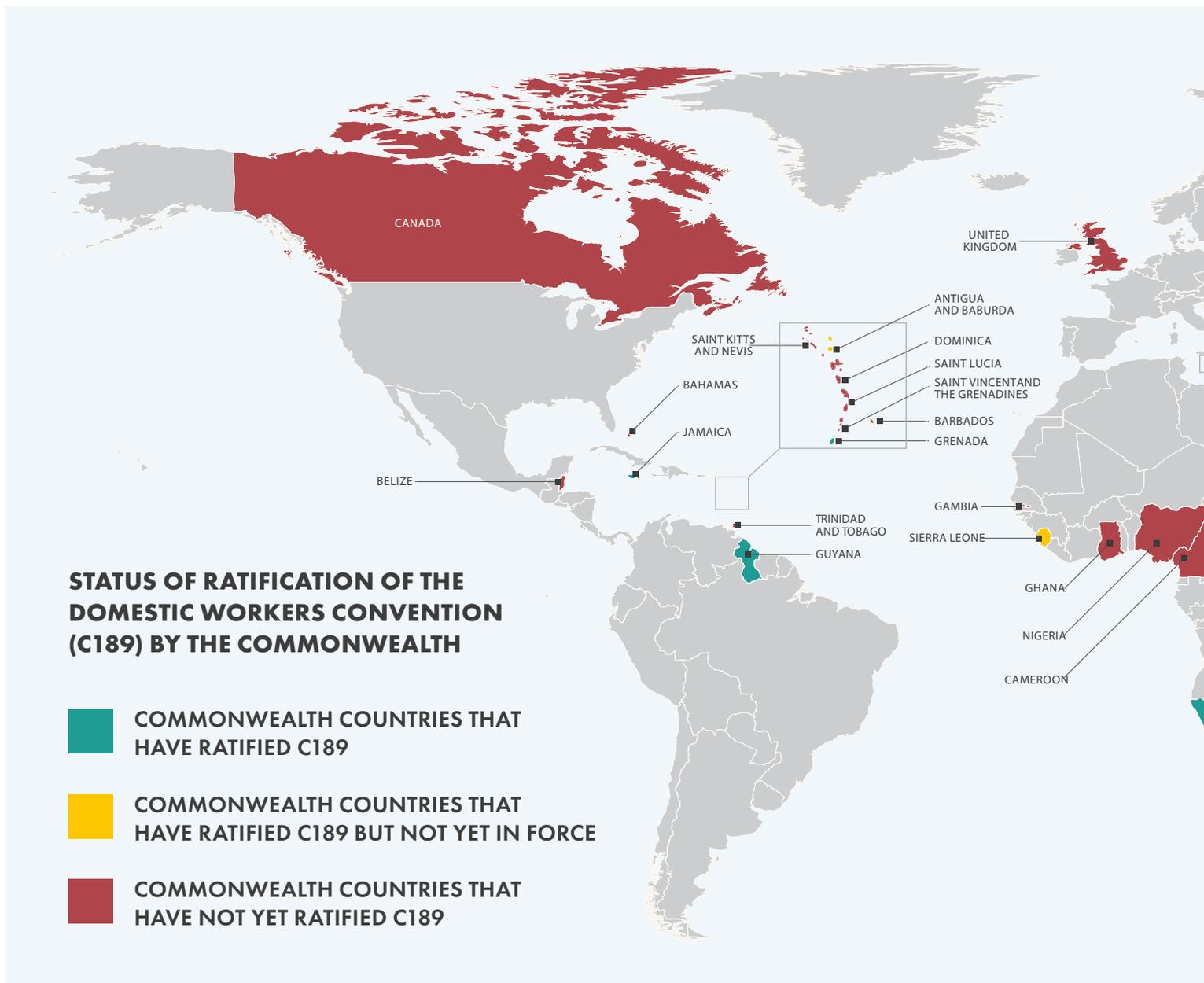
Prioritising the ratification of C189 is an important step in meeting the Commonwealth's public commitments towards eradicating exploitative labour, human trafficking and contemporary forms of slavery. At the 2018 Commonwealth Heads of Government Meeting (CHOGM), States re-affirmed their commitment to Sustainable Development (SDG) Target 8.7, calling for 'effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour in all its forms by 2025.' To realise this goal, States were encouraged to ratify relevant international agreements.³⁷

Domestic work is a high-risk sector for contemporary forms of slavery practices due to the large number of migrant workers, the informality of the work, and because domestic workers are often excluded from national labour legislation.³⁸ As a result, implementing C189 is deeply intertwined with meeting SDG Target 8.7 as it involves protecting domestic workers from exploitative, forced and child labour conditions. Nonetheless, nearly 83% of the Commonwealth have yet to implement C189 and thus lack crucial protective measures.

Despite all this, some Commonwealth states have made progress in protecting domestic worker rights. For instance, in 2016 Guyana extended minimum wage coverage to domestic workers, resulting in a 2.8% reduction in wage inequality.³⁹ Jamaica also has set a minimum wage for domestic workers that is comparable to that of other workers, including provisions in the legislation which exclude food and accommodation from wages.⁴⁰ In South Africa, domestic workers have access to unemployment and maternity benefits, and labour inspections are conducted to investigate their working conditions.⁴¹ However promising,

these developments are piecemeal and are not supported by the entire Commonwealth. More action is needed urgently to protect domestic workers in the Commonwealth and this can begin with the ratification and implementation of C189.

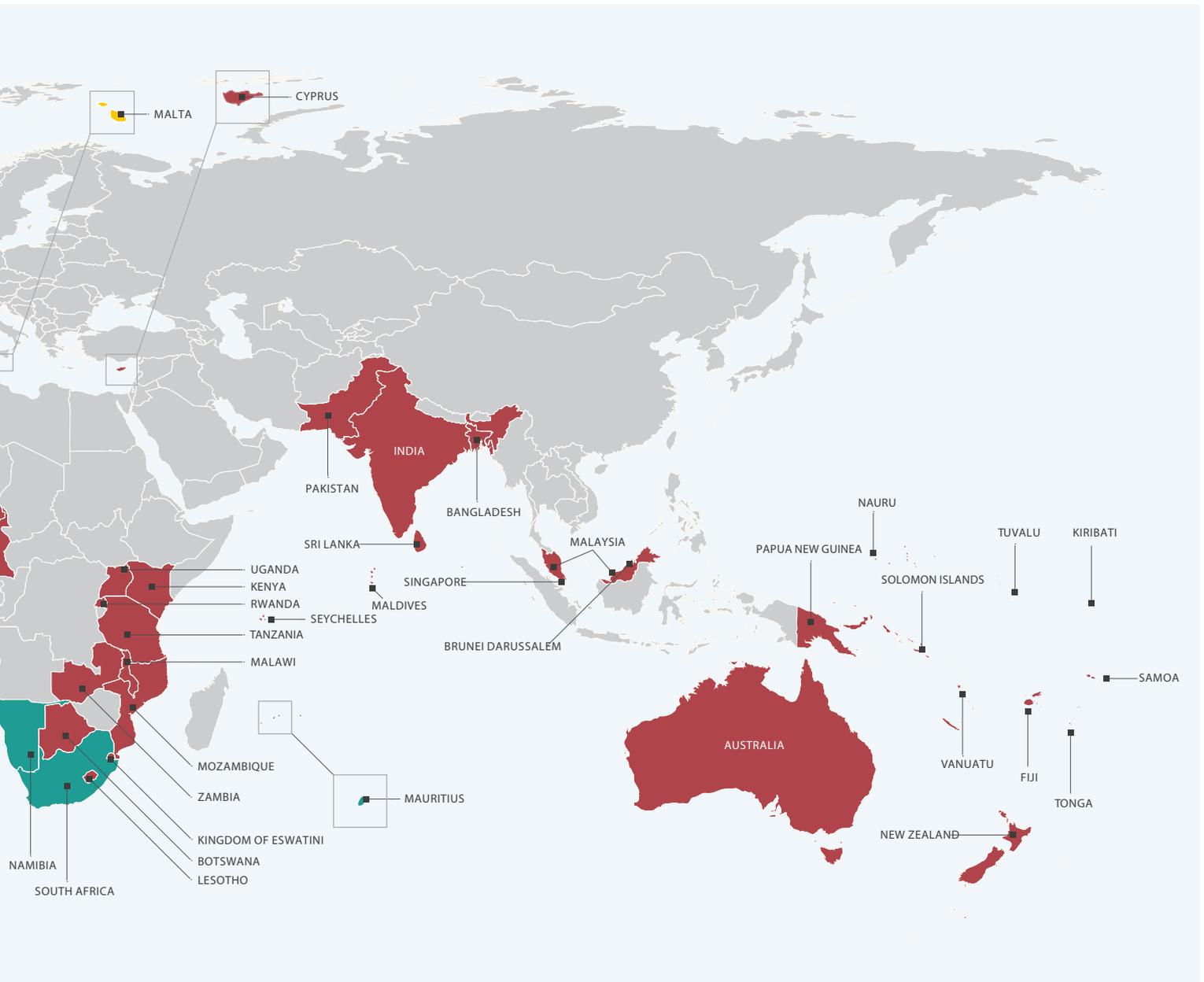
As part of a call on Commonwealth governments to ratify and implement C189, in September 2020 the Commonwealth Trade Union Group, representing unions with 70 million members in the Commonwealth, called on the virtual meeting of Commonwealth ministers for women's affairs and gender and development on COVID-19 to give greater priority to employment in the care economy, in particular higher wages, action to reduce insecurity, and adequate personal protective equipment.⁴²



- Grenada
- Guyana
- Jamaica
- Mauritius
- Namibia
- South Africa



- Antigua and Barbuda
- Malta
- Sierra Leone



- Botswana
- Cameroon
- The Gambia
- Ghana
- Kenya
- Kingdom of Eswatini
- Lesotho
- Malawi
- Mozambique
- Nigeria
- Rwanda
- Seychelles
- Uganda
- United Republic of Tanzania
- Zambia
- Bangladesh
- Brunei Darussalam
- India
- Malaysia
- Maldives
- Pakistan
- Singapore
- Sri Lanka
- Bahamas, The
- Barbados
- Belize
- Canada
- Dominica
- Saint Lucia
- St Kitts and Nevis
- St Vincent and The Grenadines
- Trinidad and Tobago
- Cyprus
- United Kingdom
- Australia
- Fiji
- Kiribati
- Nauru
- New Zealand
- Papua New Guinea
- Samoa
- Solomon Islands
- Tonga
- Tuvalu
- Vanuatu

The Urgency of Ratification

The Expanding Care Economy

Domestic workers are at the bottom of the pyramid of the care economy, one of the fastest-growing industries globally. According to the ILO, the care economy encompasses all forms of care work, which is defined as 'activities and relations involved in meeting the physical, psychological and emotional needs of adults and children, old and young, frail and able-bodied'.⁴³ The care economy includes 'direct' activities, such as feeding a baby or providing assistance with mobility, and 'indirect' activities that do not entail face-to-face care, such as cleaning or cooking.⁴⁴

With ageing populations and more women entering the workforce, demand for care is increasing fast.⁴⁵ It is expected that nearly 40% of new job opportunities in emerging professions between 2020 and 2023 will be in the care economy.⁴⁶ A large part of this care gap will be filled by women migrant domestic workers.⁴⁷

Most care work performed by domestic workers is unrecognised and undervalued and therefore informal and low-paid. Many domestic workers do not have the social protections other workers have.⁴⁸ According to ILO research, 'the more unequal a country is, the more likely it is that domestic workers make up a significant proportion of total employment'.⁴⁹ As a result, during a time of increasing demand for domestic work to help populate the care economy, the field is an unappealing and often exploitative career path.⁵⁰ This risks severe shortages of workers and an impending gap in much-needed care.⁵¹

Governments can help close the care gap through ratification of C189 and strengthening domestic legislation so that domestic workers are covered by social and labour protections. By implementing the Convention, governments can improve the quality of domestic work and make jobs in the care industry more attractive to potential employees. This will have multiple spillover benefits, including easing the burden of domestic work on women, who currently do three times as much unpaid

care and domestic work as men, and allowing more women to enter the workforce.⁵² This in turn can increase family incomes and lead to reduced gender inequality.⁵³ Implementing C189 and making jobs in the care industry more attractive could also result in a more climate-resilient economy. More care workers leads to increased assistance for patients who experience climate-related impacts or illnesses while also increasing employment opportunities in a non-climate destructive industry.⁵⁴ Implementation of C189 is an investment in the global care economy, a key component to achieving sustainability.

The Impact of COVID-19

The COVID-19 pandemic has exacerbated the already poor working conditions and lack of safety nets for domestic workers. Many have been dismissed without compensation or access to social protections.⁵⁵ Evidence shows that during the pandemic among domestic workers in 14 African countries, including 8 Commonwealth members (Kenya, Malawi, Mozambique, Namibia, South Africa, Uganda, Tanzania, and Zambia) 29% of workers were suspended or laid off, of whom 85% received no severance pay.⁵⁶

Loss of income also increases the vulnerability of domestic workers' families. In the UK, domestic workers saw a reduction of approximately 47% in working hours during the pandemic.⁵⁷ In Nigeria, domestic workers are often the primary breadwinners in their household.⁵⁸ Income cuts, sometimes reaching 60%, paired with rising food and fuel prices, has put enormous pressure on families.⁵⁹ Similarly, domestic workers in Tanzania, reported incidents of hunger due to job loss, high food costs, and school closures. As a result, many resorted to borrowing money or using their savings, which provides short-term relief, but poses a risk to the household's resilience to financial difficulty.⁶⁰

Throughout the pandemic, many migrant domestic workers found themselves unable to find new employment when dismissed, while also unable to

return home due to closed borders, all the while risking deportation if they were caught breaking lockdown measures.⁶¹ The threat of ending up in this legal limbo discourages domestic workers from leaving unsafe employment, effectively trapping them in abusive work environments.⁶²

As many domestic workers do not have access to social protections, they have no replacement income available if they stay home from work,⁶³ increasing the pressure to continue working. These workers face increased risks of infection through their commutes and lack of protection in the workplace, while also bearing heavier workloads.⁶⁴ In Nigeria, 58% of domestic workers reported feeling unsafe due to a lack of protective personal equipment (PPE),⁶⁵ while in Dar es Salaam, Tanzania 27% of live-in domestic workers reported working longer hours.⁶⁶

Live-in domestic workers also face additional barriers to leaving exploitative working situations as this would mean losing their home as well as their income in a time of travel restrictions and border closures, which would compound their difficulty in finding a new place to live.⁶⁷ Some workers also had their passports confiscated by their employers, making escape during the pandemic impossible.⁶⁸ During lockdowns, when usual support services are struggling to operate, domestic workers in abusive situations are less likely to access support services even when needed.⁶⁹

While COVID-19 has certainly exacerbated risks facing domestic workers, it also highlighted the essential nature of care work and its importance for the global economy.⁷⁰ Households became responsible for home-schooling and childcare, which predominantly fell to women and girls.⁷¹ In response to this greater attention, the COVID-19 recovery period should be an opportunity for Commonwealth governments to prioritise the rights of domestic workers and ensure they enjoy the same rights as other workers by ratifying C189 and reforming national labour laws.



Why Ratify C189 Now?

The 10th anniversary of the adoption of the Domestic Workers Convention (C189) and its accompanying Recommendation (R201) is an opportunity for reflection and renewed action. In 2011, a set of standards were finally adopted to make decent work a reality for domestic workers. Ten years later, states should reflect, take stock, and push forward the rights of domestic workers and ensure this sector, which is integral to the global economy, is protected in accordance with global standards.

The protection of domestic workers promotes gender equality and women's empowerment. Ensuring domestic work is an attractive employment opportunity lessens the burden of domestic work on women, who currently do three times as much unpaid care and domestic work as men, and allows more women to enter the workforce.

The failure to protect the rights of domestic workers is discriminatory against women. Of the 75+ million domestic workers globally, over 76% are women. Exempting certain categories of domestic workers from labour and social protections is indirect gender discrimination in violation of the Convention on the Elimination of All Forms of Discrimination against Women and other legal standards and instruments.

The promotion of the rights of domestic workers helps support the expanding care economy. With ageing populations and more women entering the workforce, 40% of new job opportunities in emerging professions between 2020 and 2023 are expected to be in the care economy. At a time of increasing demand for domestic work to help populate the care economy, we risk a gap in much-needed care if the sector is not sufficiently attractive to potential workers.

Support for domestic workers is more important than ever following the destructive impact of COVID-19. The pandemic exacerbated poor working conditions and left millions of domestic workers without work, social protections, or financial safety nets. In order to recover from the impacts of the pandemic and ensure resilience against future crises, we must ensure all workers have access to appropriate social protections.

Responses to COVID-19 highlights the essential nature of domestic work. During the pandemic, households became responsible for home-schooling and childcare. As the world rebuilds, recovers and prepares for future disasters, there is a unique opportunity to prioritise the rights of domestic workers.

Implementation of the standards in C189 is necessary to meet the UN Sustainable Development Goals by 2030. Domestic workers, especially migrants, are at particular risk of contemporary forms of slavery, discrimination and being denied the right to decent work. This is related to their exclusion from minimum wage guarantees, as well as social and labour protections. In order to meet global targets by 2030, especially under SDGs 5 and 8, the standards enumerated in C189 should be implemented globally to mitigate risks of exploitation for domestic workers.

2021 is the International Year for the Elimination of Child Labour. Child labour is endemic in the domestic work sector, where it is particularly hard to tackle as it often takes place behind closed doors in private households. Regulation and commitment to improving the lives of domestic workers is an integral part of meeting state commitments to eradicate child labour. C189 includes provisions for the minimum working age and the regulation of the domestic work sector which are important to implement in order to meet our global goal of eliminating child labour by 2030.

CASE STUDY

UNITED KINGDOM

A contraction of rights through the Overseas Domestic Worker visa

In 2011, the UK government shockingly abstained from the vote to adopt the Domestic Workers Convention (C189),⁷² joining El Salvador, Malaysia, Panama, Singapore, Sudan, the Czech Republic, and Thailand as the small group of countries to abstain.⁷³ As a country openly committed to eradicating modern slavery,⁷⁴ the UK's failure to support C189 shocked civil society around the world, as well as neighboring states.⁷⁵

Defending its abstention in 2011, the UK argued it did not need additional ILO protections as domestic workers already had access to employment and social protections in the country. However, the government did say it 'strongly supports the principles [C189] enshrines'.⁷⁶ A mere ten months after making these statements, the UK government made sweeping changes to its Overseas Domestic Worker visa, effectively eradicating the limited employment and social protections enjoyed by migrant domestic workers.⁷⁷

The UK Overseas Domestic Worker visa

The UK government initially introduced the Overseas Domestic Worker visa in 1998 to counter the widespread exploitation and abuse of migrant domestic workers in the UK. The visa required workers to have a full-time job as a domestic worker in a private household, and the government permitted domestic workers to renew their visa annually. Notably, domestic workers were able to change employers, providing them with a certain degree of bargaining power.⁷⁸ However, in April 2012, the UK changed the terms of this visa such that the visa was 'tied' to an employer. As a result, workers were unable to shift employers or renew

their visas beyond six months.⁷⁹ This effectively removed bargaining power and limited the ability of domestic workers to challenge abusive conditions.⁸⁰

Following this 2012 amendment, evidence suggests that those on tied visas were twice as likely to be physically abused as those on the original Overseas Domestic Workers visa.⁸¹ A survey of domestic workers seeking assistance from the local non-governmental organisation (NGO), Kalayaan, found that 62% of domestic workers on tied visas were not paid a salary, compared to 14% among domestic workers on the original visa.⁸² Additionally, a distressing 96% of tied visa holders who responded to the survey, were not allowed to leave the house unsupervised, a 52% increase compared to those on the original visa.⁸³ Testimonies from migrant domestic workers in the UK included reports of abuse, such as excessive working hours, arbitrary refusal of leave days, being shouted at, not being allowed to talk, withholding salaries, and being misled about their legal status and rights.⁸⁴ Domestic workers were often too scared to report their employer's abuse to the police, fearing arrest or deportation for breaking the terms of their visa.⁸⁵

In response to the above concerns, the UK



London, United Kingdom, date unknown. Members of The Voice of Domestic Workers (formerly known as Justice For Domestic Workers) display signs and banners in support of domestic workers in front of Parliament. Photo Credit: VODW.

government requested an independent review of the Overseas Domestic Worker visa in 2015. The review found that not being allowed to change employers or apply for extensions is 'incompatible with the reasonable protection of overseas domestic workers while in the UK'.⁸⁶ It recommended that migrant domestic workers be given the right to change employers, and be allowed to apply for extensions to their visa for at least 2.5 years.⁸⁷ The review also proposed mandatory 'group meetings' to provide migrant domestic workers with support and information about their rights while working in the UK.⁸⁸

The UK government made few changes in response to the independent review. While initially agreeing to implement compulsory meetings between migrant domestic workers and the authorities,⁸⁹ this was eventually abandoned.⁹⁰ In 2016, the government reinstated the right of domestic migrant workers to change employers after accepting that those workers who had been abused needed a lawful escape route. The government did not, however, allow for an extension of their visa beyond six months, thus making it very difficult for migrant domestic workers to find new employment when needed, as

new employers are generally hesitant to hire those who have only a few months left on their visa.⁹¹

Vulnerability to human trafficking

One of the few ways migrant domestic workers can obtain an extension to their visa is if they are recognised as victims of 'human trafficking',⁹² 'slavery, servitude, [or] forced or compulsory labour'.⁹³ Confirmed victims and survivors may apply for a two-year visa through the UK's National Referral Mechanism (NRM).⁹⁴ This route does not work for migrant domestic workers who wish to report exploitation or abuse, other than what is formally defined as 'trafficking' or 'modern slavery'. Workers who wish to leave their abusive employer do not have an exit route that allows them to extend their visa, thereby illuminating a clear gap in legislation.⁹⁵

Even domestic workers who meet the definition of a victim under the NRM may fail to be recognised as such. In fact, in 2020, four out of five human trafficking claims rejected by the NRM were successfully challenged in court.⁹⁶ It is important to note that many domestic workers with rejected claims will not have the resources or support to challenge the decision of the NRM.⁹⁷ The UK government is also currently considering the



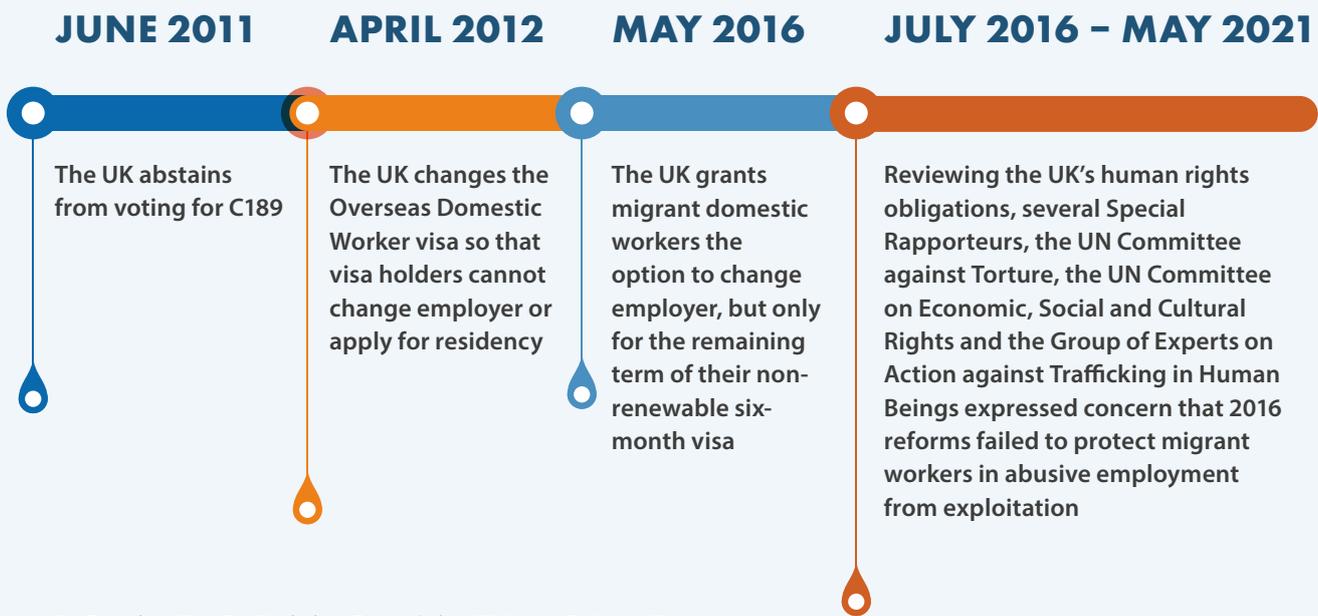
London, United Kingdom, date unknown. Members of The Voice of Domestic Workers (formerly known as Justice For Domestic Workers) display signs and banners in support of domestic workers in front of Parliament. Photo Credit: VODW.

Nationality and Borders Bill which has been criticised by anti-trafficking experts globally for making it even more difficult for migrants to be recognised as victims of trafficking under the NRM.⁹⁸ For example, under this Bill, individuals can be disqualified from the NRM under poorly defined 'public order grounds', rendering potential victims with criminal records particularly susceptible to exclusion.⁹⁹ The Bill also proposes a shorter period in which victims can initiate a claim under the NRM – a particular problem among migrant domestic workers who are already distrustful of government authorities or fear deportation and are hesitant to file a claim.¹⁰⁰ It would also move regulatory power to define 'victim of slavery' and 'victim of human trafficking' from the Modern Slavery Act to the Nationality and Borders Bill, likely conflating immigration and modern slavery processes as modern slavery standards may be influenced by immigration priorities.¹⁰¹ The current state of the NRM, which will only be worsened should the Nationality and Borders Bill pass, suggests that the NRM is an ineffectual route for many abused and exploited domestic workers.

Even if a migrant domestic worker meets the definition of victim under the NRM, many will not have the right to work while they await a decision

on their NRM application.¹⁰² Research by the local NGO Kalayaan has found that if a domestic worker's initial six-month visa has expired by the time the NRM deems there are 'reasonable grounds' to find they were victims, they do not have the right to work whilst they wait for a 'conclusive decision'.^{103,104} This legal limbo of an indeterminate time places potential trafficking victims and survivors in a very precarious position. With no opportunity to legally work, domestic workers are unable to send remittances home or pay bills. The strain of providing for one's family and paying for essential needs, such as housing and healthcare, forced several of Kalayaan's clients to borrow money and take up informal work where their conditions could not be monitored. The pressure of incurring debt in conjunction with unregulated working conditions places these domestic workers at severe risk of re-trafficking.¹⁰⁵

Domestically, the UK's Trades Union Congress, and the union that recruits domestic workers, Unite the Union, have consistently lobbied and campaigned for greater rights for migrant domestic workers. Internationally, a number of human rights monitoring bodies have expressed serious concern for the rights of migrant domestic workers in



DECLINE OF MIGRANT WORKER PROTECTIONS IN THE UK

the UK. The UN Committee against Torture, the UN Committee on Economic, Social and Cultural Rights and the Council of Europe Group of Experts on Action against Trafficking in Human Beings have all noted that the 2016 UK reforms failed to protect migrant workers in abusive employment from exploitation.¹⁰⁶

As recently as May 2021, three United Nations Special Rapporteurs, including the Special Rapporteur on contemporary forms of slavery and trafficking, provided a formal communication to the UK Government in regard to the treatment of domestic migrant workers in the country that contravened international human rights standards. The Special Rapporteurs cautioned: '[W]e firmly believe that migrant workers should be granted the right to change their employer at any point in time and for any reason while being able to apply for an extension of their visa/residency status. This would, in our view, contribute directly and significantly to the prevention and protection from exploitation and abuse of migrant workers.' In its response to this communication, the government did not indicate any further specific amendments to the visa provisions, but did state that they are 'working to improve [their] understanding of the nature

of extent of exploitation [of overseas domestic workers], and officials in the Home Office are in the process of developing proposals to reform the route from next year.'¹⁰⁷

Ensuring fair pay for domestic workers

The stringent visa terms for migrant domestic workers is not the only issue facing domestic workers in the UK. Wages of domestic workers are typically far below those of other workers. In contravention of Article 11 of C189, live-in domestic workers are excluded from minimum wage coverage in the UK.¹⁰⁸ According to the ILO, extending minimum wage coverage to domestic workers could reduce the pay gap between domestic workers and other workers from more than 20% to about 5%.¹⁰⁹



London, United Kingdom, date unknown. Members of The Voice of Domestic Workers (formerly known as Justice For Domestic Workers) hold signs describing stories of migrant domestic workers in the UK. Photo Credit: VODW

The current gap in minimum wage coverage has led to a legal challenge against the government and accusations of discrimination against women. Data from 2018 shows that approximately 70% of domestic workers in the UK are women.¹¹¹ The UK Employment Tribunal found that an exemption in the National Minimum Wage Regulations for live-in domestic workers was indirectly discriminatory as domestic workers are generally women.¹¹² In March 2021, the UK government requested the Low Pay Commission to review the exemption

for live-in domestic workers from minimum wage regulations.¹¹³ The Commission recommended that the exemption should be removed, and live-in workers be paid the minimum wage. It stated that 'the exemption has created a loophole for exploitation of migrant domestic workers'.¹¹⁴ The UK government is yet to respond to this recommendation.

It is clear that despite claims that C189 is not needed in the UK, large gaps remain in protections for domestic workers that fly in the face of government commitments to tackle 'slavery, servitude, forced or compulsory labour' through its trailblazing Modern Slavery Act.¹¹⁵ In fact, it is noted that forced labour is the most common form of exploitation reported in the UK, with women domestic workers a particularly vulnerable group.¹¹⁶ The acute vulnerability of domestic workers in the UK has been exacerbated during the COVID-19 pandemic. According to the ILO, from 2019 to 2020, the number of domestic workers in the UK decreased by over 15% and for those who maintained employment, their working hours decreased by 47%.¹¹⁷ Migrant domestic workers who fall undocumented due to the stringent visa conditions had few options during the pandemic, accepting work even when it puts their lives at risk.¹¹⁸

GUARANTEEING MINIMUM WAGE
TO LIVE-IN DOMESTIC WORKERS
COULD CLOSE THE

PAY GAP

BETWEEN THEM AND
OTHER WORKERS FROM

>20% TO 5%¹¹⁰



NEXT STEPS

As long as domestic workers are excluded from minimum wage coverage and the Overseas Domestic Workers visa does not allow for extensions, domestic workers will have little opportunity to leave abusive working conditions in the UK. As it stands now, the UK falls woefully short of Article 5 of C189 which calls for measures to ensure the effective protection of domestic workers against all forms of abuse, harassment and violence. As such, ratification of C189 is crucial to reforming the systems stacked against domestic workers in the UK while furthering the UK's commitment to the eradication of contemporary forms of slavery.

RECOMMENDATIONS TO THE STATE

- Ratify the ILO Domestic Workers Convention (C189) immediately.
- If ratification of C189 is not immediately pursued, offer a detailed and updated explanation as to why the convention is not being considered in the UK.
- Restore the terms of the original Overseas Domestic Worker visa from 2012 to allow workers to safely change employers, renew their visa annually so long as they can demonstrate their labour is still required as a domestic worker and apply for settlement once they evidence five years of continuous lawful employment.
- Implement the recommendations of the Low Pay Commission so that live-in domestic workers, the majority of whom are women, are no longer exempt from minimum wage regulations and the policy is no longer gender discriminatory.
- Create a new visa category for domestic workers who become undocumented due to extenuating circumstances such as lack of mobility or language barriers so that there is an option to regularise their status and so they do not feel they need to hide from the authorities at times of crisis.
- Protect the right to work for those who enter the National Referral Mechanism and await decisions on their claims to be survivors of modern slavery.

- Amend the Nationality and Borders Bill to ensure victims of human trafficking and modern slavery are identified and protected in line with international human rights standards.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use letters and parliamentary questions to demand a detailed and updated explanation from the Foreign, Commonwealth and Development Office as to why C189 is not being considered in the UK.
- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network, to raise awareness, amplify and advocate national issues at international and regional fora.
- Work directly with domestic workers to document their needs and to encourage collective action through, for example, unionisation.

CASE STUDY

UGANDA

A country on the brink of ratification

According to the Uganda Bureau of Statistics, the informal sector, which includes domestic workers, employs up to 87% of Uganda's entire labour force.¹¹⁹ While the Ugandan government has not yet ratified the Domestic Workers Convention (C189),¹²⁰ there are promising signs that suggest the ratification and domestication of C189 are on the horizon. This is largely the result of persistent advocacy and awareness raising efforts by local civil society.¹²¹

Gaps in protection

Current labour law provisions in Uganda do not extend to domestic workers.¹²² The 2006 Employment Act protects workers in formal employment only, specifically excluding the category of 'domestic servants'.¹²³ Even if such workers were included, homes are considered private and are therefore not subject to the labour inspections necessary to enforce the Act.¹²⁴ However, when C189 was adopted in 2011, civil society in Uganda capitalised on the momentum generated and helped to usher in a new National Employment Policy, which formerly recognised domestic workers as among the vulnerable group of people 'who lack security and/or are susceptible to risk and/or are exploited'.¹²⁵ This Ugandan policy includes a number of strategies aimed to reduce the vulnerability of these specified groups, including 'carrying out new surveys and research [that]...focus on low-paid and vulnerable workers especially domestic servants'.¹²⁶

Campaigning for C189 ratification

Without labour law protections and, by extension, without mechanisms to monitor working conditions, domestic workers are especially vulnerable to exploitation. In a 2015 study, the non-governmental organisation Platform for

Labour Action Uganda (PLA) found that four out of every ten female domestic workers interviewed in Kampala city had been the victims of verbal abuse or physical violence.¹²⁷ Another 2017 study found that eight percent of domestic workers surveyed had been the victims of sexual harassment or assault.¹²⁸

After raising these findings and others with government officials and policy makers, including the Uganda Women Parliamentary Association (UWOPA), a parliamentary caucus was established during the 5th parliament of Uganda (1989-1994) which spearheaded a number of gender-sensitive policies in the country.¹²⁹ The Ugandan government formally committed to ratifying C189

THE INFORMAL SECTOR, WHICH INCLUDES DOMESTIC WORKERS, EMPLOYS UP TO 86% OF THE UGANDAN LABOUR FORCE



86%

in 2016 during the UN Universal Periodic Review of Uganda – 2nd cycle.¹³⁰ According to the PLA, the government has followed up on this commitment. In 2020, the Ministry of Gender, Labour and Social Development initiated a cabinet memo to the Attorney-General seeking permission to start the ratification process of C189. The Attorney-General agreed and the government assembled a committee of experts on domestic workers rights to determine the extent of reforms needed to ensure compliance with C189. The timeline for this process is unknown. While the PLA are grateful the process has started, they caution that ratification could be 'slow'.¹³¹

Parallel to the process to ratify C189, the government also agreed to fast-track the Employment Amendment Bill, 2019.¹³² This bill was passed by Parliament and once it receives the President's assent, it will bring domestic workers under the protection of Ugandan labour law, and require compulsory registration of recruitment agencies in order to regulate recruitment practices and curb exploitative contracts for domestic workers, among other provisions.¹³³ This seminal development, however, hangs in the balance as the President has not yet assented to the Bill.¹³⁴ Following an election and a re-formulation of Parliament, the new speaker of Parliament announced that any pending bills, including the Employment Amendment Bill, must be reintroduced, bringing the proposed amendment back to square one.¹³⁵

Despite this bureaucratic setback, the PLA is optimistic about the government's commitment to enhance the legal protection of domestic workers. PLA notes that the Ministry of Gender, Labour, and Social Development worked with civil society when developing the Employment (Domestic Workers) Regulations 2020 which mirrors the aspirations of C189. The Regulations are set to be presented to the Ministry of Gender, Labour and Social Development and are expected to pass, setting the much needed guidelines for the protection of domestic workers.¹³⁶

Ugandan domestic workers abroad

Concerns for Ugandan domestic workers are not confined to a lack of legal recognition and protection in the country alone. Many young Ugandan women travel abroad to work as domestic workers in the Gulf states where they face

high risks of slavery and abuse.¹³⁷ The Ministry of Gender, Labour and Social Development reported that between 2016 and 2019, over 20,000 Ugandan migrants worked as domestic workers in Saudi Arabia and Jordan.¹³⁸ It is estimated that remittances from Ugandans working abroad contribute to approximately 4.5% of Uganda's GDP.¹³⁹ There are also reports of private recruitment companies that exploit Ugandan domestic workers by requiring excessive fees for placements to the Middle East.¹⁴⁰ Moreover, migrant workers to the Middle East are often governed by a *kafala* system, where they require sponsorship before acquiring work permits, giving employers considerable control over their identity documentation and movement.¹⁴¹

In recent years, the Ugandan government has taken steps to protect its citizens working abroad from exploitation and unfair treatment. In 2015, Uganda signed a five-year bilateral agreement intended to promote the recruitment of 1 million Ugandan domestic workers to Saudi Arabia.¹⁴² The agreement prescribed a minimum wage, prohibited salary deductions and placed employee



Kampala, Uganda, 13 August 2016. Domestic workers in the Uganda Hotels, Food, Tourism, Supermarkets and Allied Workers Union (HTS-Union) hold a banner for a training. Participants were trained on union organisation, recruitment of domestic workers, strengthening communications between members and the union, as well as on the rights of domestic workers. Photo Credit: IDWF via Flickr

protective requirements on the employer, including providing acceptable accommodation, health insurance, and exit visas.¹⁴³ However, the deal was terminated in January 2016 after complaints arose from workers of abuse and torture at the hands of their employers.¹⁴⁴ Following a ban on the

migration of Ugandan domestic workers to Saudi Arabia, new agreements were signed between the two governments to safeguard migrant workers, including the introduction of mandatory pre-departure orientations for workers, as well as the establishment of an emergency fund for legal and medical assistance and emergency repatriation.¹⁴⁵ However, there are still reports of migrant workers being mistreated in the Gulf, and further action is needed.¹⁴⁶

A 2019 statement by the Minister of State for Gender and Cultural Affairs on the 'externalisation of labour' reflects the government's continued attention to Ugandan domestic workers abroad.¹⁴⁷ In the statement, the Minister outlines several precautions for domestic workers, including the requirement that foreign recruitment companies be accredited by the Ministry of Gender, Labour and Social Development, the implementation of monitoring visits, and the requirement that every employment contract be accredited by a Ugandan official before a domestic worker can begin their work abroad. Despite these positive initiatives, the statement by the Minister of State for Gender and Cultural Affairs also seems to reflect misunderstandings about the plight of domestic workers, as it attributes domestic violence to the 'immoral behaviours by Ugandan domestic workers' themselves.¹⁴⁸ This unjust assertion appears to run contrary to Article 5 of C189 which demands 'effective protection against all forms of abuse, harassment and violence' and suggests a need for further sensitisation among the government on issues relating to contemporary forms of slavery and domestic abuse.

Child labour concerns

In order to implement C189, particularly Article 3 which calls for the effective abolition of child labour, Uganda must aim to eradicate the use of children for domestic work. Approximately half a million children are involved in hazardous work in Uganda, including domestic services.¹⁴⁹ Research in 2021 revealed that 80% of domestic workers in Uganda's capital city are children. This staggering number has been attributed to school closures and loss of family incomes in the wake of the COVID-19 pandemic.¹⁵⁰ To counter child domestic labour, which predominantly affects girls, the government has implemented policies to increase enrolment in education,¹⁵¹ which is considered to be a fundamental measure to reduce child labour.¹⁵² In fact, in 2007, Uganda was the first country in Sub-Saharan Africa to implement universal secondary education.¹⁵³ In 2021, the Ugandan government launched its second National Action Plan for the Elimination of Child Labour,¹⁵⁴ which aims to ensure that 'all households, communities and sectors in Uganda are free from Child Labour'.¹⁵⁵ Despite these initiatives, local civil society organisations note that the number of child domestic workers continues to increase.¹⁵⁶

APPROXIMATELY
HALF A MILLION

CHILDREN ARE INVOLVED
IN HAZARDOUS WORK IN
UGANDA, INCLUDING
IN DOMESTIC SERVICES



NEXT STEPS

As the Ugandan government currently appears to be prioritising the eradication of child labour and considering the inclusion of domestic workers under national labour laws, now is the time to direct advocacy towards these issues. The country seems on the precipice of not only passing a seminal piece of legislation, the Employment Amendment Bill of 2019, but of ratifying C189. Public attention to domestic workers and C189 could build on slow-burning developments in the country and bring much needed political capital and attention to the rights of domestic workers in Uganda.

RECOMMENDATIONS TO THE STATE

- Ratify the ILO Domestic Workers Convention (C189) immediately.
- If ratification of C189 is not immediately pursued, offer a detailed and updated explanation as to why the convention is not being considered in Uganda.
- Ensure the swift consideration and passing of a new bill that includes domestic workers in labour law protections such as the proposed Employment Amendment Bill of 2019.
- Implement a minimum wage for domestic workers commensurate with other workers.
- Effectively implement the National Action Plan for the Elimination of Child Labour.
- Enter into bilateral or multilateral agreements to prevent abuses of Ugandan domestic workers in the Middle East, implementing mechanisms to ensure effective enforcement.
- Increase funding and support to civil society organisations that work with and directly assist domestic workers.
- Support civil society research and data collection efforts on issues facing Ugandan domestic workers, and ensure information about domestic workers is accessible so interventions and support are based on evidence and strategically fill existing gaps in protection.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use letters and parliamentary questions to demand updates on the consideration of C189 from the Ministry of Gender, Labour and Social Development and express public support for the Convention.
- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network, to raise awareness, amplify and advocate national issues at international and regional fora.
- Educate and inform civil society organisations working on women's rights and human rights more broadly about the standards enumerated in C189 to bring in diverse stakeholders to promote the rights of domestic workers.
- Engage in awareness-raising activities with citizens and government officials to challenge stereotypes facing female domestic workers so that they are recognised in law and in practice as any other worker.
- Encourage unionisation and collective action among domestic workers, including referrals to Food, Tourism, Supermarkets and Allied Workers Union (HTS-Union) and/or the Domestic Workers Association (DOWA).

CASE STUDY

PAPUA NEW GUINEA

A lack of data impedes progress for domestic workers

Due to the large deficit of data from the Pacific region, it is difficult to assess both the range and scale of the issues facing domestic workers in Papua New Guinea.¹⁵⁷ Information and evidence, including prevalence data, is needed in order to raise awareness of the plight of domestic workers and to inform advocacy and campaigning efforts for the adoption of legal frameworks, including the ratification of the Domestic Workers Convention (C189).¹⁵⁸

Child labour concerns

The limited information that is available on domestic workers in Papua New Guinea suggests that many children, especially girls, are subject to inhumane working conditions as domestic servants.¹⁵⁹ The UN Committee on the Rights of the Child and the US State Department have both expressed concern about a practice of indenturement in Papua New Guinea where children, mostly girls, are informally 'adopted' to work in the home of their 'host' family to pay off their own family debts.¹⁶⁰ There are also reports of girls forced into marriage to pay family debts, only to be used as domestic servants.¹⁶¹ These girls are made to work long hours without freedom of mobility and with limited access to school and medical services. As a result of their isolation, they are more susceptible to physical and sexual abuse.¹⁶²

Lack of protection for informal employment

A 2019 study found that 37.5% of Papua New Guinea's population lives below the national poverty line. It is also estimated that the economy has contracted by at least 2.9% since the beginning of the COVID-19 pandemic – a situation that has likely further deteriorated.¹⁶³ Extreme poverty is a serious concern for all workers in Papua New

Guinea and especially domestic workers who are likely to be informally employed.¹⁶⁴

Domestic workers can be either formally or informally employed,¹⁶⁵ with the former typically working in the homes of wealthy citizens and foreign expatriates and usually under regularised employment agreements with the homeowner's employer.¹⁶⁶ In these cases, a semblance of protection, albeit without regular enforcement, is guaranteed through the country's Employment Act of 1978 which entitles workers to a minimum wage, annual leave, sick leave, superannuation and medical coverage.¹⁶⁷ Domestic workers in informal employment, however, are not protected by this legislation and therefore have more limited



DUE TO THE LARGE DEFICIT OF DATA,
IT IS DIFFICULT TO ASSESS THE SCALE
OF THE ISSUES FACING DOMESTIC
WORKERS IN PAPUA NEW GUINEA

avenues for redress or remuneration.¹⁶⁸ This group typically consists of extended family members who tend to the domestic work of their families, receiving sporadic remuneration in the form of food, accommodation, and occasionally cash.¹⁶⁹

Government commitment to decent work

While Papua New Guinea has not yet ratified C189, political attention may be shifting to the domestic work sector. Reports reveal that the Papua New Guinea government conducted its first trafficking-related research for the 2021 U.S. TIP report without assistance from international organisations.¹⁷⁰ The report assessed the scope of domestic servitude cases involving girls, but the findings have not been released to the public.¹⁷¹

In its state report submitted under the 2021 Universal Periodic Review (UPR)¹⁷² of Papua New Guinea – 3rd cycle, the government responded to a recommendation to ratify C189 by outlining its commitments to ensure decent work for domestic workers.¹⁷³ The Department of Labour

and Industrial Relations is reportedly drafting a new Occupational Health and Safety Bill that encompasses both public and private sectors, thus including domestic workers. The Bill aims 'to establish a legal framework for promoting decent work and non-discrimination in the workplace' and will be enforced by an Inspectorate under the Department of Labour and Industrial Relations.¹⁷⁴ The state is also in the midst of implementing its first Decent Work Country Programme (2018–2022) in partnership with the ILO. While this plan does not refer to domestic workers specifically, it does demonstrate a political commitment to expand opportunities for decent work generally. One of the planned outcomes for this programme includes 'more effective labour and OSH [occupational safety and health] inspection services, including with respect to addressing child labour issues'.¹⁷⁵ Given the concerns around child domestic workers in the country, any efforts to inspect and regulate work sectors with children is a welcome development.

NEXT STEPS

There is growing attention to the plight of domestic workers in Papua New Guinea. However, without data to support strategic and evidence-based interventions, reports of abuse and exploitation will continue unabated. Ratifying C189, collecting and documenting data, and conducting the analysis necessary to implement C189 effectively, is an important step to not only protect domestic workers in Papua New Guinea, but recognise their existence.

RECOMMENDATIONS TO THE STATE

- Ratify the ILO Domestic Workers Convention (C189) immediately.
- If ratification of C189 is not immediately pursued, offer a detailed and updated explanation as to why the convention is not being considered in Papua New Guinea.
- Extend the Employment Act, 1978 so that all work sectors, including domestic workers in the informal sector, are granted equal social and labour protections.
- Publish findings from the government's first trafficking-related research so that further areas of research can be identified and the number and scale of issues faced by domestic workers can be better understood and addressed.
- Increase funding and resources to civil society that assist domestic workers and to organisations and institutions with the capacity to conduct research on and gather statistical information about domestic workers in the country.
- Ensure information about domestic workers is accessible so interventions and support are evidence-based, relevant and strategically address existing gaps in protection.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use letters and parliamentary questions to demand a detailed and updated explanation from the Ministry of Foreign Affairs and Trade as to why C189 is not being considered in Papua New Guinea.
- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network, to raise awareness, amplify and advocate national issues at international and regional fora.
- Work directly with domestic workers to document their needs and to encourage collective action through, for example, unionisation.
- Invest in on-the-ground research in Papua New Guinea on domestic workers to understand the scale of the problems they face and provide the government with the information needed to ratify and domesticate C189.

Papua Barat, Papua New Guinea, 31 March 2021. Water encroaches on a building in Papua Barat. Made up of many low lying islands off the mainland, Papua New Guinea is one of the most vulnerable countries in the world to climate change. A 2019 study found that 37.5% of Papua New Guinea's population lives under the national poverty line. Due to this persistent poverty, indenturement is a common practice, particularly for young girls. Photo Credit: Asso Myron via Unsplash.



CASE STUDY

INDIA

A decentralised and piecemeal approach to protecting domestic workers

According to official statistics, there are 4.75 million domestic workers in India, 3 million of whom are women.¹⁷⁶ The ILO and academics believe however that these statistics are significantly underestimated, with informal estimates ranging from 20 to 80 million.¹⁷⁷ Domestic workers in India are excluded from many protections in the national labour laws;¹⁷⁸ they face low wages, long hours, poor working conditions, gender and caste discrimination and physical and psychological abuse.¹⁷⁹ Moreover, there is a lack of awareness among domestic workers about their rights and protections, where they exist, under domestic and state law.¹⁸⁰ While some states in India include domestic workers in their labour provisions and social protections, there is little political capital for nationwide support for and recognition of domestic workers.

The COVID-19 pandemic has had a particularly dire effect on domestic workers in India. A study found that 99% of domestic workers in Delhi were unable to work in April 2020 due to government-imposed lockdowns, and by the summer, only 42% had resumed work.¹⁸¹ To cope with the loss of income, 64% of this group borrowed money.¹⁸² A similar study of informal workers in Ahmedabad found that 82% of domestic workers received food grants, while only 29% received cash grants.¹⁸³ Reasons for not receiving a cash grant often included not having a bank account, or not being aware they were available.¹⁸⁴ This suggests that the government's COVID-19 response was far removed from the daily realities of domestic workers, and it highlights their lack of visibility and participation in national decision-making processes.

Government refusal to ratify C189

As domestic workers struggle with escalating personal debt and face higher levels of poverty, they

are at greater risk of exploitation and are increasingly unable to safely leave abusive work environments.¹⁸⁵ Still, the Indian government has not yet ratified the Domestic Workers Convention (C189)¹⁸⁶, stating in 2015 that the Convention's provisions do not conform to national legislation.¹⁸⁷ The Labour Minister at the time explained India's practice of ratifying ILO conventions only after 'national laws



20–80 MILLION
DOMESTIC WORKERS

64%

BORROWED MONEY DUE TO
COVID-RELATED LOSS OF INCOME



and practices are brought fully into conformity with the provisions of the convention in question'.¹⁸⁸ If this is the case, ratification seems unlikely without some degree of national reform. However, in the same speech, the Labour Minister stated that 'domestic work falls under the purview of the state sphere. It is primarily the responsibility of state governments to take action for protecting people including domestic workers from exploitation'. Placing all responsibility on states suggests a lack of the federal government's commitment to make the changes necessary for the ratification of C189.¹⁸⁹

Progress for domestic workers

In light of the lack of federal commitment to the issue, unions in the country have worked to promote government and public awareness of domestic workers' rights. For example, the Self-Employed Women's Association (SEWA) established domestic worker trade committees across 10 states where workers can gather to exchange experiences and plan collective action.¹⁹⁰ Moreover, the National Domestic Workers Movement (NDWM) is setting up a child's rights campaign to advocate for the abolition of child domestic work.¹⁹¹ The NDWM and SEWA are unions led by domestic workers with affiliates in states across the country, their advocacy and awareness-raising activities having national reach.¹⁹²

Notwithstanding the failure to ratify C189, the Indian government has made some legislative and policy progress to the benefit of domestic workers. Domestic workers are included as protected employees under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, which 'prohibits sexual harassment in the workplace and sets out complaint mechanisms'.¹⁹³ However, the Act mandates that domestic workers' cases be referred to the police, which has the potential of creating barriers to individuals voicing their complaints.¹⁹⁴ Research shows that the requirement to lodge a complaint with the police can deter the engagement of domestic workers, due to fear of reprisals or existing mistrust of authorities, especially among migrant female workers.¹⁹⁵

More recently, the Indian Ministry of Labour announced the establishment of data collection programmes relating to informal sector workers, including domestic workers. Collected data will inform policies, initiatives and interventions tailored

to the needs of the informal sector.¹⁹⁶ Following this announcement, the Ministry established e-Shram, a National Database of Unorganized Workers, including migrant workers, which aims to match individuals with relevant social security schemes.¹⁹⁷ As of 9 November 2021, e-Shram had reported registrations of nearly 6 million domestic and household workers, but the supposed benefits of registration are yet to be seen.¹⁹⁸

A defederalised response

As a result of the limited federal attention given to the rights of domestic workers in India, developments are piecemeal and dependent on state priorities. The de-federalised structure of India's worker protections is one of the largest challenges to domestic workers' rights in the country, as it can lead to inequalities for domestic workers across state lines. For instance, of 28 states and union territories in India, only 13 have enacted minimum wages for domestic workers.¹⁹⁹ Under the Unorganised Workers' Social Security Act, 2008, states are required to establish local boards for domestic workers to register for social benefits.²⁰⁰ However, due to lack of oversight, access to benefits often differs between states, and only some states have set up welfare boards for unorganised workers.²⁰¹



Maharashtra, India, 16 June 2017. A group of domestic workers show their support for implementing a minimum wage for domestic work. The National Domestic Workers Movement (NDWM) in the state of Maharashtra organised a rally and meeting to discuss needed reforms for domestic workers. Photo Credit: IDWF via Flickr

Differing labour laws among states can pose a problem for workers engaging in rural to urban migration within the country. Migrant domestic workers are unable to access their benefits outside of their state of origin.²⁰² Domestic workers who migrate internally are also at risk of exploitative recruitment practices, such as high travel costs and deductions from salaries.²⁰³ A 2015 ILO study examined the migration of female domestic workers from the state of Jharkhand to New Delhi, and it found that most women left their homes while under financial pressure. In the few cases where respondents had signed a contract, the employee would be tied to their employer for almost a year. It also reported that some recruitment agents take the worker's first month's salary as a placement fee.²⁰⁴

Under national law, employers are prohibited from employing domestic workers under the age of 14.²⁰⁵ The Child Labour Amendment Act, 2016 also created a new category of protected workers for children aged 14 to 18 years old. However, this latter group is only protected from engaging in 'hazardous work', a category that does not currently include domestic work.²⁰⁶ Despite this, civil society organisations have noted the hazardous nature of child domestic work given their vulnerability to sexual abuse, exploitation and severe fatigue caused by long working hours and inadequate rest.²⁰⁷

A 2006 study of 500 child domestic workers in West Bengal found that 68% had faced physical abuse, with most of the abuse leading to sustained injuries. A third of these child domestic workers reported having their genitals touched by

members of their employing family, and 20% reported being forced to have sexual intercourse.²⁰⁸ Civil society research suggests that young girls often migrate internally to live with employers, where they can become isolated and vulnerable.²⁰⁹ Employers can prohibit family contact and keep young workers from leaving the workplace.²¹⁰ The situations that some child domestic workers in India face may meet the thresholds for the worst forms of child labour, which include 'forms of slavery or practices similar to slavery' or work 'likely to harm the health, safety or morals of children'.²¹¹ India is committed to eradicating the worst forms of child labour through UN Sustainable Development Goal (SDG) Target 8.7 and the ILO Worst Forms of Child Labour Convention, 1999.²¹² Thus reforms in regard to child domestic work would not only be in line with the provisions of C189, it would also propel the country towards meeting its existing international obligations.

The Indian government has attempted to streamline the country's labour laws by enacting new Labour Codes in 2020, but provisions relating specifically to domestic workers were overlooked, once again highlighting their invisibility among federal policy makers.²¹³ Instead, domestic workers were included in the category of 'unorganised workers' which in turn were excluded from the updated Occupational Safety, Health and Working Conditions and Industrial Relations Codes.²¹⁴ Domestic workers with employers who employ less than five people are also excluded from the updated Code on Wages.²¹⁵ The new labour codes, when eventually implemented,²¹⁶ will also include a Code of Social Security, which includes one of the few legal protections for domestic workers, the Unorganised Workers' Social Security Act, 2008.²¹⁷

In 2017, the Ministry of Labour and Employment announced it was considering a new national policy for domestic workers, requesting inputs on definitions, expanding existing legislation to cover domestic workers, skill enhancement, setting up institutional mechanisms to provide social security and protection from abuse and violence.²¹⁸ The Draft Policy on Domestic Workers is still awaiting Cabinet approval, and though the policy has been reviewed by domestic worker organisations and would represent an important step forward for the rights of domestic workers, it is intended to only provide guidance and is not legally binding.²¹⁹



Kerala, India, 18 June 2018. Domestic workers led by the Self Employed Women's Associate (SEWA) Union in Kerala march the streets during Domestic Workers Day in June 2018. Organisers have been integral in pushing reforms in India. Photo Credit: IDWF via Flickr.

NEXT STEPS

Commitment to ratifying C189 is needed in India to streamline national protections for domestic workers and to implement the Draft Policy on Domestic Workers. Currently, domestic workers are at the mercy of the protections afforded by individual states, and it appears these are neither consistent nor uniformly implemented, and in some cases, non-existent. In a sector beset with migration and movement across state borders, leaving the regulation of domestic work to states is simply impractical. Federal action is needed – and this can start with the ratification and implementation of C189.

RECOMMENDATIONS TO THE STATE

- Ratify the ILO Domestic Workers Convention (C189) immediately.
- If ratification of C189 is not immediately pursued, offer a detailed and updated explanation as to why the Convention is not being considered in India.
- Review the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 to improve complaint mechanisms for domestic workers.
- Regulate recruitment processes to ensure safer rural to urban migration for domestic workers by prohibiting employee-paid recruitment fees and salary deductions.
- Implement the Draft Policy on Domestic Workers to ensure a streamlined protection system for domestic workers.
- Establish a separate law on child labour in domestic work in recognition of the hazardous nature of this sector, including instances of child trafficking and the worst forms of child labour.
- Increase funding and support to civil society organisations that work with and directly assist domestic workers.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use letters and parliamentary questions to demand a detailed and updated explanation from the Ministry of External Affairs and Ministry of Labour and Employment as to why C189 is not being considered in India.
- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network, to raise awareness, amplify and advocate national issues at international and regional fora.
- Join national civil society coalitions, such as the Voluntary Action Network India (VANI), to build solidarity, strengthen multi-stakeholder partnerships and amplify local voices in advocacy and campaigning efforts.
- Encourage unionisation and collective action among domestic workers, including referrals to the Self-Employed Women's Association (SEWA) and/or the National Domestic Workers Movement (NDWM) as appropriate.
- Encourage domestic workers to register on e-Shram to gain access to employment and social security schemes.

CASE STUDY

DOMINICA

Reform for domestic workers through the lens of sustainability

Domestic workers in The Commonwealth of Dominica are excluded from crucial labour protections and generally must subsist on very low wages compared to other workers.²²⁰ While the government has not yet ratified the Domestic Workers Convention ('C189'),²²¹ the country's commitment to sustainability through progress towards the United Nations Sustainable Development Goals (SDGs) and the development of a climate resilient economy may draw increased attention to the situation of its domestic workers and the wider care economy.²²²

Domestic work in the shadows

The full scale of issues facing Dominican domestic workers is unknown due to a dearth of research and data, as well as a general lack of international attention.²²³ Past research on Dominica has also recognised that while the informal sector 'was a significant part of the economy...credible data on the informal workforce were unavailable.'²²⁴

Gaps in protection and support systems

The little information that is available paints a troubling picture of the rights of domestic workers in Dominica. In 2014, Dominica had the lowest minimum wage of all the Organisation of Eastern Caribbean States.²²⁵ Dominican domestic workers receive the lowest minimum wage when compared to other sectors in the country in contravention to Article 11 of C189.²²⁶ In its first minimum wage review in 14 years, the government finally increased the minimum wage in September 2021, but kept domestic workers at the bottom of the pay pyramid.²²⁷ Local non-governmental organisations (NGOs) report that men and women participate in the Dominican economy along traditional

gender lines, with tasks assigned to women, including domestic work, 'often having lower status and value'.²²⁸ Gender inequality permeates existing labour legislation where there are no laws prohibiting discrimination in the hiring process, and it is not prohibited for employers to ask about family status.²²⁹

Domestic workers are also specifically excluded from a number of support systems. In the Protection of Employment Act, domestic

IN ITS FIRST MINIMUM WAGE REVIEW IN 14 YEARS, DOMINICA FINALLY INCREASED MINIMUM WAGE IN SEPTEMBER 2021, BUT KEPT DOMESTIC WORKERS AT THE BOTTOM OF THE PAY PYRAMID.



workers are specifically excluded from receiving redundancy pay.²³⁰ Additionally, employers of domestic workers are exempt from the Labour Contract Act, which requires an employer to provide a contract detailing terms and conditions for employees.²³¹ These gaps in protection compound the vulnerability of domestic workers, especially in the wake of the COVID-19 pandemic when domestic workers had no legal entitlements to contracts or redundancy pay.²³²

Progress through sustainability

Despite serious shortcomings in legal recognition of and protections for domestic workers, the Government of Dominica's response to climate change and its commitment to the achievement of the United Nations Sustainable Development Goals (SDGs) suggests the government will take steps to expand the rights of domestic workers.²³³ For example, the government built its National Resilience Development Strategy 2030 around the SDGs and specifically notes SDG indicators relating to the recognition of unpaid care and domestic work 'through the provision of public services, infrastructure and social protection policies...'.²³⁴

As a country profoundly impacted by the disastrous effects of climate change, it is vital for government policies to minimise the impacts of climate-sensitive health risks, such as extreme weather events, water and food security and heat-related illnesses.²³⁵ After the devastating Hurricane Maria in 2017 which saw 1,872 people

displaced and total losses amounting to 226% of the country's gross domestic product, Dominican Prime Minister Roosevelt Skerit announced his intention to lead Dominica to be the first climate-resilient nation in the world.²³⁶ Increased health impacts from climate change will lead to increase demand for care work, as more patients require support. Therefore, climate resilience requires investment in the care economy and protections for the domestic workers within it to help ensure care work is an attractive employment opportunity. Experts in women's empowerment argue that in the wake of climate change, care must be placed at the centre of sustainable economic models.²³⁷ As a country committed to sustainability, the Dominican government may consider these sustainable economic models and invest in the future of its domestic workers.



Our devastation is so complete that our recovery has to be total... And so we have a unique opportunity to be an example to the world, an example of how an entire nation rebounds from disaster and how an entire nation can be climate resilient for the future.'²³⁸

Roosevelt Skerit, Prime Minister of Dominica

NEXT STEPS

DOMINICA

Beyond the clear legislative gaps in protection, there is little known about the plight of domestic workers in Dominica. Attention and research is urgently needed so that the country can ratify C189. However, the country's dedication to realising the SDGs and building a climate-resilient and sustainable economy is the ideal platform from which to advocate for domestic workers rights and implementation of C189.

RECOMMENDATIONS FOR STATE

- Ratify the ILO Domestic Workers Convention (C189) immediately.
- If ratification of C189 is not immediately pursued, offer a detailed and updated explanation as to why the Convention is not being considered in Dominica.
- Prioritise domestic workers and the care economy in national action plans and strategies on sustainability.
- Increase funding and support to civil society organisations that work with and directly assist domestic workers.
- Support civil society research and data collection efforts on issues facing Dominican domestic workers, and ensure information about domestic workers is accessible so interventions and support are based on evidence and strategically fill existing gaps in protection.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use letters and parliamentary questions to demand a detailed and updated explanation from the relevant government authority as to why C189 is not being considered in Dominica.
- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network, to raise awareness, amplify and advocate national issues at international and regional fora.
- Advocate for the protection of the care economy and the workers within it in domestic and regional dialogue around sustainability and climate change.
- Work directly with domestic workers to document their needs and to encourage collective action through, for example, unionisation.
- Invest in on-the-ground research in Dominica on domestic workers to understand the scale of the problems they face and provide the government with the information needed to ratify and domesticate C189.

Trafalgar Falls, Dominica, 1 December 2019. A waterfall flows through a forest in Dominica, a small, fertile island nation in the Caribbean. The geography and reliance on agriculture make Dominica particularly vulnerable to the worst effects of climate change as they are regularly subject to damaging hurricanes. As a country committed to sustainability, the Dominican government may consider adopting sustainable economic models which invest in the future of its domestic workers. Photo via Unsplash



CASE STUDY

JAMAICA

A decent start to decent work for domestic workers

By ratifying the Domestic Workers Convention (C189),²³⁹ Jamaica has demonstrated its commitment to the rights of domestic workers, women's empowerment and decent work. Evidence suggests there are between 56,800 and 100,000 domestic workers in Jamaica, 99.8% of whom are women.²⁴⁰ 10.4% of Jamaica's domestic workers reside in the homes of their employers, making it the fifth-largest population of live-in domestic workers in the Americas.²⁴¹ This relatively large sector has been vocal in demanding recognition of their rights and in calling for protections equal to those of other workers.²⁴² Extensive campaigning by civil society, including marches, letters to parliamentarians, protests, and workshops,²⁴³ ultimately pushed the Government of Jamaica to ratify C189 on 11 October 2016.²⁴⁴

Campaigning for C189 ratification

Shirley Pryce, President of the Jamaica Household Workers Union (JHWU), attributed the successful campaign to ratify C189 in Jamaica to several key factors. First, taking a multi-sectoral approach to advocacy – that includes trade unions, the private sector, non-governmental organisations, employer federations, university students, churches and government agencies – is vital.²⁴⁵ The importance of advocating collectively through coalitions to amplify key messages was noted.²⁴⁶ Affiliation with the Association of Women's Organizations in Jamaica (AWOJA)²⁴⁷ and the International Domestic Workers Federation (IDWF)²⁴⁸ supported JHWU's calls for reform and facilitated partnerships and collaboration with other women's rights and domestic worker organisations.²⁴⁹ The importance of maintaining a media presence also cannot be underestimated, as sustained public attention serves to combat discriminatory views around domestic workers, helps maintain government attention on the issue, and publicises available services for domestic workers.²⁵⁰



Social dialogue is very important. People need to buy into what you are doing, and believe in it. You need to mobilise all stakeholders, because you cannot do it alone.

Shirley Pryce, President, Jamaica Household Workers Union

56,800–100,000

DOMESTIC WORKERS

99.8%

ARE WOMEN



Finally, it was imperative for advocates in Jamaica to build effective, non-adversarial relationships with decision-makers.²⁵¹ This often begins by building ties with sympathetic government officials who have an interest in domestic workers' rights or a mandate to address issues that impact domestic workers. For JHWU, these initial inroads were made with the Jamaican Minister of Culture, Gender, Entertainment and Sport.²⁵² The cultivation of governmental relationships was not only integral to the ratification of C189, but it also facilitated continued consultations with the government when implementing the Convention.



You have got to collaborate. You can't have adversarial relationships. You can't quarrel with your government, you have to build a relationship with them.

Shirley Pryce, President, Jamaica Household Workers Union

Reforms following ratification

Upon Jamaica's ratification of C189 in 2013, Prime Minister Andrew Holness emphasised Jamaica's commitment to women's economic empowerment and universal decent work.²⁵³ In 2021, the government submitted its first report to the ILO on C189, outlining the measures it had taken to implement the provisions of the Convention.²⁵⁴ Although this report was three years late, there is hope that future reports will be more timely now that the national processes for review have been defined.²⁵⁵

Following ratification of C189, the Jamaican government began to review and amend existing legislation to ensure alignment with C189 provisions. Domestic workers can now claim a maternity leave allowance for a period of 8 weeks,²⁵⁶ not only ensuring access to benefits, but also providing additional job security after delivery.²⁵⁷ However, full equality has not yet been achieved. While other workers are entitled to 100% of the wages they received in the previous work week when calculating maternity leave, domestic workers are only entitled to the national minimum wage.²⁵⁸ Further, independently contracted domestic workers do not have access to maternity benefits unless they contribute directly to the

country's National Insurance Scheme (NIS), and as many are not aware of this and thus not registered under the scheme, they are not able to avail themselves of such protection.²⁵⁹

In 2018, the government increased the minimum wage for domestic workers by 13%.²⁶⁰ While domestic workers receive the same minimum wage as other workers, certain sectors in the country can be provided with government-sanctioned 'minimum wage orders' if workers are at risk of 'unreasonably low wages'.²⁶¹ For example, a wage order exists specifically for industrial security guards, guaranteeing them a higher minimum wage than the national standard due to a lack of bargaining power to negotiate fair wages.²⁶² There is no such order for domestic workers despite the presence of similar risks. Moreover, the current national minimum wage is still very low, especially in the context of the economic havoc caused by the COVID-19 pandemic.²⁶³ The minimum wage in Jamaica has not changed since 2018, making it difficult for domestic workers on a minimum wage to subsist.²⁶⁴ As a result, unions in the country are currently advocating for a minimum wage that is a 'living wage'.²⁶⁵



Grand Anse, Grenada, 14 July 2017. Ms Shirley Pryce, a veteran advocate for the rights of domestic workers, delivers her acceptance speech after receiving the CARICOM Triennial Award for Women at the Thirty-Eighth Regular Meeting of the Conference of Heads of Government of the Caribbean Community. Photo Credit: Caribbean Community via Flickr.

The Jamaican government is also taking steps to address abuse of domestic workers in the workplace, including private households. In 2019, the government enacted the Sexual Harassment Act which gives domestic workers effective protection against all forms of abuse, harassment, and violence in the workplace.²⁶⁶ In addition, the Jamaican government has planned a three-year project focusing on sexual harassment in the workplace, which includes research examining harassment facing domestic workers and a series of training sessions to help prevent harassment.²⁶⁷ Domestic workers can report violations of decent working conditions through the Pay and Conditions of Employment Branch of the Ministry of Labour and Social Security.²⁶⁸ JHWU hopes the political momentum to address sexual harassment will push the government to ratify the ILO Violence and Harassment Convention, 2019 (No. 190).²⁶⁹ This Convention aims to eliminate violence from both formal and informal workplaces, making it especially important for domestic workers who are at high risk of harassment due to their workplaces often being in private households and behind closed doors.²⁷⁰

Gaps in protection

The Jamaican government continues to work to bring national laws in line with the provisions of C189. The Ministry of Labour and Social Security stated in its 2018/2019 Annual Performance Report that it will seek to amend the Minimum Wage Act, the Minimum Wage Order, and the Employment Agencies Regulations Act to align national laws with the provisions of C189.²⁷¹ In its priority legislation programme for 2021/2022, the Cabinet has included a Minimum Wage (Amendment) Bill, citing compliance with C189 as the reason.²⁷² However, in both of these cases the government has not publicly outlined the amendments it intends to make. A welcome amendment is the requirement of written contracts.²⁷³ As it stands, verbal contracts are common in Jamaica and hinder domestic workers' right to a clear, easily understandable contract that defines terms and conditions of employment as laid out by Article 7 of C189.²⁷⁴ Another noteworthy inclusion is the mandatory issuance of payslips or other means to confirm payment of remuneration.²⁷⁵ The amendment would follow the ILO Domestic Workers Recommendation, 2011 (R201),²⁷⁶ which suggests domestic workers should be given 'an

easily understandable written account of the total remuneration due to them and the specific amount and purpose of any deductions which may have been made.'²⁷⁷

As the current Occupational Safety and Health Act, 2017 leaves domestic workers unprotected, the Jamaican government is considering a new occupational health and safety hazards law that would specifically cover domestic workers in the household. It would do so by expanding the definition of 'workplace' to include residences and requiring the employers of domestic workers to ensure these workplaces meet health and safety standards.²⁷⁸ Article 13 of C189 states that 'every domestic worker has the right to a safe and healthy working environment' and requires 'effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.' Current legislation in Jamaica lacks an adequate or appropriate mechanism for domestic workplace inspections - this is due to privacy laws that prohibit entrance into private households. Labour officers cannot visit or inspect many of the places where domestic workers are employed, and if complaints are made about an employer, that employer must instead report to the Ministry for an interview, thereby lessening the chance of a thorough property investigation or an immediate intervention in a situation of abuse.²⁷⁹

Currently, protections for domestic workers are placed piecemeal into existing legislation. Reforms relating to inspections would be most effective if reflected in a comprehensive employment bill specifically directed at domestic workers.²⁸⁰ This would help ensure better administration of labour laws and resolve any existing ambiguities. For example, the current labour laws use the terms 'employee' and 'worker' interchangeably, creating confusion as to which domestic workers are covered.²⁸¹ Despite this, as the Jamaican government continues to make public commitments to legislative reform, civil society remains optimistic.²⁸² In fact, in June 2020, the newly appointed Minister of Labour and Social Security reiterated the Ministry's commitment to advancing the rights of domestic workers, stating 'We are seeking to improve the lot of domestic workers and the workforce as a whole to meet the needs of their social demands.'²⁸³

Challenges to implementation

The informal nature of domestic work in Jamaica poses a major hurdle to the implementation of C189. The informal sector generates more than 40% of Jamaica's gross domestic product (GDP), yet the majority of working condition violations happen in the informal sector.²⁸⁴ Government surveys estimate that more than 53,000 children aged 5 to 17 are engaged in child labour, mostly in the informal sector.²⁸⁵ Yet government agencies primarily inspect workplaces within the formal sector, including factories, building sites, docks and ships.²⁸⁶ In fact, in 2018, there were no child labour inspections in the informal sector, such as in rural areas, on family farms or in homes.²⁸⁷

In efforts to address such challenges related to the informal work sector, the Ministry of Labour and Social Security, in partnership with the ILO and JHWU, organised public awareness campaigns.²⁸⁸ These campaigns aimed to show domestic workers how to register for social security and economic relief schemes and explained the importance of these protective programmes.²⁸⁹ The campaign is

part of the 'Jamaica Formalization Project' which helps informal workers, including domestic workers, to join the formal economy and thereby gain access to protective frameworks, including social security and medical leave. This project comes after 45,000 female domestic workers were not eligible for emergency economic relief programmes during COVID-19.²⁹⁰ In conjunction with this formalisation effort, the Ministry of Labour and Social Security's Labour Market Information System (LMIS) and JHWU entered into a memorandum of understanding in which LMIS agreed to provide training to the trade union's members.²⁹¹ The implementation of this project hinged on this collaboration between government and civil society in order to reach domestic workers throughout the country. This partnership will also establish a JHWU Training Institute to raise the profile of domestic workers and help lift them out of poverty through upskilling and education.²⁹² The development of the Institute, however, is delayed due to difficulty in obtaining the necessary funding.²⁹³



Kingston, Jamaica, March 2017. People walking down the street and shopping during trade days. Ratification of C189 demonstrates Jamaica's wider commitment to promoting decent work for all." Photo Credit: delaflow via Shutterstock.

NEXT STEPS

Ratification of C189 in Jamaica is a good example of the vast power of strategic grassroots advocacy. While ratification of C189 has led to an expansion of protections for domestic workers' rights in the country, improvements can still be made. The Jamaican government seems committed to continue on its positive journey to formalise domestic work and amend labour legislation to further secure the wellbeing of domestic workers in the workplace.

RECOMMENDATIONS TO THE STATE

- Ensure domestic legislation is enacted and implemented in line with the provisions of C189.
- Consider drafting a comprehensive employment bill covering domestic workers' rights rather than implementing piecemeal amendments to existing legislation in order to ensure better administration of labour laws. Implement an occupational health and safety hazard law specifically for domestic workers to ensure effective measures tailored to the realities of domestic work in private households. (Article 13 of C189).
- Provide an adequate and appropriate system for labour inspections that extends to the informal sector to ensure that domestic workers in informal employment are not overlooked in the enforcement of labour laws. (Article 17 of C189).
- Ensure maternity benefits for domestic workers are at least equal to those of other workers. (Article 14 of C189).
- Continue to increase protections against harassment in the workplace and, as part of these efforts, respond to civil society calls to ratify the Violence and Harassment Convention, 2019 (No. 190).
- Increase the national minimum wage so that domestic workers and workers in other sectors likely to be living on this wage can subsist in the current economy.
- Require written contracts for domestic workers to protect their right to a clear, easily understandable contract that defines terms and conditions of employment and require proof of remuneration or payment for domestic workers. (Article 7 of C189).

- Conduct awareness raising and education initiatives directed at independently contracted domestic workers to help support registration and contributions to the National Insurance Scheme and thereby expand their access to social protections. (Article 14 of C189).
- Increase funding and support to national non-governmental organisations working for domestic workers rights and continue to collaborate with them to ensure effective implementation of C189.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network and the International Domestic Workers Federation (IDWF), to raise awareness, amplify and advocate national issues at international and regional fora.
- Join national civil society coalitions, such as the Jamaica Confederation of Trade Unions (JCTU) and the Association of Women's Organisations in Jamaica, to build solidarity, strengthen multi-stakeholder partnerships and amplify local voices in advocacy and campaigning efforts.
- Encourage unionisation and collective action among domestic workers, including referrals to the Jamaica Household Workers Union.
- Take a multi-sectoral approach by directing advocacy at all sectors, from private employment agencies to non-governmental organisations, to spread reach and to influence policy from multiple angles.
- Continue to engage all forms of media, international and national, to facilitate public education, and to mobilise support and maintain pressure on the government for continued reform.



St. Catherine, Jamaica, date unknown. Man carrying a bucket in the hills of St. Catherine. The current national minimum wage in Jamaica has not changed since 2018 and is considered low, particularly in the context of the economic havoc caused by the COVID-19 pandemic. It is very difficult for domestic workers on a minimum wage to subsist. Photo Credit: Kywri via Shutterstock.

CASE STUDY

SOUTH AFRICA

On the forefront of reform for the rights of domestic workers

In 2013, South Africa became the fourth country to ratify the Domestic Workers Convention (C189),²⁹⁴ consolidating their relatively early commitments to protecting the rights of domestic workers. There are an estimated 1.3 million domestic workers in South Africa, making it one of the top ten countries globally with the highest number of domestic workers.²⁹⁵ According to an ILO study, domestic workers employed directly by households make up 'a large share' of care employment in South Africa.²⁹⁶ In fact, the private household industry is the fourth-largest employer of women in the country.²⁹⁷ Given the vast size and importance of the domestic work sector in South Africa, the government's ratification of C189 in 2013 represented a moment of immense progress for the recognition of decent work for domestic workers. However, national legislative reforms expanding protections for domestic workers have stalled in recent years.

Campaigning for C189 ratification

Even prior to the ratification of C189, the South African government had a history of collaborating with domestic worker organisations, including the South African Domestic Service and Allied Workers Union (SADSAWU) led by Myrtle Witbooi, the current president of the International Domestic Workers Federation (IDWF).²⁹⁸ Domestic workers persistently engaged parliamentarians by raising both data and real-life anecdotes about the abuse and exploitation domestic workers face daily.²⁹⁹ Ms Witbooi credits the resilience of domestic workers who, like her, continue to raise the stories of domestic workers and highlight the importance of their work.³⁰⁰

Eunice Dhladhla, Assistant General Secretary of SADSAWU, outlines the key advocacy approaches made by civil society in South Africa which led

to the ratification of C189 and continue to be implemented today.³⁰¹ First, it was important to collaborate with national and umbrella organisations. In the South Africa context, the support of the Congress of South African Trade Unions (COSATU) was integral to guaranteeing



1.3 MILLION
DOMESTIC WORKERS

TOP 10%

ONE OF THE TOP TEN EMPLOYERS
OF DOMESTIC WORKERS GLOBALLY

government engagement and wide public reach. For example, COSATU joined and amplified calls for ratification of C189, for an increase in the minimum wage for domestic workers, and for increased monitoring and inspections of domestic workplaces.³⁰² They also helped run recruitment drives for SADSAWU to increase union membership.³⁰³ Second, civil society worked 'hand in glove' with the government, in particular the Ministry of Labour and Social Security, as it held primary responsibility for implementing labour reforms. Third, and most importantly, was the importance of taking a trauma-centred approach to advocacy. Domestic workers can experience trauma related to exploitation or abuse in the workplace.³⁰⁴ In order to organise this sector, educate domestic workers on their rights or provide direct aid to domestic workers seeking shelter or help, one must demonstrate sensitivity, compassion and patience when listening and responding to their concerns.³⁰⁵



If you want to fight for your rights you must be strong and continue organising and recruiting. But you also must love the workers you are fighting for. Don't help because you want to, work because you love them.

Eunice Dhladhla, Assistant General Secretary,
South African Domestic Service and Allied Workers Union (SADSAWU)

Reforms leading up to ratification

Even before South Africa ratified C189 in 2013, the government had responded to mounting civil society concerns by implementing several initiatives protecting the rights of domestic workers.³⁰⁶ In 2002, the government enacted a set of rules related to domestic workers' minimum wages, terms and conditions of employment, hours of work, leave, prohibition of child and forced labour and termination of employment.³⁰⁷ These terms included a limit of 10% on in-kind payment of wages, at least three weeks of paid annual leave and a limit of 45 working hours per week.³⁰⁸ In 2003, the Unemployment Insurance Amendment Act came into force, which gives domestic workers access to unemployment, maternity and sickness

insurance when they register with the national Unemployment Insurance Fund.³⁰⁹ These early reforms provided a semblance of protection during the COVID-19 pandemic as they offered some redress for periods of unemployment and sickness caused by the virus for those registered with the Unemployment Insurance Fund.³¹⁰ Between April 2019 and December 2020, the number of domestic workers in South Africa decreased by 21.9%, and there was a 35.8% reduction in their working hours.³¹¹ Many employers also cut salaries during COVID-19, despite laws prohibiting this.³¹²

Reforms following ratification

Following ratification of C189 by South Africa, the government's Commission for Conciliation, Mediation and Arbitration quickly partnered with the South African Broadcasting Corporation for a six-month radio campaign, 'Make Your Rights Work for You', which aimed to raise awareness of rights for vulnerable workers, including domestic workers.³¹³ The South African government also began to refocus some of its research to include issues relating to domestic workers.³¹⁴ For example, a recent report examining employees' access to and awareness of maternity leave rights included responses from a focus group of domestic workers,³¹⁵ illustrating the government's willingness to learn about challenges faced by domestic workers. The Department of Employment and Labour also meets regularly with the South African Domestic Workers' Forum (SADWF)³¹⁶ to exchange information and hear concerns.³¹⁷

Many of these reforms to protect domestic workers occurred prior to the ratification of C189, yet few legislative amendments or new laws have been enacted since. In November 2020, however, a landmark decision in the Constitutional Court of South Africa expanded protections for domestic workers in the workplace.³¹⁸ In a case where a domestic worker fell into a pool while cleaning windows and drowned, the Court ruled that the exclusion of domestic workers who work in private households from the Compensation for Occupational Injuries and Diseases Act (COIDA) is unconstitutional.³¹⁹ The Court also confirmed the High Court's order of retrospective relief to any domestic workers and their dependents who had been injured, taken ill, or died at work since 24 April 1994.³²⁰ In its reasoning, the Court relied on a number of international and regional instruments,



Pretoria, South Africa, 15 October 2018. South African Domestic Service and Allied Workers Union (SADSAWU) leaders protest at the High Court in Pretoria for the inclusion of domestic workers in the Compensation for Occupational Injuries and Diseases Act (COIDA) after travelling 19 hours. Photo Credit: IDWF via Flickr

including C189, noting: 'The Domestic Workers Convention recognises the vulnerabilities of domestic workers and Article 3 places a duty on the state to promote and protect them. Article 13 of the Convention further provides that states must ensure the health and occupational safety of workers.'³²¹ In March 2021, the Compensation Fund Commissioner for COIDA announced that domestic workers would be afforded protection under COIDA.³²² However, the government has yet to elaborate on processes for implementation, including the process for domestic workers to seek compensation.³²³ Civil society is hopeful that domestic workers will be able to utilise this new avenue for redress in 2022.³²⁴



The Domestic Workers Convention recognises the vulnerabilities of domestic workers and Article 3 places a duty on the state to promote and protect them. Article 13 of the Convention further provides that states must ensure the health and occupational safety of workers.'

Acting Justice Margaret Victor, Judgment by the South African Constitutional Court 19 November 2020³²⁵

Gaps in protection

Despite important gains over the last 20 years, gaps remain in the protection of domestic workers in South Africa. Only 20% of domestic workers have registered with the Unemployment Insurance Fund, meaning the vast majority of domestic workers do not have access to the unemployment, sickness and maternity benefits that the fund can provide.³²⁶ The country has also been criticised

for having an insufficient number of labour inspectors for employers.³²⁷ While domestic workers can technically turn to the Commission for Conciliation, Mediation, and Arbitration if there are any disputes within the workplace, there is hesitance among domestic workers to engage this type of mechanism due to fear of retribution from their employers.³²⁸ The ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) requested in 2021 that the South African government provide statistics on labour inspections, as well as information on the accessibility and effectiveness of complaint mechanisms, in line with Article 17 of C189.³²⁹

Moreover, while a new single minimum wage was adopted in 2019, a separate lower minimum wage was set for domestic workers.³³⁰ The Department of Labour justified this by stating that if domestic workers received the same minimum wage, it would lead to massive job losses.³³¹ Although they promised parity in the future,³³² today domestic workers' wages are still at only 88%, with parity not expected until 2022.³³³ The CEACR has requested that domestic workers receive the same minimum wage as other categories of workers, in compliance with Articles 10 and 11 of C189.³³⁴

There are also other gaps in South Africa's legislation. The Committee on Economic, Social and Cultural Rights expressed concern that domestic workers in the country are more likely to be excluded from the collective bargaining process than other categories of workers. It advised the state to ensure all workers are able to exercise their rights and participate in the decision-making process regarding their working conditions.³³⁵ The right to effective and collective bargaining is protected by Article 3 of C189. In 2021, the CEACR noted that no bargaining councils had yet been established in the domestic work sector despite this being raised as an issue in earlier review cycles.³³⁶ The CEACR also stated that the South African government had not provided information on how it ensures that domestic workers are entitled to keep their travel and identity documents in their own possession, in line with Article 9 of C189.³³⁷

Finally, sensitisation on domestic workers' rights is lacking among employers who still view their households as private property, exempt from the interference of labour laws.³³⁸ Only a very

small proportion of employers are aware of and abide by the laws which impact domestic workers within their employment. Ms. Dhladhla of SADSAWU attributes this, in part, to stigmatisation around domestic work as an 'uneducated' and less valuable sector. In this regard, she believes that discrimination continues to hinder the implementation of C189 in the country.³³⁹



Domestic workers are educated...They have certificates in cleaning, cooking, child care, pet care, laundry, anything! They may not be educated like others are, but they can do miracles every day. Without domestic workers, employers are nothing... there is still a lot to be done for us.

Eunice Dhladhla, Assistant General Secretary,
South African Domestic Service and Allied Workers Union (SADSAWU)

NEXT STEPS

As a result of tireless advocacy by domestic workers and supporting advocates in South Africa, great strides have been made in the country both before and after the ratification of C189. South Africa was one of the first countries to ratify C189, putting it at the forefront of domestic workers' rights in the Commonwealth. Despite this, gaps remain in legislation and implementation that must be addressed to safeguard one of the largest domestic worker populations globally.

RECOMMENDATIONS TO THE STATE

- Ensure domestic legislation is enacted and implemented in line with the provisions of C189.
- Amend the minimum wage for domestic workers to achieve parity with other workers in recognition of the high value domestic work has to the country's economy (Article 11 of C189).
- Ensure the collective bargaining process is accessible and effective for domestic workers by taking or supporting measures to strengthen the capacity of workers' and employers' organisations, provided that the independence and autonomy of such organisations are protected (Article 3 of C189).
- Implement legislation that ensures domestic workers are entitled to keep in their possession their travel and identity documents, so as to protect their freedom of movement and lessen their risks of exploitation (Article 9 of C189).
- Run education campaigns and training directed at domestic workers to inform them of their rights, such as registration with the Unemployment Insurance Fund, and the complaint mechanisms available to them, such as the Commission for Conciliation, Mediation, and Arbitration. (Article 14,15 of C189).
- Support civil society organisations and continue collaboration throughout the implementation of C189 (R201).

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY

- Use international and regional civil society networks and coalitions, such as the Commonwealth 8.7 Network and the International Domestic Workers Federation (IDWF) to raise awareness, and amplify and advocate national issues at international and regional fora.
- Join national civil society coalitions, such as the Congress of South African Trade Unions (COSATU), to build solidarity, strengthen multi-stakeholder partnerships and amplify local voices in advocacy and campaigning efforts.
- Encourage domestic workers to register with the Unemployment Insurance Fund to gain access to unemployment, maternity, and sickness insurance.
- Encourage unionisation and collective action among domestic workers, including referrals to the South African Domestic Service and Allied Workers Union (SADSAWU).
- Take a multi-sectoral approach by directing advocacy at all sectors, from private employment agencies to non-governmental organisations, to spread reach and to influence policy from multiple angles.
- Continue to engage all forms of media, international and national, to maintain pressure on the government for continued reform.



A CALL TO ACTION

Action is needed now to protect domestic workers from potential exploitation and abuse. The dire impact of the COVID-19 pandemic on the rights of domestic workers, and the anticipated expansion of the care economy, requires increased protections, decent pay, improved working conditions and an acknowledgement of the essential care that domestic workers provide to households and communities.

States must recognise the important role that domestic workers play in their societies and in the global economy. In doing so, states must:

- **Prioritise the inclusion of domestic workers in labour laws and social protections in parity with all other workers.** An important step in this process is the ratification and implementation of the Domestic Workers Convention (C189). States that have not yet ratified C189 should do so now.
- **If ratification of C189 is not immediately pursued, relevant ministries should offer detailed and updated explanations as to why the Convention is not being considered.**
- **States that have ratified C189 should continue to collaborate with civil society organisations and domestic workers on the implementation of all C189 provisions and its accompanying Domestic Workers Recommendation (R201).**
- **States must prioritise funding and provide resources for civil society organisations and other institutions that support domestic workers and conduct research about domestic workers in their country.** Information and data on domestic workers should be made accessible so that interventions and support are evidence-based, relevant and strategically address existing gaps in protection.

The ratification of C189 is an integral step to protecting domestic workers, but it is only the first step. Implementation of the Convention and responsiveness to domestic worker concerns should be ongoing.

Civil society and advocates can act now to push states to ratify C189, as well as ensure effective implementation of the Convention. Civil society actions can also complement state initiatives to promote the rights of domestic workers. Civil society can:

- **Collaborate with domestic workers and organisations led by domestic workers, including trade unions, to inform advocacy and promote the unionisation of domestic workers.** Collaboration with domestic workers is essential for ensuring that advocacy and policies for domestic workers are relevant and impactful. Consultations should also reflect the diversity of the sector by taking into account age, gender, race, class and ethnicity. Domestic workers are often bearers of extreme traumas related to exploitation or abuse in the workplace, making it essential to ensure all collaboration is trauma-informed. A list of domestic worker-led organisations as potential partners for support or collaboration can be found in Appendix C.
- **Engage key decision makers** who can push for the ratification and implementation of C189. If appropriate, this can be done through parliamentary questions, private or public letters or meetings with sympathetic government officials or parliamentarians who can be encouraged to raise the convention and the rights of domestic workers on their own platforms.
- **Utilise key dates** to strategically advocate for the ratification and implementation of C189 and the rights of domestic workers more broadly. These dates signify moments of collective action – where organisations and individuals globally can rally around a single issue. Key dates can amplify actions such as online campaigns, press conferences, letters to high-level government officials or other events, such as protests or webinars. A list of key dates that are particularly relevant for collective action on issues related to the rights of domestic workers can be found in Appendix A.

- **Promote the ratification of C189** and its provisions through public awareness raising, education and campaigns. Government officials and the wider public must be aware of C189 and its impact in order for domestic workers to be granted inclusion in all labour laws and social safety protections.
- **Promote the right to information** to enhance advocacy efforts. Right to information legislation can ensure government transparency and make information accessible to the public, including civil society. Official records and data are essential for evidence-based advocacy.
- **Join international, regional and national civil society coalitions and networks** to raise awareness, amplify and advocate issues at all levels. These coalitions bring together diverse organisations and perspectives, thereby strengthening civil society voice. They should be used when engaging key decision makers and in advocacy and campaigns. A list of coalitions and networks working on the rights of domestic workers can be found in Appendix B.
- **Support services and capacity building for domestic workers.** Domestic workers, especially migrant domestic workers, are often overlooked by agencies or organisations providing aid, shelters and emergency care. Shelters, provisions and emergency support should be available for domestic workers. Support should go beyond immediate needs in times of crisis to also help domestic workers thrive long term, building their capacity to advocate for their own needs.
- **Raise concerns with human rights experts** and mechanisms such as the United Nations Human Rights Council (<https://www.ohchr.org/en/hrbodies/hrc/pages/aboutcouncil.aspx>) the Special Procedures (<https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>) Universal Periodic Review (<https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>) High-level Political Forum on Sustainable Development (<https://sustainabledevelopment.un.org/hlpf>). The following UN mandates have been particularly vocal on domestic workers'

rights: the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children. Regional bodies also have experts who can comment on human rights violations or respond to complaints. For example, there are several rapporteurs within the Inter-American Commission on Human Rights. International and regional human rights experts and mechanisms can assist in placing pressure on governments to take action.





**Domestic workers
are also workers**

Appendix A

KEY DATES FOR ADVOCACY AND CAMPAIGNS

Below are internationally and regionally recognised dates that are particularly relevant for action on issues related to domestic workers.

DAY	DATE
International Women's Day	March 8
Commonwealth Day	March 14
World Day for Health and Safety at Work	April 28
International Workers Day / Labour Day	May 1
World Day Against Child Labour	June 12
International Domestic Workers Day (date of adoption of the Domestic Workers Convention-C189)	June 16
World Day against Trafficking in Persons	July 30
World Day of Decent Work	October 7
<i>EU Anti-Trafficking Day / UK Anti-Slavery Day</i>	October 18
<i>African Human Rights Day</i>	October 21
<i>European Day of Justice</i>	October 25
Global Day of Action for Care	October 29
International Day for the Abolition of Slavery	December 2
International Human Rights Day	December 10
International Migrants Day	December 18

Dates recognised at regional level are italicized

India, 14 February 2010. Domestic workers are also workers: Around 4,000 domestic workers gathered in India to promote domestic work. Photo Credit: Ouseph S. P. / ILO via Flickr.

Appendix B

INTERNATIONAL, REGIONAL AND NATIONAL COALITIONS SUPPORTING DOMESTIC WORKERS' RIGHTS

Coalitions and networks can help raise awareness, amplify and advocate key issues at all levels. We encourage advocates to seek out networks and coalitions to build solidarity, help disseminate learnings and strengthen advocacy efforts.

The following list is not exhaustive, and highlights those in Commonwealth countries.

GEOGRAPHIC FOCUS	COALITION / NETWORK	MANDATE	WEBSITE	HOW TO JOIN
International	International Trade Union Confederation (ITUC)	'The promotion and defense of workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions.'	https://www.ituc-csi.org/about-us	Trade unions can join by contacting ITUC here
International	International Domestic Workers Federation (IDWF)	'Build a strong, democratic and united domestic/household workers global organisation to protect and advance domestic workers' rights everywhere.'	https://idwfed.org/en	Trade unions and others, in associations, networks and workers' cooperatives can review eligibility to be an affiliate here
Commonwealth	Commonwealth 8.7 Network	'Raise awareness, strengthen skills, share good practice, provide support to survivors, and advocate for change to laws and policies in support of all victims and survivors of contemporary forms of slavery and human trafficking.'	https://www.commonwealth-87.org/	Organisations, institutions and individuals can review eligibility and apply for membership here
International	Global Alliance for Care Work	'Increase women's economic empowerment by fostering the creation of care systems, promoting the transformation of gender roles, and accelerating an equitable economic recovery in the wake of the COVID-19 pandemic through implementing and/or increasing commitments and concrete actions on care.'	https://alianzadecuidados.membreria/?lang=en	Governments (both national and local), international institutions, civil society organisations, private sector, philanthropic organisations, academia, youth and feminist movements can apply for membership by emailing globalallianceforcare@forogeneracionigualdad.mx
International	Alliance 8.7	'Support countries and other partners committed to achieving Target 8.7 of the Sustainable Development Goals by (i) Increasing collaborative action on Target 8.7, ensuring acceleration, focus and coherence; (ii) Driving innovation and scaling up solutions that work; and (iii) Providing a platform to engage in dialogue and to share knowledge and information'	https://www.alliance87.org/	Organisations can review eligibility and apply for membership here
South Africa	Congress of South African Trade Unions (COSATU)	'The Trade Union representatives are firmly committed to a unified democratic South Africa, free of oppression and economic exploitation. They believe that this could only be achieved under the leadership of a united working class.'	www.cosatu.org.za	More information on memberships here
India	Voluntary Action Network India (VANI)	'Works towards building a society where voluntarism and voluntary organisations play a dominant and constructive role in social cohesion, economic empowerment and national building.'	https://www.vanindia.org/get-involved-with-vani.html	Review eligibility for membership and apply here
Jamaica	Jamaica Confederation of Trade Unions	'Help promote free trade union movement in Jamaica through the promotion, collective interests and rights of workers, particularly in relation to employers, but also in relation to the state and as part of broader civil society.'	https://www.jtug.info	For more information contact the union here

Appendix C

DOMESTIC WORKER-LED NON-GOVERNMENTAL ORGANISATIONS AND UNIONS

We encourage both states and advocates to consult and include domestic workers directly for strategies, plans and decisions, and to inform strategic advocacy.

The following list is not exhaustive, and highlights those in Commonwealth countries.

ORGANISATION	COUNTRY	WEBSITE
International Domestic Workers Federation (IDWF)	Hong Kong (International mandate)	https://idwfed.org/
National Domestic Women Workers Union (NDWWU)	Bangladesh	domesticworkers@gmail.com
All India Federation of Self-Employed Women's Association (SEWA Bharat)	India	https://sewabharat.org/
National Domestic Workers Movement (NDWM)	India	http://ndwm.org
Self Employed Women's Association (SEWA)	India	https://www.sewa.org
Gharelu Kaamgar Sangathan, Gurgaon (GKS)	India	gksgurgaon@gmail.com
Gharelu Kamgar Panchayat Sangam (GKPS)	India	fordomesticworkersdignity@gmail.com
Domestic Workers Union (DWU)	Sri Lanka	2012dwunion@gmail.com
Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEHA)	Kenya	http://www.kudheiha.org/
Namibian Domestic and Allied Workers Union (NDAWU)	Namibia	https://www.facebook.com/Namibian-Domestic-and-Allied-Workers-Union-NDAWU-499900813482025
Syndicat des Travailleurs Domestiques et Indépendants de l'Economie Informelle (SYTRIECI)	Rwanda	sytriecirwanda@gmail.com
South African Domestic Service and Allied Workers Union (SADSAWU)	South Africa	http://www.sadsawu.com/
National Union of Domestic Employees (NUDE)	Trinidad and Tobago	domestic@tstt.net.tt
Jamaica Household Workers' Union (JHWU)	Jamaica	http://jhwu1.blogspot.com
The Voice of Domestic Workers (VODW)	UK	https://www.thevoiceofdomesticworkers.com

Endnotes

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- 2 UPR Recommendations supported: Dominica: 2014 – ‘Ratify International Labour Organization (ILO) Convention No. 189 concerning decent work for domestic workers’ India: 2017 – ‘Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189)’ Papua New Guinea: 2016 – ‘Considering ratifying the International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers’ Uganda: 2016 – ‘Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime’
- 3 See ‘The impact of COVID-19’ below
- 4 See ‘The impact of COVID-19’ below
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- 32 5 of 54 Commonwealth countries is approx. a 9.2% ratification rate. Compare this to the 35 of 193 countries globally who have ratified which is approx. 18.1%. Note that ‘entry into force’ is the date on which a Convention takes effect and its provisions become binding on ratifying States. The vast majority of Conventions provide that they take effect twelve months after the registration date of each subsequent ratification.

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