

DOMESTIC WORKERS The perspective of decent work

EDITORIAL

« Le travail décent pour les travailleurs domestiques figure en bonne place à l'ordre du jour de la 99^{ème} session de la Conférence internationale du travail, en vue de futures normes du travail¹. Le Centre Catholique International de Genève publie cette édition spéciale du Bulletin à cette occasion.

En Indonésie comme dans beaucoup autres pays en développement, on compte chaque année des milliers des jeunes, la plupart des femmes, qui quittent leur familles pour travailler à l'étranger. La majorité s'engage comme travailleurs domestiques dans les pays voisins (Malaisie, Singapour, Thaïlande, Hong Kong et Taiwan) alors que d'autres vont dans les pays du Moyen Orient où ils espèrent, par des salaires attractifs, améliorer la vie de leur familles... Hélas, souvent la réalité est bien différente : ces travailleurs sont victimes d'abus de la part des agences des placements de leur pays d'origine et/ou d'accueil ainsi que d'absence de protection légale et sociale de leurs employeurs.

La reconnaissance légale de la profession des travailleur domestique et la protection juridiques de cette profession feront l'objet de la discussion à la C.I.T. En effet, la Convention international des Nations Unies sur la protection des droits des tous les travailleurs migrants et des membres de leur familles (1990) n'a était ratifiée que par 42 Etats (dont la Turquie et le Mexique, seuls pays de l'OCDE, les Philippines et le Sri Lanka pays d'origine). Dans cette édition spéciale du Bulletin de CCIG, nous avons réuni des article sur le sort des travailleurs migrants en temps de crise, l'interview de la présidente du *South African Domestic Service and Allied Workers Union (SADSAWU)* ainsi que la déclaration conjointe relative à la célébration du 1 mai 2010 en tant que *Asian Domestic Workers' Day*.

Budi Tjahjono,
Secrétaire Général du CCIG

Towards Global Governance: The financial and economic crisis calls for new policies and increased global governance

Dr. Hildegard Hagemann, Kolping International/German Commission for Justice and Peace. This speech was given at the 'Forum of Catholic Inspired NGOs, Rome, February 12th 2010.

Actuellement, en raison de la crise, le nombre de personnes en situation vulnérable, précaire et insécurisée a augmenté d'une manière significative. C'est la conséquence d'une d'économie libérale mondialisée. A cause de cela, beaucoup de travailleurs du secteur informel (travailleurs saisonniers, travailleurs du bâtiment, ou travailleurs domestiques) trouvent des emplois dépourvus de toute protection légale ou sociale. Pour lutter contre ces abus, les gouvernements et leurs partenaires sociaux cherchent à s'entendre, dans le cadre de l'O.I.T., sur des solutions qui garantissent à tous les travailleurs des droits à un travail décent.

One of the biggest challenges in today's economic globalisation and therefore for global governance is it to safeguard human dignity and human work. It is a tremendous challenge because we still have not only more than one billion people suffering from extreme poverty and hunger but also about 2,7 billion who do not earn more than 2 US Dollars a day. Poor people do not have formal work, they are not organised in unions and privileged by the right of collective bargaining. Working conditions are often not decent. In many countries 60 or even 80 % of the working population belong to the so called informal economy, unregistered and unprotected. Informal workers are not represented properly although economic statistics show that informal work contributes up to one third of National Income. But- exactly this purely economic perception contains a part of the challenge: poverty, growth and development are only measured in economic and monetary units. The human being with her capacities and his abilities is not adequately acknowledged as

originator, centre and target of economics as stated in Caritas In Veritate (para25). According to the Catholic Social Doctrine human development is not merely driven by economic factors. The human being is the principle agent of development and therefore human work is at the core of development. Additionally human work encompasses a large number of aspects which cannot be reduced simply to gaining income.

In the last decades of increasing globalisation and free trade we have experienced a widening of the informal economy which puts many women and men to the threshold of poverty in insecure, precarious and underpaid working conditions. Informal working conditions are not only to be found in rural areas, although more than 50% of the poor live in rural areas, 450 Mio alone as dependent workers, casuals, day workers, seasonal etc.. We all know the examples of health hazards in the flower industry and mines, slavery-like conditions in quarries and plantations, exploitation of women in sweat shops and as domestic workers. These working conditions cannot be called decent.

Now, especially in times of crisis, the number of people being pushed into poverty is getting higher. This is a global phenomenon. Jobs are jeopardised, downgraded and informalized. The crisis boosts the informality of work which was already on the increase before the collapse of the financial markets. Even countries which were not hit by the financial crisis directly are suffering from its consequences for the 'real-economy'. Waste pickers in India or Kenya are losing income because of less demand of raw material; copper mines in Zambia e.g. are closing. Migrant workers are losing their jobs and the amount of remittances is decreasing, there is even a 'reremittance' to support jobless migrants in their host-countries. The idea of dignity of human work and very concretely decent working conditions is even more endangered in order to safe wealth for few.

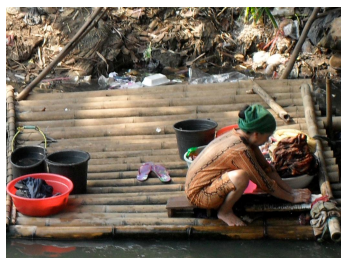
So, on the one hand we can identify a high cohesion between poverty and informality of work and we see a growing deterioration of working conditions due to the crisis on a global

¹ Social Alert, 28/04/2010

scale. On the other hand we see a growing awareness of this cohesion. Since 2007 decent work is part of the MDG 1 for a reason, therefore high on the agenda of global governance issues. However, looking into the matter more sharply, for a long time already the global community has possibilities and remedies at hand. For NGOs inspired by the Social Doctrine it is a noble and more so appropriate task to promote these remedies and by that promote global governance and local responsibility.

To begin with the grassroots-level- we see a revival of forms of economy of solidarity. From Brazil to Italy there are networks of the *economia solidaria*. Alone on the national level the power of organisation among workers in the informal economy does have an impact regarding the introduction of social security systems, improving living conditions and achieving legal protection. The examples of the Self Employed Womens' Association SEWA in India or Streetnet in South Africa are proof to that.

And certainly we have developments on the global level, bringing us back to the issue of global governance. The ILO in its 90- years history has produced in tripartite negotiations sets of instruments like conventions and recommendations for the protection of workers' rights. Especially in the last decade the ILO focussed on the globalisation and its challenges. The phenomenon of informality was addressed and a concept of decent work with its four pillars implementation of core labour standards, promotion of employment, social security and social dialogue developed. This concept is promoted by the ILO in so called Decent Work Country programmes. The ILO provides a platform of international discussion and is aware of the understanding that decent work is an issue also for other UN- bodies and international organisation like the FAO and the ECOSOC or WTO. Also in this context coherent approach is a criterion for quality of global governance and precondition for its success. (Much more has to be done to bring decent work into the Agenda of WTO, though, the G8-Heiligendamm process has contributed a bit).



Allow me one last thought now on the possibilities for us, Catholic Organisations, to tackle the challenges and to contribute to good global governance. Being committed to developmental and human rights issues rooted in the Social Doctrine, the

complexity of globalisation for work-related issues opens a huge scope of activities, engagement and networking. Many of these organisations are directly involved in supporting persons who work in precarious situations, who work informally and probably without legal status like domestic workers, seasonal workers, and construction workers. Others are concerned with violations of human and worker's rights as migrant workers in particular, as well as in the extractive industries, textile and other industries, plantation work and deal with the problems of foreign investment and global markets. Hence it is obvious and opportune for Catholic organisations to throw in their pound to promote ethics in economy and the teachings of the Social Doctrine which is full of potential, especially in regard to decent work. Together with like-minded organisations (unions e.g.) they can create synergetic effects for their advocacy work at the ILO, the UN- and their national- level. The former president of the Pontifical Council for Justice and Peace Cardinal Martino expressed this power of networking at the international conference "The relevance of the informal economy to achieve the Millennium Development Goals (MDG)", organised by the German Commission for Justice and Peace already in 2005. Last year, in 2009, CiV (para 64) took up the issue of decent work and expressively encourages cooperation in this regard.

Networking and cooperation is needed when it comes to formulate workers' rights and to implement the conventions and recommendations agreed on international level in national contexts. Conventions have to be ratified, national law to be improved and monitoring accomplished. The example of the process to improve the situation of women in specifically precarious working conditions- the domestic workers is self-explaining: Many organisations present here in this meeting have done tremendous advocacy work for the rights of domestic workers at the ECOSOC. This year the ILC has the Decent work for domestic workers (first year of a standard-setting committee) on the Agenda to be negotiated in June, to be continued in 2011. Most hopefully a convention will be the result of the negotiations. Then work starts to give life to the convention in the national contexts. In every ILO member state the civil society is asked to do their bit for the ratification of the convention that includes unions, domestic workers' organisations, NGOs and the church.

It is not only the task of governments or social partners to overcome the crisis. New policies and more Global Governance need the backing of the whole society. Part of new policies is innovative networking and cooperating in society. We can start from here and the Right to decent work is an appropriate field to work on. ■

SITUATION OF DOMESTIC WORKERS IN SOUTH AFRICA

Interview with Ms. Hester Stephen, President of the South African Domestic Service and Allied Workers Union (SADSAWU).



Ms. Hester Stephen. @ www.sadsawu.org

South African Domestic Service and Allied Workers Union (SADSAWU) was founded in 2000 by Myrtle Witbooi, a long time domestic worker advocate, and Hester Stephens, who is still a full-time domestic worker herself. Based out of the Salt River Community House in Cape Town, SADSAWU provides valuable services to South African domestic workers such as job training and workshops, legal advocacy, mediation, and counseling concerning domestic workers' rights and legal provisions. SADSAWU provides information in support of both domestic workers and employers and endeavors to strengthen the relationship between them. SADSAWU's role is to empower domestic workers and enlighten employers. More importantly, however, SADSAWU is hard at work rectifying a racialized and gendered profession whose contribution to the national and global economy remains invisible.

In the preparation for the International Labor Conference (ILO) in June 2010, the International Catholic Center of Geneva made a written interview with Ms. Hester Stephen on the situation and condition of migrant workers in South Africa. Ms. Stephen is going to attend the ILC in Geneva. At the end of this interview Ms. Stephen put a strong note as following:

I am HESTER STEPHENS I am a fulltime domestic worker that stays in the back yard of my employers house I have been a domestic worker since the age of 16 years I had no other alternative as I had to find work because of poverty .

I am the president of our union and also the chairperson of the western cape and has been involved with the union for the last 25 years.

Questions:

Who are the domestic workers in your country and in Africa in general? Do you have migrant domestic workers?

Answer:

Domestic workers in South Africa are defined as “domestic workers in private households ,*gardeners ,*looking after children the elderly ,driving the employers cars”. We have very few migrant workers. Out of a 100 [domestic workers] there will be about 3 [migrant domestic workers] and they are very scared to join unions as they are afraid they will lose their jobs.

Can you explain the working and living condition of the domestic workers in South Africa, especially women domestic workers?

In South Africa many workers live on the premises of the employers as our salary are not enough to obtain a house, we are separated from our children and often don't see them for long periods this result in them not knowing us as their mothers. Yes we are mainly women and because of poverty we became domestic workers. Some of us have a small room in the backyard and we live in isolation.

When a domestic worker is employed, what type of contract do they have with their employers?

The contract is drawn up between the worker and the employer but they must both decide on it and must agree to it. It deals mainly with the working conditions.

Who can protect the interest of the domestic workers when there is any abuse? Is there any domestic workers' union in country?

In South Africa we have two unions our union i.e. the South African Domestic, Service and Allied Workers Union (SADSAWU) and the South African Domestic and General Workers Union. We also have Labour Courts that deals with Domestic Workers' cases.

Is there any legal recognition of the status of domestic work as other work?

What are the legal instruments you have to protect the domestic workers, including the migrant domestic workers?

In South Africa the domestic workers are protected by all the labour laws and they also has the right to belong to a trade union the only law that must still include them is the compensation act that will protect them if they get hurt at work we are busy working on it .the Migrant domestic workers are also protected.

What are the main challenges for the protection of the rights of domestic workers in Africa?

The main challenge is the implementation of the Labor Laws. There is not much enforcement from the labour departments

we are now trying to set up labour forums to deal with it .

Do you have any example of good practice in African region, where the rights of domestic workers are guaranteed and respected?

This is something we need to work on we need to role out education to both workers and employers the labour laws should be respected and employers need to respect the women working for them as a women and not a object or a slave with no name.

What do you expect from the project of ILO Convention on Domestic Work?

That they will grant us the convention and that the world will respect us and see our work as decent work treat us as a human being , and that our country s will give us recognition as workers that has contributed to the building of the economy by looking after their families and their homes while they enriched themselves on our labour.

What do you expect from the African governments on the debate on this project of the Convention?

The South African Government has supported us and agrees with a convention on domestic work and also our labour federations.

How can this Convention can protect the rights of and the respect for the rights of domestic workers?

A Convention is more binding than resolutions and government has to implement it. We do know of course that we must not relax if we do get a convention but must ensure that our countries will abide by it. We also know that we must put pressure on our government to support us a convention must be implemented and it will be our task to see to it if we do get it ■

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Joint Declaration on Celebrating May Day 2010 as “Asian Domestic Workers' Day” 1 May 2010

Nous ne sollicitons pas un traitement spécial. Nous, les travailleurs domestiques, nous revendiquons nos droits fondamentaux. Nous exigeons l'égalité de traitement et la reconnaissance réelle de notre statut de travailleur et de membre de la société. Nous continuerons à combattre les abus et l'exploitation! Nous demandons être libérées d'esclavage !

Sringatin, présidente, Fédération des unions des travailleurs domestiques d'Asie (Federation of Asian Domestic Workers' Union- FADWU – Hong Kong)

“We are not begging for special treatment. We, domestic workers, are claiming our basic rights. We are demanding equal treatment and proper recognition as workers and members of society. We will continue to fight abuses and exploitation. We want freedom from slavery.” ~Sringatin, Chairperson, Federation of Asian Domestic Workers' Union (FADWU, Hong Kong)

May Day 2010 will mark 124 years since 300,000 workers first walked out of their jobs demanding an 8-hour workday. The '8-hour standard work' is one of the hallmarks that differentiate workers from slaves. At its very first session in 1919, the ILO formalized this principle into international law by adopting ILO Convention #1. In 1999, 'decent work hours' was identified as a key component of ILO's decent work principles.

Sadly, a century-and-a-quarter later, one of the most vulnerable sections of the working class – the domestic (household) workers – have been denied decent work hours and other basic labour standards (decent wage, regular rest days, retirement/social security, reproductive/family rights, etc.). ILO Convention #1 and many other key ILO Conventions exclude domestic workers from their coverage. It is long overdue to renew the revolutionary spirit of May Day 1886 in the modern-day context – by making these basic standards universally applicable to all workers, especially the vulnerable, like the domestic workers.

Therefore, trade unions and domestic workers' organizations, together with migrant, women, and civil society and partner advocates, have come together to spearhead the international campaign for the rights and recognition of domestic workers. As part of this joint campaign, we have agreed to jointly celebrate May Day 2010 as the “Asian Domestic Workers' Day” to emphasize the core labour rights principles and highlight

our call for the proper recognition of the rights, value, and status of domestic workers as workers.

May Day 2010 is at the threshold of the global labour landscape because the 2011 International Labour Conference is expected to adopt the ILO Convention on Domestic Work. This new international treaty, like Convention #1 more than a century ago, will put a legal face to the hundreds of millions of domestic workers around the world. An ILO Convention will formally define domestic work as work, and will make all the fundamental labour rights and decent work principles equally applicable to domestic workers. The adoption of the Convention will help address the stark invisibility of domestic work as a form of employment.

Housework is one of the oldest and most fundamental duties performed by a majority of women because women are traditionally considered as nurturers of the family. For centuries, it has been work that is informal, unregulated, unpaid or undervalued, unprotected and unrecognized. Domestic workers enable employers and their families to participate in the productive processes of the larger society.

The internationalization of free-market globalization in the last 50 years saw a need for domestic workers on a global scale, giving rise to multi-billion dollar migrant domestic work (MDW) industry. Millions of MDWs have taken over house care for families both in the global North and South, and have created new economic opportunities for other workingwomen in receiving countries. Domestic work has also generated economic benefits for sending countries, mainly through remittances than enable these countries to survive many economic crises. Migrant domestic work is now one of the main occupational preferences of women workers seeking to survive steadily disappearing livelihood opportunities at home.

Due to the nature of the job, the situation of domestic workers has remained precarious, vulnerable, and invisible. The unique challenges faced by domestic workers start from the day of recruitment. Live-in local and migrant domestic workers are particularly susceptible to various forms of maltreatment at the workplace and have little or no channels of redress. Migrant domestic workers are preyed on by opportunistic recruiters, employers, and corrupt officials. Vulnerabilities to forced labour, slavery-like conditions and trafficking increase as domestic workers end their employment and search for new work. Domestic workers, especially at the local level, also involve a substantial number of children, which is another major concern of the ILO.

The ILO has recognized the urgent need to establish minimum standards of "human dignity and self-respect" for domestic workers as early as 1965, in a resolution

that cited the lack of social and legal protection for them. However, until today, this has not progressed into binding standards or legal commitments. Part of this inaction is the prevailing notion that domestic work does not constitute formal employment – i.e. it is an extension of women's unpaid reproductive (nurturing) role; domestic workers also predominantly come from lower classes or castes especially in Asian societies. An ILO Convention will help break these gender and class stereotypes, and lay down the basis for an employer-employee relationship in domestic work.

We, the undersigned, call for the adoption by 2011 of an International Convention on Domestic Work, together with clear guidelines on monitoring and implementation, reporting and compliance mechanisms. We believe an ILO Convention will significantly contribute to the reduction of slavery-like conditions, abuse, violence, exploitation, inequality, and discrimination against women and domestic workers. It will help reduce the worst forms of child labour, the stigmatization and criminalization of migrant domestic workers, and racial and ethnic discrimination.

On May Day 2010, we call on everyone to support and celebrate the "Asian Domestic Workers' Day." We, the domestic workers' groups, trade unions, migrant organizations, women's groups, civil society and advocates in Asia and globally will march together in solidarity as we demand for the recognition and respect of rights, value, contributions, and status of domestic workers as workers and equal members of society. ■

**Domestic Work is Work!
Domestic Workers are
Workers!
Domestic Work is NOT Slavery!
Adopt an ILO Convention on
Domestic Work in 2011!**

SIGNATORIES:

*Asian Migrant Domestic Workers' Alliance (ADWA) * Asian Domestic Workers Network (ADWN) * Asian Migrant Centre (AMC) * Alliance for Progressive Labor (APL) * Coalition for Migrants' Rights (CMR) * Committee for Asian Women (CAW) * Federation of Asian Domestic Workers' Unions in Hong Kong (FADWU) * Global Network Asia * Hong Kong Confederation of Trade Unions (HKCTU) * International Domestic Workers Network (IDWN) * International Working Group for Domestic Workers (IWG-DW) * Migrant Forum in Asia (MFA) **

TOWARD A DOMESTIC WORK CONVENTION: ILO PROCESS AND TIMETABLE*

In January 2009:

The Office sends a law and practise report along with a questionnaire to ILO Member States Governments have to consult with workers' organizations and employers' association.

End August 2009:

Deadline for submission of replies to the Office

January 2010:

The Office sends a second report, examining the replies received, to Member States

First discussion in June 2010 at the International Labour Conference of the ILO:

A decision is taken on the form of the draft ILO instrument(s) – whether a Convention or a Recommendation or both

August 2010:

The Office sends a third report containing (a) draft instrument(s) to Member States

End November 2010:

Deadline for submission to the Office of comments on the third report by Member States

March 2011:

The Office sends two report to Member States: one examining the replies received on the third report, and the other containing the text of the draft instrument(s) revised in the light of comments received

Discussion in June 2011 at the International Labour Conference of the ILO:

A Convention or any other agreed instrument will be discussed and adopted or rejected by the International Labour Conference. ■

Source:

**Karin Pape, report on a meeting at the ILO, May 2008, WIEGO; Manuela Tomei, ILO, personal communication, 2008 – appeared in the publication of WIEGO.
www.wiego.org/ppublications/FactSheets/WIEGO_Domestic_Workers*