



International
Labour
Organization

▶ **Review of
international experience
on protecting rights
of domestic workers
in selected countries**

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List of abbreviations

APWLD	Asia Pacific Forum on Women, Law and Development
COIDA	Compensation for Occupational Injuries and Diseases Act
GDP	Gross Domestic Product
HMCGSSC	Home Management and Care Givers Sector Skill Council, India
ICLS	International Conference of Labour Statisticians
IDWF	International Domestic Workers Federation
ILO	International Labour Organization
OSH	Occupational Safety and Health
PEA	Private Employment Agency
SEWA	Self Employed Women's Association
SSI	Social Security Institute, Uruguay
UNDP	United Nations Development Programme
UWSSA	Unorganized Workers' Social Security Act
WEF	World Economic Forum

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The views expressed herein are those of the author only.

Abstract

Every year, millions of women and men leave their homes in search of better livelihood opportunities. Of the 258 million migrants worldwide, an estimated 164 million are workers, including 68.1 million women. Domestic work represents the largest share (24 per cent) of the 16 million people estimated to be in forced labour in the private economy. Of the 75.6 million domestic workers aged 15 and above worldwide, 11 million find this work abroad, and in doing so, many fall prey to intermediaries who charge them excessive fees for recruitment and placement. The debts they incur to pay these fees often trap them in situations of trafficking and forced labour, enduring sometimes highly abusive living and working conditions just to ensure they earn enough to repay their debt and send money home.

Majority of domestic workers are working informally with no or limited labour protection as they are excluded from the scope of the Labour laws in several countries. The large proportion of domestic workers within the informal sector face additional challenges including low wages, limited access to social security, basic conditions of employment, violence and harassment at the workplace. Following the adoption of ILO Convention No. 189 on decent work for domestic workers, ILO has initiated a global campaign to address and raise awareness on the rights of domestic workers and is implementing various programmes in different countries. As a part of this endeavour, the ILO has initiated studies both at the national and international level to assess the situation of domestic worker with an effort to contribute to policy framework towards promotion of rights of domestic workers.

The present report is an attempt to provide an overview of international experiences in protecting the rights of domestic workers in selected countries. It tries to understand about the working conditions, labour relations and collective action of domestic workers in selected countries. It also aims to assess the challenges, opportunities, and good practices to protect rights of domestic workers. The report is based on a desk review of relevant literature to understand about legal protection of rights of domestic workers, key decent work deficits, policies and practices to promote formalisation of domestic workers and their skill development. The report also explores the role of collective action in promoting rights of domestic workers.

► I. Introduction

The Domestic Workers Convention, 2011 (No. 189), adopted at the 100th Session of International Labour Conference on 16 June, 2011 and the accompanying Recommendation No. 201 are important labour standards for protecting the rights of domestic workers, ensuring decent employment and providing social protection.¹ The Convention No. 189 recognises the significant contribution of domestic workers to the global economy and promotes protection of human rights of domestic workers thereby realising the fundamental principles and rights at work. This includes freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, abolition of child labour and elimination of discrimination in respect of employment and occupation.² The Recommendation No. 201 while supplementing the provisions of the Convention No. 189 states that for ensuring freedom of association and collective bargaining to domestic workers, it is important for members to identify and eliminate any legislative and administrative restrictions that hinder domestic workers in forming their organizations and support measures to strengthen the capacity of workers and employers organizations representing domestic workers and those of employers of domestic workers and protecting such organizations.³

The Convention has been ratified by 40 countries as of June 2024,⁴ which has been brought about or accompanied by campaigns, advocacy and reforms in legislation towards protection of rights of domestic workers. The Convention No. 189 has been ratified by at least 10 countries in the EU, but the majority of ratifying countries so far are in the global South and have taken significant strides in ensuring legal protection and promotion of rights of domestic workers.

Across the world, there are 75.6 million domestic workers aged 15 years and above, and domestic work represents 2.3 per cent of total employment worldwide (ILO 2021a). Domestic work is a mostly female dominated sector with women accounting for 76.2 per cent of domestic workers worldwide (ILO 2023). The European Commission has reported that around 9.5 million people work as domestic workers in the 27 EU member states and 90 per cent of them are women who are also engaged as home care workers and migrants. It was reported that 54.6 per cent of domestic workers in Northern, Southern and Western Europe were migrant workers of which majority were women.⁵

The world's largest number of domestic workers is in Asia and the Pacific region, which employs 50 per cent of all domestic workers. In Africa, domestic workers represent 7.3 per cent of wage employment, 8.4 per cent in Latin America and the Caribbean and 4.6 per cent in Asia and the Pacific region. Domestic workers represent only 1 per cent of employees in Europe and Central Asia (ILO 2023). A recent policy brief of the ILO highlighted that domestic workers constitute an integral part of the paid care workforce. Paid care work situated within the care economy is delivered at the intersection of health, social and educational systems including wide range of occupations and people who perform care work (indirect care) for pay or profit comprising of nurses, teachers, doctors, psychologists, childcare workers, early childhood care and education workers, domestic workers, personal care and support workers, long-term care workers, community workers and social workers. It was stated that globally, domestic workers who are above the age of 15 and hired directly by the households,

¹ [Domestic Workers Convention, 2011 \(No. 189\).](#)

² [Domestic Workers Convention, 2011 \(No. 189\).](#)

³ [Domestic Workers Recommendation, 2011 \(No. 201\).](#)

⁴ [Ratifications of C189 - Domestic Workers Convention, 2011 \(No. 189\).](#)

⁵ [European alliance calls on EU governments to implement Convention on domestic workers.](#)

represent at the very least 25 per cent of all the care workers globally – and much more in countries with small care sectors (such as early childhood care and elder care services) – and reflected on the need to include domestic workers in care workers and ensuring their rights at work (ILO 2024).

The precarity of domestic work has remained central to feminist movements across the world. Marxist or socialist feminists treated production and reproduction as intrinsically connected and the concept of ‘housewifisation’ in a capitalist order that relegates women’s labour and disadvantages them from productive or work. Also, the contribution of women has been treated as ‘under water’ part of GDP and they are concentrated in low paying employment with denial of labour rights (Mies 1998; Barret 1980). However, feminist legal jurisprudence has emphasised on the importance of including caring and domestic labour (paid or unpaid) within the ambit of labour legislations (Fudge 2014). These perspectives have uncovered the need to incorporate social reproduction as an integral part of labour legislations. The Wages for Housework campaign during the second wave feminism led by Mariaarosa Dalla Costa, Selma James, and Silvia Federici was initiated in the 1970s in Italy, which opened up the domestic labour debate and led to the women’s movement. In a capitalist society the labour of women appeared to be personal service outside of capital and the myth of female incapacity prevailed, relegating women to conditions of social isolation. They reaffirmed that within wage domestic work creates surplus values and their role as women need to be seen as a source of social productivity (Dalla Costa and James 1975; Federici 1975). In fact, the Wages of Housework campaign promoted a vision for social welfare that acknowledged the value of domestic work and emphasised women’s financial autonomy (McKeen 1994).

Scholars writing on household work in 1970s and 1980s focused on unpaid work mostly done in one’s own household. During the 1990s and into the 21st century, the phenomenon of paid domestic labour emerged as one of the prominent issues attracting the attention of several researchers worldwide. The rise of paid domestic work was viewed as consumption for people who employ the labour of others to carry out housework. In the process it was observed that workers themselves were treated as consumer objects with denial of their rights (Cox 2013). Others have found the intrinsic relationship between domestic work and migration, which emerged as a highly unskilled occupation for women in countries like the Republic of South Africa. In these countries the employment of domestic workers had facilitated middle-class women’s participation in community and voluntary sector work. Also, paid domestic work as done by migrants is often undocumented and remains a vulnerable form of labour. They even face racism in several countries (Anderson 2001). In fact, migration and domestic work moves beyond families to continents bringing in multiple challenges for domestic workers located across different socio-cultural, religious and ethnic groups. Feminist sociologists have reflected on domestic work being performed by women in the health, care and service sector, which is associated with menial and strenuous jobs related to cleaning, childcare, elderly care and care for the sick. Such work is quite intensive and affects workers’ well-being. In this context, home emerges as a special place of employment. For migrant domestic workers working in private homes, their accommodation and workplace are fraught with several challenges (Marchetti 2022). Though feminist advocacy in several parts of the world has led to the growth of several movements and campaigns for protecting the rights of domestic workers, it is also evident that the majority of developments during the last two decades has been due to the collective efforts of domestic workers themselves. Further, the role of the Convention No. 189 particularly as a tool of global governance of domestic workers’ rights gained prominence through these movements. The issue of intersectionality, marginalisation and the lived experiences of domestic workers were analysed leading to the growth of their collective identity as organised workers (Marchetti et al. 2021).

In this context, the present report provides an overview of international experiences in protecting the rights of domestic workers in selected countries. Countries located in various

regions across the world are identified based on their ratification of the Convention No. 189 and subsequent regulation for protection of rights of domestic workers. Also, the measures undertaken for promotion of the rights of domestic workers in these countries is considered for a more detailed analysis. Some of the countries are selected based on good practices promoted for protection of rights of domestic workers. Spain and Italy in the European Union, Moldova in Eastern Europe, Uruguay in South America, the Philippines and Indonesia in Asia and the Pacific region, India in South Asia and the Republic of South Africa in Africa are some countries that are considered for analysis in this report. The following sections discuss the characteristics of domestic work as a form of occupation, overview of the situation of domestic workers across the world, domestic work as informal employment, challenges faced by domestic workers and a review of legal protection of rights of domestic workers including access to social security and trade union rights.

▶ II. Characteristics and types of domestic work

The Domestic Workers Convention, 2011 (No. 189) defines domestic work as “work performed in or for a household or households”, and a *domestic worker* is any person engaged in domestic work within an employment relationship.⁶ Domestic work includes all kinds of work related to household like cooking, cleaning, washing, childcare, pet-care, other household chores, etc. The 20th International Conference of Labour Statisticians (ICLS), 2013 has defined domestic work as “all work performed in or for a household or households to provide services mainly for consumption by household members”. Domestic work is performed with payment made to employees of the household, to agencies that provide domestic services to households and to the self-employed domestic service providers. Domestic workers are defined as workers employed for pay or profit, including in-kind payment, who perform work for a household or households to provide services mainly for consumption by the household. This work can be performed within the household premises or outside in other locations. The ICLS also tried to identify the categories of domestic workers based on the statistical definitions namely (a) workers engaged directly as employees of households to provide services for consumption by the households; (b) live-in domestic employees; (c) live-out domestic employees; (d) domestic workers employed by service providers and (e) domestic service providers employed for profit. The ICLS has also recommended for identification of domestic employees in statistics when the economic activity of their employer is equivalent to ISIC, Rev. 4 Division 97, activities of households as employers of domestic personnel (ILO 2018a).

Such a typology reflects on the diverse settings in which domestic workers are either employed directly by private households or through or by service providers, which helps in providing a better understanding of the employment relationship that operates in the context of domestic workers. However, domestic workers are engaged in household and care related activities within formal or informal employment. They can be rendering service to more than one household and drawing wages accordingly. In fact, the types of activities in which domestic workers are engaged differs from country to country. Some scholars have also pointed out the overlapping of domestic work as care work that has highlighted the issues of transnational migration and how women as domestic and care workers are being recruited in the global South to produce tasks associated with reproductive labour (Marchetti 2022). Also, the inclusion of domestic workers in the care economy is a recognition of the fact that domestic workers provide services in the form of direct or indirect care activities that are necessary for the maintenance and well-being of family (ILO 2021a). In fact, the

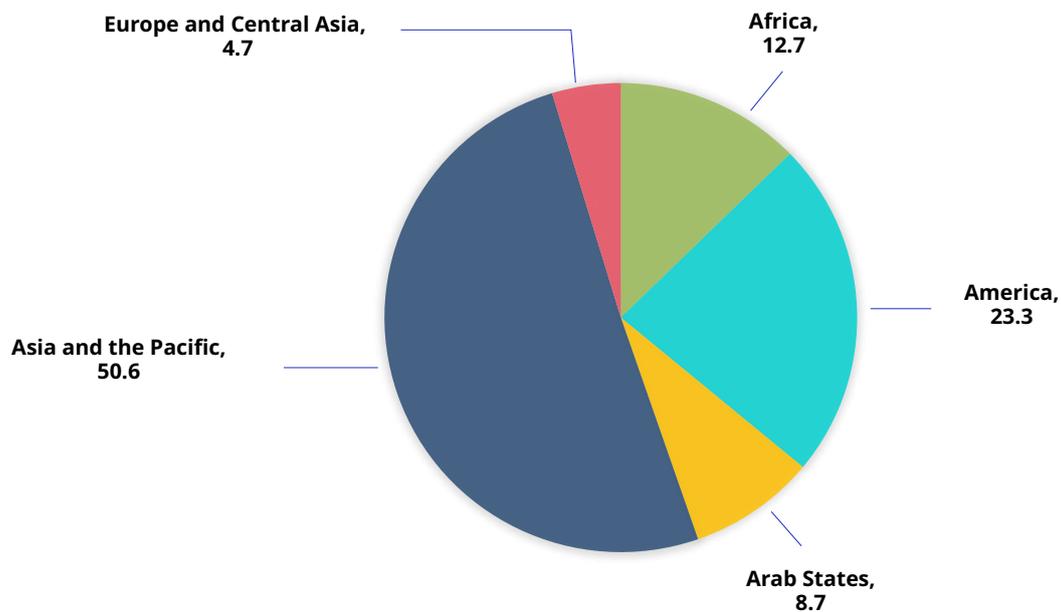
⁶ [Domestic Workers Convention, 2011 \(No. 189\)](#).

kind of domestic work, experiences of domestic workers vary with the religion, ethnicity and social background of domestic workers.

2.1. Domestic Workers across the World

The world's majority of domestic workers are concentrated in Asia and the Pacific region and mostly in upper-middle-income countries (ILO 2023). As evident in Figure 1 and discussed above, the concentration of domestic workers followed by Asia and the Pacific region is in Americas, Africa, Arab States and Europe and Central Asia. The subregions employing majority of domestic workers include Eastern Asia with 24.3 million (32.1 per cent of global domestic workers), Latin America and the Caribbean (14.8 million) with 19.6 per cent of global domestic workers, 9.2 million in Southern Asia (12.1 per cent of global domestic workers), 8.7 million in Sub-Saharan Africa (11.5 per cent of global domestic workers) and 2.4 million (3.1 per cent of global domestic workers) in Northern, Southern and Western Europe. In the European Union, 70 per cent of domestic workers are employed by public or private organizations (ILO 2023).

► **Figure 1. Distribution of domestic workers by region as percentage of global domestic workers**



(Source: ILO calculations. See Figure 2. in ILO Report, The Road to Decent Work for Domestic Workers, 2023)

2.2. Domestic work as a form of informal employment

Domestic work is generally informal in nature in many countries that often deprives workers from access to social security and decent working conditions. These workers who may be migrant workers or belong to marginalised sections, are generally engaged in mid-level skilled and precarious jobs according to ISCO-08. The growth of urban cities leading to rural-urban and cross-border migration, the reconfiguration of class structures, gender norms and structural adjustments in the global South along with care crisis and welfare in the global North have led to significant changes in this sector (Marchetti et al. 2021).

Domestic work remains vulnerable mostly because of the fact that it is isolated in nature as it is carried out in private homes. While they are working as live-in domestic workers, the household employers have the power to control their mobility, autonomy and interaction with others. They are on call 24 hours a day and often do not have access to basic conditions

of work like washroom, etc. A study based on review of labour laws of ten countries by Asia Pacific Forum on Women, Law and Development (APWLD) revealed that domestic work is not recognised as work under most national labour laws which leaves the workers subject to employer's demands and they remain legally vulnerable (APWLD 2010). A report by the ILO had pointed out that eight out of ten domestic workers are informally employed without having access to social security. Informality is higher, particularly in regions marked with high levels of informality like Africa or Asia and the Pacific. So, the share of informal employment among domestic workers is twice that of share among other employees (ILO 2023).

In fact, these workers experience decent work deficits. A report by the ILO states that out of all domestic workers in informal employment around 66 per cent (40.7 million) of domestic workers are in informal employment as a result of exclusions from labour and social security laws. A large majority of domestic workers in Arab States (96 per cent), Asia and the Pacific (86 per cent) and Africa (61 per cent) are informally employed because of their exclusion from social security and labour laws (ILO 2023).

Informality has remained central to the Decent Work Agenda and towards measuring progress on achieving Sustainable Development Goals (SDGs) and SDG indicator 8.3.1.⁷ Also, addressing informality is critical for promoting economic empowerment of women and gender equality. The recent 21st International Conference of Labour Statisticians in 2023 adopted a resolution on updating and improving measuring standards on informal economy for providing full visibility to the situation of people and measurement of all forms of work and work relationships adopted during the 19th and the 20th ICLS.⁸

In this context, any effort towards formalisation of domestic workers would entail adequately capturing the work of domestic workers in labour force surveys in line with the recommendations of the ICLS. Also, there is a need to address the gaps in legal protection for domestic workers along with emphasis on effective implementation of legislations pertaining to domestic workers. Some countries have undergone legal reforms by including domestic workers in the general labour code like in the Philippines (2013) and India (2020). In addition, there are several good practices across the world that have tried to ensure decent work for domestic workers through simplification of procedures, incentivising formal employment, enforcing compliance and creating a culture of decent work and compliance (ILO 2024).

► III. Challenges faced by domestic workers and decent work deficits

Domestic work in certain regions across the world is closely associated with migration. The Convention No. 189 recognises the significant contribution of domestic workers to the global economy and aims to address decent work deficits for domestic workers while protecting employment conditions through fair terms of employment, promoting decent living conditions, protection from all abuse, violence and harassment, access to safe and healthy working environment, ensuring social security to the domestic workers and promote collective bargaining through representation in workers organizations. The domestic workers are confronted with several challenges with regard to payment of wages, working conditions, migration status, violence and harassment, occupational safety and health issues, access to social security, representation and organising in unions, exclusion from labour laws, etc.

⁷ SDG indicator 8.3.1 is the proportion of informal employment in total employment by sector and sex.

⁸ <https://ilostat.ilo.org/topics/informality/#>.

Some of the issues are discussed below.

Working Hours

The ILO had reported that globally 64 per cent of all domestic workers (61 per cent women and 69 per cent men) work outside of normal hours (35 to 48 hours a week) particularly in low-income countries. The working hours are longer in low- and middle-income countries, but the situation has improved in countries that have ratified Convention No. 189. In high-income countries too, working hours tend to be average or shorter than average among domestic workers (ILO 2021a). Domestic workers are more likely to work excessive overtime, i.e. around 60 hours per week, or very short hours of work, i.e. less than 20 hours a week as compared to other employees across countries in all income groups. Most of them work for more than 48 hours in Arab States (75 per cent) and in Asia and the Pacific Region (50 per cent). While in Europe and Central Asia, the working hours are shorter, i.e. less than 20 hours or between 25-34 hours. In Latin America and the Caribbean, domestic workers have normal working hours with greater compliance to labour laws as compared to other regions (ILO 2023). However, it is also evident that both long and short working hours are associated with different kinds of risks. For example, shorter working hours can lead to low-income, and informality is often higher among domestic workers with shorter working hours. Similarly, longer working hours can lead to violations of labour laws and have negative implications for both physical health and psychological well-being.

Wages

It is found that 26.5 million domestic workers are provided a statutory minimum wage that is equivalent to that of other workers across the world. Despite recent progress in extension of minimum wage coverage, domestic workers earn just 56.4 per cent of average monthly wages of other employees and women workers earn just half of the average monthly wages of other employees. There is no denying the fact that low wages are attributed to the traditional notions about domestic work as low skilled work often leading to its undervaluation and misperception. (ILO 2021a). It has been observed that domestic workers earn 56.4 per cent of average monthly wage of other employees while women domestic workers earn just half of the average monthly wage of all employees as compared to male domestic workers who earn 67.3 per cent of the average monthly wage of other employees. The average earnings are significantly affected with the status in employment wherein domestic workers in informal employment earn less as compared to average wage of formal employees (ILO 2023).

Social Security

Social security coverage is essential for reducing poverty, vulnerability and protecting the rights of domestic workers. Coverage gaps in ensuring social security can have powerful implications for individuals, families and societies as a whole. About half of all domestic workers worldwide (49.9 per cent) are legally covered by at least one benefit under social insurance schemes which may include old-age, disability and survivors' benefits and medical care, to some extent maternity benefits and sickness benefits. Most of them do not have access to benefits under social insurance schemes in relation to unemployment or employment injury.

With regard to ILO's Social Security (Minimum Standards) Convention, 1952 (No. 102) only 6 per cent of domestic workers are legally covered for all nine branches of social security established under the Convention (ILO 2022). Further, only one in five domestic workers enjoy effective employment-related social security coverage across the world (ILO 2021a).

There are several challenges with regard to access to social security like lack of accountability of social security institutions; difficulties in accessing benefits; insufficient or low levels of benefits; administrative barriers, such as the complexity of procedures or length of time it

takes to register or make contributions; lack of awareness about rights and obligations; and inability to cover the direct and indirect costs of registration and the payment of contributions. Further, domestic workers are often engaged on hourly basis and registration mechanisms are unable to capture them. Existing Social security provisions are not comprehensive enough to cover all life cycle risks like maternity protection or care rights. Even where they are covered by maternity leave and maternity benefits, many women domestic workers still do not enjoy effective access to these rights due to lack of implementation of and compliance with these laws. According to ILO estimates, only 45.6 per cent of female domestic workers had a legal right to maternity leave in 2020 (ILO 2021a). The recognition of domestic work as employment and integral part of care economy is essential for ensuring social security rights and acknowledging their valuable role in the economy.

Occupational safety and health

Domestic workers remain vulnerable to occupational health issues due to the nature of their work. Article 13 of ILO Convention No.189 states that “[e]very domestic worker has the right to a safe and healthy working environment”.⁹ Domestic Workers Recommendation, 2011 (No. 201) informs member states to protect domestic workers by eliminating or minimising work-related hazards and risks in order to prevent injuries, diseases and deaths and promote Occupational Safety and Health (OSH) in the workplace of domestic workers. It also ensures adequate penalties for violation of OSH regulations, establishing procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics considered to contribute to the prevention of occupational safety and health related risks and injuries, advise on OSH including ergonomic aspects and develop training programmes and guidelines on OSH for domestic workers.¹⁰ Though assessment of the OSH risks faced by domestic workers is made difficult by the diversity of tasks that domestic workers perform.

Since domestic work is physically demanding there are several risks including ergonomic hazards resulting from tasks like lifting, moving and handling heavy loads, and maintaining repetitive postures (for example, standing for long hours), without the possibility of sharing or shifting the workload with co-workers, workplace isolation and social exclusion (ILO 2021a).

Domestic workers lack training in OSH issues and many countries do not include OSH as part of legislation covering domestic workers.

Violence and harassment at the workplace

Domestic workers are exposed to several types of gender-based violence including economic, psychological, physical, sexual, verbal, etc. These workers often endure abuse due to the fear of losing their jobs. A report by the International Domestic Workers Federation (IDWF) based on a survey on gender-based violence against domestic workers conducted during 2017-18 in 12 countries in Asia revealed that most common types of gender-based violence experienced by domestic workers included physical and sexual abuse, psychological abuse, verbal abuse, lack of access to food and economic abuse. Bullying, coercion, violations of privacy and withholding of wages were other less frequent types of violence as reported by the workers. The perpetrators of violence were mostly employers, other members in the employer’s household or employment intermediaries (IDWF 2020). These workers are vulnerable to violence and harassment due to several factors like: nature of work being carried out inside the private space of the household, in isolation and in working environments with deepened power imbalances and lack of proper enforcement mechanisms including labour inspection (ILO 2021a). It is important to ensure coverage of domestic workers in legislations on violence and harassment.

⁹ [Domestic Workers Convention, 2011 \(No. 189\).](#)

¹⁰ [R201 - Domestic Workers Recommendation, 2011 \(No. 201\).](#)

► **Text box 1. Good Practices: Coverage of Informal workers under the Legislation on Prevention of Sexual Harassment of Women at the Workplace (POSH) 2013, India**

Good Practices: Coverage of Informal workers under the Legislation on Prevention of Sexual Harassment of Women at the Workplace (POSH) 2013, India

The POSH Act 2013

The act defines sexual harassment as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature. The act extends to all formal and informal workers including domestic workers.

Source: https://doe.gov.in/files/inline-documents/DoE_Prevention_sexual_harassment.pdf.

Lack of coverage under labour laws

Domestic workers who operate in households are engaged under individual employment arrangements and do not fall under the purview of standard employer-employee relationship that operates within the context of establishment due to which they are outside the labour inspection framework in many countries. Labour inspectorates in different countries are sometimes not mandated to carry out inspection in private homes and it becomes extremely challenging to ensure better working conditions and access to social security (ILO 2021b). It is evidenced that many aspects of domestic workers work and employment conditions could be controlled through written documents, registration with social security schemes, wages, etc. without any inspector having to enter a private house. However, the absence of a specific law/collective agreement and effective enforcement mechanism involves a risk of special conditions/challenges of domestic work done in private households not being addressed. For example, the conditions of live-in labour, the regulation of working hours, remunerations in kind, etc. and also the capacity of a private household as an employer to pay sickness, accident, maternity leave, etc. (Carls 2019).

Lack of access to trade union rights

Domestic workers are generally employed in households and fall outside the ambit of labour legislation and lack the right to bargain collectively and freedom of association which are under ILO's fundamental principles and rights at work framework. The ILO Convention No. 189 has provisioned that while taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, it is important to protect workers' rights to join organizations, federations

► **Text box 2. Restrictions to Form Unions in Some Countries**

Restrictions to Form Unions in Some Countries

The Philippines: As per the Labour Code (Presidential Decree No. 442 of 1974), foreign workers may only participate in a labour union if the workers' home country grants Filipino workers the same right.

In some other Asian countries like Thailand and Vietnam, under their labour laws and Trade unions Act, only Thai nationals or Vietnamese nationals have the right to establish, participate and operate a trade union (ILO 2021a).

and confederations of their own choice.¹¹ However, domestic workers are mostly in households with an individual employment relationship and the possibility of unionising for collective or common interests becomes difficult. The location of domestic workers in highly fragmented workplaces makes it difficult for trade unions to gain access. The isolated workplaces and the fragmentation make the collective organization of domestic workers and their mobilisation for work-related struggles very difficult. In addition, the status of domestic workers as migrant workers in several countries where they remain undocumented and lack of access to labour protections and trade unions make them vulnerable, living under threat of deportation (Carls 2019). Further, domestic workers and household employers in many countries still do not see themselves as workers and employers within an employment relationship, with associated rights and responsibilities (ILO 2021b). However, in some countries, the domestic workers movements have played a pivotal role in unionising workers for their rights.

▶ IV. Review of legal protection of rights for domestic workers

4.1. Legal protection for domestic workers / regulatory mechanisms

Domestic work is either regulated through a specific legislation or collective bargaining, a combination of both or simply covered under general labour legislations of some countries. A study conducted by the European Union in 18 EU member states has reflected on patterns of regulation of domestic work and the role of trade unions in promoting decent work in this region. It was evident that domestic workers in Europe mostly come from non-European Union countries. Ukraine and the Philippines seems to be important labour sending countries (Carls 2019). Amongst the countries identified for this report, the EU countries have specific regulations on domestic workers. However, it is also important to revisit the immigration legislation in these countries to have a more nuanced understanding about the employment conditions and regulatory mechanisms at place.

4.1.1. European Union

Across the EU, domestic work is regulated either through specific legislation, through collective bargaining or through a mix of both; or in alternative it is simply covered by general labour law. The study of the Programme for Workers' Activities of International Training Centre of the International Labour Organisation (ACTRAV/ITC-ILO) revealed that specific legislation existed for domestic workers in many EU countries including Italy and Spain and in the former these specific laws are combined with collective agreements. Though Spain does not have collective agreements in case of domestic workers, these workers can be covered by collective agreements concerning agency work (Carls 2019). In the EU countries work permits are connected to a specific employer or employer contract, which restricts migrant workers from changing their employer if they face challenging employment conditions and violence and harassment at their workplace. In the European Union there are around 9.5 million domestic workers. Of these, 30 per cent are directly employed by households; while 70 per cent are employed by public or private organizations (ILO 2024).

¹¹ Article 3 (3) of [Domestic Workers Convention, 2011 \(No. 189\)](#).

Italy

The Italian constitution envisages protection of rights of all workers and domestic employment is a particular type of employment, regulated by: Articles 2240 through 2246 of the Civil Code; Act No. 2940 of 27 December 1953; Decree of the President of the Republic No. 339 of April 1958.¹² Domestic workers legislation Act No. 339 in Italy is one of the oldest legislations dating back to 1958. Article 1 of the legislation states that:

*“This law applies to employment relationships involving domestic service workers who work continuously and predominantly for at least 4 hours per day for the same employer, with remuneration in cash or in kind. Domestic personal service workers mean workers of both sexes who work in any capacity for the functioning of family life, whether they are staff with specific qualifications or staff assigned to generic tasks”.*¹³

The legislation also protects workers’ rights in relation to working conditions, rest times, holidays, extra monthly salaries and wage increases related to years of service (Carls 2019). There are also provisions related to food, accommodation, practising ones’ religion, etc. The hiring of the domestic workers takes place directly with the employer’s obligation to report the hiring to the competent authority within thirty days of completing the probationary period. The law also empowers the national trade unions and assistance associations who are authorised by Ministry of Labour and Social Security to deal with job placement and notifying competent authorities within thirty days of placement. The Italian legislation 339, Article 3 ensures that while the worker is being hired, he/she needs to present a work booklet pursuant to the Law of 10 January 1935, social insurance cards as per regulation approved by the Royal decree 28 August 1924, identity cards and health cards.¹⁴

► Text box 3. Social Security for Domestic Workers in Italy

Social Security Provisions in Italy: Domestic workers Decree No. 339, 1958

The legislation extends to provide insurance to domestic workers against accidents and unemployment and family benefits. The hiring of domestic servants is direct, with the employer obligated to communicate to the competent office for unemployment the engagement; during the “trial period”, which cannot exceed 30 days, domestic workers should receive a normal wage; domestic employees have the right to a full day of rest during the week (normally on Sundays, or at least half a day should be on Sunday). Also, domestic workers have the right to annual paid holidays.

Migrant workers can benefit from the acquired pension and social security rights once all the requirements established by the law have been met. Irregular migrant workers can refer to the relevant authorities (i.e. judicial authorities, police, social security offices, provincial labour offices (*Direzioni Territoriali del Lavoro*) as well as to trade unions and patronages), to claim the payment of their salary and any social security contributions they are entitled to.

All workers performing their gainful activity in the Italian territory are compulsorily covered by social security insurance. Both private sector employees and self-employed are registered with the **General Compulsory Insurance Scheme** on a mandatory basis for all workers and managed by the National Institute of Social

¹² https://www.ohchr.org/sites/default/files/Documents/Issues/Slavery/SR/DomesticServitude/States/Reply_Italy.pdf.

¹³ For details see <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1958-04-17&atto.codiceRedazionale=058U03339&tipoDettaglio=singolavigenza&qId=&dataVigenza=20/03/2024&generaTabId=true&bloccoAggiornamentoBreadCrumb=true&title=lbl.dettaglioAtto&tabID=>

¹⁴ <https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1958-04-17&atto.codiceRedazionale=058U03339&tipoDettaglio=singolavigenza&qId=&dataVigenza=20/03/2024&generaTabId=true&bloccoAggiornamentoBreadCrumb=true&title=lbl.dettaglioAtto&tabID=>

Security (*Istituto Nazionale della Previdenza Sociale*) which acts under guidance and supervision of Ministry of Labour and Social Policies, Ministry of Economy and Finance and Ministry of Health. The provision of healthcare and sickness benefits in kind, in particular, falls within the competence of the Ministry of Health (*Ministero della Salute*) which administers the resources, allocating them to the regional and municipal entities that are in charge of granting health services through the local health centres.

Financing of Social Security

The Italian social security system is financed through social security contributions paid by employers and employees, as well as through general tax revenue. The National Health Service (*Servizio Sanitario Nazionale*) is financed by all people residing on the Italian territory through general taxation.

(Sources: https://www.ohchr.org/sites/default/files/Documents/Issues/Slavery/SR/DomesticServitude/States/Reply_Italy.pdf.

https://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20Italy_en.pdf.

The regulation of the legislation is done by the Central Commission for regulation of domestic work established by the decree of Minister for Labour and Social Security. The Commission is constituted by six representatives of domestic workers designated by trade union associations, employers and the government. At the provincial level, Provincial Commission for Domestic Work is established which includes four representatives of domestic workers, four employers hiring domestic workers and representatives from the government including one from the labour inspectorate and chamber of commerce, industry and agriculture.¹⁵ The Provincial Commissions are empowered to detect the average monthly wages at the provincial level and rates related to food and accommodation. Further, they establish regulatory standards related to domestic work in the provinces.

There are collective agreements too that protect the legal rights of domestic workers and one such agreement was signed in 1974 which was renewed several times. With regard to legislative system concerning domestic workers in Italy, regular migrant workers are fully protected and benefit by working contract from equal rights as Italian workers. According to the legislation, the national collective contract of employment signed with organizations representing workers and associations of employers, aims at jointly pre-regulate the minimum economic and regulatory issues applicable to all workers.¹⁶ The Italian Federation of Service, Commerce and Tourism Operators (*Fisascat-Cisl*) (Trade Union); Italian Federation of Commerce, Tourism and Service Workers (*Filcams-Cgil*) (Trade Union); Italian Tourism, Commerce and Service Workers' Union (*Uiltucs-Uil*) (Trade Union); Domestic Employees' Federation (*Federcolf*) (Trade Union); Italian Employers' Federation of Domestic Labour (*Fidaldo*) (Employers); National Employers' Association of Domestic Labour (*Domina*) (Employers) are responsible organizations under collective agreements. In 2007, trade unions and employers' organizations in Italy reached consensus on a new national collective agreement for domestic workers, including migrants.¹⁷ Both national legislation and collective bargaining cover the full range of domestic workers' tasks, from care work to babysitting, housekeeping and related services (Carls 2019).

Italy was the fourth ILO Member State and the first EU country to ratify Convention No. 189 in December 2012. The domestic work sector has the highest share of undeclared workers in Italy as reported by the National Institute of Statistics, i.e. they account for 57.6 per cent of the total. So, 850,000 workers registered at the National Institute of Social Security are

¹⁵ Article 11 and 12 of the Act 339.

¹⁶ https://www.ohchr.org/sites/default/files/Documents/Issues/Slavery/SR/DomesticServitude/States/Reply_Italy.pdf.

¹⁷ [ILO, National Collective Agreement for Domestic Workers in Italy, 2015.](#)

actually less than half of the total workforce estimated at over two million workers. Further, the calculation of reproductive paid work is difficult as such work is performed informally and is considered hidden recruitment (Degani 2022).

Spain

In Spain, in 2011, a royal decree providing for special employment relationships for domestic workers was announced. Spain approved a law for guaranteeing the right to unemployment support, improving working conditions and ensuring social security to domestic workers on 1 October 2022. These developments paved the way for ratification of the Convention No. 189 on 28 February 2023. Spain constitutes a significant share of migrant domestic workers who represent 44 per cent of the domestic work sector in Spain. The legislation impacts 373,000 domestic workers and entitles the domestic workers to similar unemployment benefits and legal protection on par with other workers. However, one of the challenges is the law applies to contractually employed workers and the domestic work sector in Spain is quite irregular with no access to employment contracts.¹⁸ While in Italy and most of the EU countries, the domestic workers cannot change their employers and are engaged through employment contracts, in Spain they can change their employers. The migrant workers who are undocumented can apply for one year residence permit and can regularise themselves upon finding employment (Carls 2019).

► Text box 4. Written Employment Contracts in Spain

Written Employment Contracts in Spain: Requirements

In Spain, Royal Decree 1620/2011 of 14 November 2011, Article 5 defines the domestic work employment relationship as follows:

(1) Employment contracts may be concluded orally or in writing. They must be concluded in writing in cases where the law requires a written contract for a specific type of work. In any case, fixed-term contracts covering periods of four weeks or more shall be concluded in writing.

(2) In the absence of a written contract, an open-ended, full-time employment contract is presumed to exist for contractual periods of longer than four weeks, unless proof can be provided of the temporary or part-time nature of the services performed.

(Source: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_173365.pdf).

The new legislation in Spain protects the health and safety of domestic workers, which were excluded in the earlier legislation (Occupational Risk Prevention Law, 1995). Now, workers have the right to occupational safety and health within the ambit of preventing violence against women. Also, social security contributions to workers are paid regardless of hours of work they have worked as previously denied to those domestic workers who worked for less than 60 hours in a month.¹⁹ Enforcement of the labour legislation in relation domestic employment contracts is the responsibility of the Labour and Social Security Inspectorate, and any disputes that may arise as a result of the new regulations must be brought before the relevant labour courts.²⁰

¹⁸ https://migrant-integration.ec.europa.eu/news/spain-domestic-workers-entitled-unemployment-benefits_en.

¹⁹ <https://www.socialeurope.eu/equal-rights-for-domestic-workers-finally-in-spain>.

²⁰ ILO, *Effective Protection for Domestic Workers: A guide to designing labour laws*.

Moldova

The Republic of Moldova has been one of the highest-ranking countries in the Eastern Europe region in the Global Gender Gap Index, occupying the 19th position among 146 countries. Also, the country promotes even access to men and women in economic participation and opportunity (World Economic Forum, WEF 2023). Though the Republic of Moldova has achieved significant progress in terms of promoting gender equality, women have continued to remain in the informal economy due to traditional notions about women's employment in certain sectors like domestic work or the care sector. Women engaged in the informal sector particularly in paid domestic work have reported longer working hours, lack of access to social security, etc. (ILO 2007). However, the Republic of Moldova has also experienced migration, being a major labour-sending country, with domestic workers migrating to countries like Italy and other European countries where there has been an increasing demand for domestic and care work.

The issue of feminisation of migration has led to several challenges faced by women migrant workers who work in informal employment arrangements and lack access to social security. While the migrant domestic workers move to other countries, they delegate their care responsibilities to female relatives: mothers, sisters, etc., thereby contributing to the constitution of so-called global care chains. The UN fact sheet has also highlighted that around 70 per cent of women from Moldova migrate to European Union (UN Women 2016).

Though Moldova has not been a signatory to the Convention No. 189, yet the Occupational Safety and Health Act of Moldova (2008) does not exclude domestic workers from OSH regulatory framework.²¹ Also, the Government of Moldova has several agreements/partnerships with different countries namely the Mobility Partnership that covers 15 EU countries (UN Women 2016). The Government of Moldova has an agreement with the Government of Italy in the area of labour migration signed in 2011, which is aimed at strengthening cooperation between the countries, support fundamental international rights for migrants and promote cooperation in labour flows.²²

The role of recruitment agencies is also crucial in the context of migration as the government invites recruitment agencies to collaborate in drafting legislation and also informs migrants through employment agency about ethical recruitment. The government disseminates information on migration services through national employment agency and its local branches (UN Women 2016).

4.1.2. Latin America

Uruguay

Uruguay is one the only country in Latin America and one of the few countries in the world that has collective bargaining agreements for domestic workers (Goldsmith in Eaton et al. 2018). It is estimated that between 11 and 18 million people in Latin America and the Caribbean are engaged in paid domestic work, out of which 93 per cent are women. Domestic work is mostly an urban phenomenon in Uruguay which is reflected through occupational segregation and sexual division of labour. A study conducted by the Nordic Institute of American Studies revealed that domestic employment in Uruguay is mostly represented by women which accounts for 15.8 per cent of all employed women and the employment in the sector is 99 per cent female employment (Sebastian 2021).

In 2006 Uruguay passed Act No. 18.065 which extended a range of labour protection measures to domestic workers and on 25 June 2007 a Presidential Decree was issued

²¹ https://webapps.ilo.org/dyn/legosh/en/?p=14100:1100:0::NO::P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:MDA,2013.

²² [Agreement between the Government of Italy and the Government of Moldova in the Field of Labour Migration.](#)

under the Act, conferring workplace rights specific to domestic employment (ILO 2012). This Labour Code on Domestic Workers Act No. 18.065 regulates working hours at 8 hours per day and 44 hours a week, rest periods, unemployment insurance on par with other workers, health insurance, payment for overtime, maternity rights, payment for vacation and annual bonus.²³ The Ministry of Labour and Social Security, through the General Labour and Social Security Inspectorate, will monitor compliance with this law. The implementation of the Act can be done through home inspections if there is non-compliance with labour and social security legislation, requiring a judicial order issued by the labour court or the interior court.²⁴ The law also introduced wage councils for setting wages for domestic workers in Uruguay. Uruguay became the first country in the world to ratify the Convention No. 189 on 14 June 2012. Also, the feminist interventions in the country have led to the recognition of paid domestic work and domestic workers fight for equality. The Mercosur Feminist Network has played an important role in organising domestic workers since 2005 (UNDP 2017).

► **Text box 5. Good Practices: Uruguay**

Good Practices: Uruguay

The Social Security Institution conducted several communication strategies (brochures, TV ads, website, etc.) for disseminating information on the rights and obligations of its affiliates. The Labour Ministry has worked jointly with gender-related institutions (Commission of Gender) for awareness generation on the rights of female domestic workers.

Employers have access to a mobile application for managing the registration of a worker, pay taxes, change wages reported, get an invoice and update information. There is a single national and centralized system for the collection of contributions. The inspection of social insurance is carried out in households with domestic workers.

The country has collective agreements for domestic workers; some agreements are related to strengthening the rights to social security. Maternity insurance is extended for unemployment insurance beneficiaries.

Source: <https://www.social-protection.org/gimi/gess/Media.action?id=15139>.

In fact, Uruguay is one such country which fully covers all women domestic workers in healthcare and pension. Uruguay promotes portability in access to social protection as domestic workers still remain protected under the social protection scheme in spite of their change in occupational category.²⁵ The domestic work sector includes women who are poor, belonging to rural areas or impoverished areas of cities and have few years of schooling. The sector also has greater concentration of indigenous and women of African descent who have history of marginalisation. In fact, Latin America in general portrays gender stereotypes based on ethnicity and race with 63 per cent of domestic workers of African descent (UNDP 2017; Sebastian 2021). Uruguay is the first country that has designed a comprehensive National Care System aimed at designing, promoting and implementing public policies to address the needs of dependent persons with domestic workers being included in the care system (UNDP 2017).

However, within Latin America, Uruguay is one of the countries with the highest levels of employment formalisation, i.e. 70 per cent workers being affiliated to pension systems (Sebastian 2021).

²³ <https://www.social-protection.org/gimi/gess/Media.action?id=15139>.

²⁴ This is an extract from the Decree Act no. 18.065, Uruguay.

²⁵ <https://www.social-protection.org/gimi/gess/Media.action;jsessionid=hs7M6HLWwxOf1HbQnIfsovMgAIDI3stHzVOFt8eQFOBpmToYaoZm!-688150444?id=15139>.

4.1.3. Asia and the Pacific

Philippines

The Philippines has been one of the countries in Asia known to promote gender equality and has fared well in the Global Gender Gap Index of the World Economic Forum in 2023 occupying the 16th position amongst 146 countries across the world.²⁶ The country has ratified the Convention No. 189 in 2012 following which the Domestic Workers legislation (*Batas Kasambahay*) was passed in 2013. According to the legislation “Domestic workers or ‘*Kasambahay*’ refers to any person engaged in domestic work within an employment relationship such as, but not limited to the following: general house help, nursemaid or ‘*yaya*’, cook, gardener or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis”.²⁷ The Act is in line with the Convention No. 189 and ensures protection of domestic workers, recognises their special needs to ensure safe and healthy working conditions and promotes gender sensitive measures in the formulation and implementation of policies affecting the local domestic work. It also protects domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to the physical and mental health. It also provides protection against debt bondage and worst forms of child labour. The legislation sets minimum standards for wages, regulation of working hours, rest, etc. It also provides social security through the Social Security System and coverage under public health insurance through the Philippine Health Insurance Corporation (Philhealth), and the Home Development Mutual Fund or Pag-IBIG provided to the sector.²⁸ An interesting aspect of the legislation is regulation of Private Employment Agencies (PEA) through a system of licensing for protecting domestic workers hired through the PEAs. Through the ratification of the Convention No. 189, the Act ensures protection to migrant domestic workers and provides scope for the Government of the Philippines to negotiate bilateral agreements with host States to protect the interest of Filipino women domestic workers abroad.

However, the overseas employment policy of the country has promoted overseas migration of Filipino workers to more than 218 countries. There has been ‘feminisation of migration’ as more and more Filipino overseas workers are engaged as domestic workers abroad making the Philippines as one of the largest labour sending countries across the world. The major destinations for overseas migrant domestic workers are Hong Kong, Singapore, Saudi Arabia, United Arab Emirates and Qatar (Ogaya 2020). The Philippines had enacted the Migrant Workers and Overseas Filipino Act of 1995, Republic Act No. 8042, an important legislation on overseas employment. The Act states that “*the State shall afford full protection to labour, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers*”.²⁹ The Act protects illegal recruitment, provides legal assistance to domestic workers, incentives to skilled workers, etc. Later, the Act on domestic workers strengthened protection of domestic workers and tried to link both the overseas domestic workers and the local domestic workers.

Indonesia

Indonesia has a substantial share of domestic workers and most of them form a significant part of informal employment. The concentration of domestic workers in the informal economy reflects on several challenges associated with legal protection and access to social

²⁶ <https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/>.

²⁷ For details see the Domestic Workers Act 2013, Philippines available at: https://lawphil.net/statutes/repacts/ra2013/ra_10361_2013.html.

²⁸ https://micicinitiative.iom.int/domestic-workers-act-or-batas-kasambahay-2013-0_.

²⁹ https://immigration.gov.ph/wp-content/uploads/2023/11/8_RA_8042.pdf.

security. According to a news report, around 4.5 million workers are employed as domestic workers in Indonesia, but, yet, few have access to health and life insurance, better working hours, etc. The work is mostly informal in nature and often goes under reported in official statistics.³⁰ Further, there have been cultural perceptions and discriminatory attitudes towards domestic work (including child domestic work) which restricts access to decent work for domestic workers in the country. The country does not have a national legislation to protect the rights of domestic workers and has not been a signatory to the Convention No. 189. Earlier legislation enacted in the country, including the Manpower Act of the Republic of Indonesia (No. 13 of 2003), does not provide protection to domestic workers. Even other regulations concerning domestic workers like the ministerial regulation and governor or mayor regulations at the local level are at the lower side of the legal hierarchy and do not include any sanctions for noncompliance and have restricted jurisdiction. The lack of legal protection of domestic workers has led to several vulnerabilities in terms of lack of decent working and living conditions, low wages, long working hours, exploitation and harassment and lack of access to social security (ILO 2018b). Presently, the Government of Indonesia has drafted a Domestic Workers Protection Bill in 2004 which is yet to be passed. The Bill recognises domestic work on par with other professions and shall improve social protection for domestic workers including migrant workers.

However, the country has witnessed rigorous trade union activism and civil society networks for promotion of rights of domestic workers. The ILO Jakarta had introduced Promote Project during 2013-2017 to promote decent work for domestic workers and to reduce child domestic work in Indonesia. The Project fostered innovate partnerships with various institutions like trade unions, recruitment agencies, media, youth and community groups and has also promoted research and evaluation of domestic work (ILO 2018b).

Some of the good practices that have emerged from the implementation of the project include expanding domestic workers' access to justice, promoting written employment contracts for domestic workers to improve working conditions. Some of the good practices are discussed in the text box below.

▶ **Text box 6. Promotion of Written Employment Contracts for Domestic Workers: Indonesia**

Promotion of Written Employment Contracts for Domestic Workers: Indonesia

JALA PRT (National Domestic Workers Advocacy Network) under Promote Project, provided training to domestic workers organizations for promotion of written employment contract. Existing model contracts were reviewed and new model employment contract was developed in consultation with domestic workers organizations. The new model contract was introduced through special meetings or education sessions. The domestic workers were encouraged to share their experiences while negotiating employment contracts with their employers for others to learn from their experiences.

The model employment contract was drafted in English and Bahasa Indonesia, which reflected on the decent work standards as set forth in the Convention No. 189 and in the relevant legislations in Indonesia, to be used as a reference by domestic workers in negotiating employment contracts with their employers. The contract can be obtained from the JALA PRT secretariat. A number of domestic workers successfully obtained written employment contracts from their employers (ILO 2018b).

30 <https://www.lowyinstitute.org/the-interpretor/indonesia-gets-ball-rolling-domestic-worker-rights>

India

Domestic work sector has been a prominent sector in India and accounts for a significant share of women's employment. The Ministry of Labour and Employment, Government of India had reported that the National Sample Survey Office 2011-12 under the Ministry of Statistics in India had reported that there are around 39 lakhs people who are employed as domestic workers by private households, of which 26 lakhs are female domestic workers.³¹ A report by the Self Employed Women's Association (SEWA) had stated that there were 4.75 million domestic workers as estimated by the National Sample Survey Office 2005 which may be a gross underestimation as there could be 50 million domestic workers in India (SEWA 2014). However, there has been a paucity of data with regard to the number of domestic workers and lack of specific data pertaining to domestic workers. Domestic work has remained mostly informal in nature with lack of official data on domestic work in the country. Women engaged as paid domestic workers in India have remained in vulnerable employment with lack of access to decent working conditions, low wages, lack of access to regular social security and subject to violence and harassment. However, the Government of India has initiated several efforts for the protection of domestic workers and ensuring rights and dignity at work.

► Text box 7. E-Shram Portal

E-Shram Portal

The Ministry of Labour and Employment launched E-Shram Portal, a national database on Unorganised workers on 26 August 2021. The Portal registers all kinds of unorganised workers including domestic workers. The main objective of the e-Shram Portal is to create a national database of unorganised workers seeded with Aadhaar (National Identification number). It aims to facilitate delivery of social security and welfare schemes to such workers.

Source: <https://labour.gov.in/sites/default/files/pib1986233.pdf>.

The Portal has registered 2.67 crore women domestic and household workers till March 2023.

Source : <https://labour.gov.in/sites/default/files/pib1907685.pdf>.

The e-Shram has been integrated with the National Career Service through which unorganised workers can register and find suitable job opportunities. It is also linked to the pension schemes such as Pradhan Mantri Shram Yogi Man Dhan Yojana (PM-SYM) for providing pension to the unorganised workers and skill development initiatives of the Ministry of Skill Development.

Source: <https://labour.gov.in/sites/default/files/pib1983592.pdf>.

In August 2024, e-Shram is integrated with my Scheme Portal which is a National Platform that aims to offer one-stop search and discovery of the Government schemes. It provides an innovative, technology-based solution to discover scheme information based upon the eligibility of the citizen. The platform helps the citizen to find the right Government schemes for them. It also guides on how to apply for different Government schemes. Through this integration, all the e-Shram registrants can check the schemes for which they are eligible.

Source: <https://labour.gov.in/sites/default/files/pib2041672.pdf>.

³¹ <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1558848> .

E-Shram becomes the world's largest database on informal workers announced during the 4th Employment Working Group Meeting under India's G20 Presidency in 2023.

Source: <https://labour.gov.in/sites/default/files/pib1940744.pdf>.

With regard to the coverage of domestic workers under labour laws, the country has witnessed several attempts to legislate this sector. The issue had been a part of public discourse in India leading to the formulation of several draft bills like the Domestic Workers (Registration, Social Security and Welfare) Bill 2008, by the National Commission for Women and the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2008. The Ministry of Labour and Employment had constituted a Task Force in 2009 for domestic workers, entrusted with making recommendations for a policy framework (Poddar and Koshy 2019).

The Ministry of Labour and Employment on 10 October 2017 announced³² plans to formulate a National Policy for Domestic Workers to provide coverage to domestic workers in existing legislations, provide rights to domestic workers to register as unorganised workers, right to form unions, right to enhance their skills, protection from abuse and promoting access of domestic workers to courts, tribunals for grievance redressal.³³ The proposal for National Policy also covers regulation of recruitment or placement agencies through formulation of policy by the governments and the constitution of tripartite implementation committees at the central, state and district levels. These developments are aligned to the provisions enshrined in the Convention No. 189 although India has not ratified the Convention.

However, the Unorganized Workers' Social Security Act, UWSSA (2008) promotes access to social security to all unorganised workers including the domestic workers. The Act states *unorganised worker means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the Acts*. 'Wage workers' under this legislation include persons employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work and include home-based workers, temporary or casual workers, migrant workers and domestic workers.³⁴

The Act provides formulation of social security schemes including life and disability cover, health and maternity benefits and old age protection. The State Governments are mandated under the Act to formulate suitable welfare schemes for the unorganised sector workers including domestic workers relating to provident fund, employment injury benefits housing, education schemes for children, skill up gradation of workers, financial assistance and old age homes.³⁵ During 2019-2020, the country initiated the labour reform process with the consolidation of 29 labour laws into four labour codes namely; (1) The Code on Wages, 2019; (2) The Code on Social Security, 2020; (3) The Industrial Relations Code; and (4) The Code on Occupational Safety, Health and Working Conditions Code, 2020. The UWSSA has now been subsumed under the new Labour Code on Social Security, 2020 and all the benefits prescribed under the labour codes are applicable to the unorganised workers. Under the new labour codes, a provision on Social Security Fund has been created for the welfare and social security of unorganised workers which will be wholly or partially funded by the Central or partly by the State government or the fund shall be credited with the amount received from the composition of offences under the labour codes.³⁶ The new labour reforms in the

³² https://labour.gov.in/sites/default/files/mx-m362n_20171013_135443.pdf.

³³ <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1564261>.

³⁴ https://labour.gov.in/sites/default/files/unorganised_workers_social_security_act_2008.pdf.

³⁵ https://labour.gov.in/sites/default/files/unorganised_workers_social_security_act_2008.pdf.

³⁶ sec 141 of Social Security Code 2020 available at: https://labour.gov.in/sites/default/files/ss_code_gazette.pdf.

country have immense potential for coverage of unorganised workers under the framework of social security.

Further, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) also extends to domestic workers as the domestic workers can approach the Local Complaints Committee constituted under the law to address the complaints of workplace harassment.

4.1.4. Africa

The Republic of South Africa

South Africa formally recognised the rights of domestic workers and brought them under labour regulations when the new democratic government was formed in 1994. The Labour Relations Act 66 of 1995 covers all categories of workers including domestic workers which entitles them to trade union rights and facilitating collective bargaining at the workplace and at the sectoral level. The law mandates minimum wages and basic working conditions such as formal employment contracts and compulsory registration of workers with the Department of Labour which entitles them to be covered under the Unemployment Insurance Fund.³⁷ Domestic workers in South Africa are mostly engaged in the informal sector and work under vulnerable conditions. There are about 797,000 domestic workers in the country with 94 per cent being women and 11 per cent of working women in South Africa work in the domestic work sector as reported by Statistics of South Africa (James et al. 2023).

The country ratified the Convention No. 189 in 2013 thereby ensuring its commitment for promoting decent working conditions for domestic workers. The Labour Relations Act 75 of 1997 was amended in 2002 to include Sectoral Determination 7, 2014 establishing conditions of employment and minimum wages for employees in the domestic worker sector. The legislation applies to all domestic workers employed in the Republic of South Africa including domestic workers employed or supplied by employment services or employed as independent contractors. It stipulates the minimum wage for domestic workers who work 27 hours per week and includes a provision for issuing written employment contract.³⁸ In fact, the Sectoral Determination has been aligned to the ILO Convention No. 189 in terms of determination of minimum wage, rest periods, right to collective bargaining, establishment of enforcement mechanisms, etc. The National Minimum Wage Act of 2018 promotes improvement in wages of domestic workers. In March 2022, domestic workers' wages were increased by 21.5 per cent and equalised with other workers as promised in the National Wage Act in 2019. In 2023, the national minimum wage was equalised for domestic workers, with all other workers and set at R25, 42 for every ordinary hour worked (James et al. 2023).

► **Text box 8. The Sectoral Determination 7: Domestic Worker Sector**

The Sectoral Determination 7: Domestic Worker Sector

Domestic workers are entitled to Maternity Leave in South Africa

In terms of section 187(1)(e) of the Labour Relations Act, 1995, the dismissal of an employee on account of her pregnancy, intended pregnancy, or any reason related to her pregnancy, is automatically unfair. The definition of dismissal in section 186 of the Labour Relations Act, 1995, includes the refusal to allow an employee to resume work after she has taken maternity leave in terms of any law, collective agreement or her contract. With effect from 1 April 2003, domestic

³⁷ https://www.gov.za/sites/default/files/gcis_document/201409/act66-1995labourrelations.pdf.

³⁸ https://www.saflii.org/za/legis/consol_reg/sd7dws457/.

workers will be covered by the Unemployment Insurance Act, 2001 and will be entitled to claim maternity benefits in terms of that Act.

Other provisions on Maternity

Domestic workers are entitled to four consecutive months of maternity leave, leave in the event of miscarriage, the right to return to work after maternity leave, etc.

Source: https://www.saflii.org/za/legis/consol_reg/sd7dws457/.

The Department of Labour enforces labour laws through 'blitz' inspections, which are random inspections within a geographic area (Tanzer 2013). One of the major developments has been the inclusion of domestic workers under the amended Compensation for Occupational Injuries and Diseases Act (COIDA), 1993. The Department of Labour issued a notice (Notice no. 106 of 2021) which not only implements the changes to the Act but also places an obligation on employers of domestic workers to register as employers with the Compensation Fund and to submit necessary returns to COIDA which ensures social security.³⁹

► V. Policies and good practices developed to protect rights and promote formalization of domestic workers in selected countries

Domestic Workers are mostly engaged under informal work arrangements without formal employer-employee relationships as they operate within the private sphere of the household. The ILO Recommendation No. 204 (Transition from the Informal to the Formal Economy), 2015, recognises the need to pay special attention to domestic workers who are vulnerable and have serious decent work deficits in the informal economy without access to rights at work, absence of opportunities for quality employment, inadequate social protection and social dialogue.⁴⁰ In fact, the ILO has reported that formalisation of domestic work requires an understanding of the sources of informality particularly, in identifying the gaps in legal protection and gaps in implementation of labour laws. Among informal domestic workers, 66 per cent (or 40.7 million) are in informal employment as a result of exclusions from labour and social security laws (ILO 2023). With regard to the gaps in legal protection, it is often witnessed that in some countries, even if domestic work is included under labour legislations, the protection extended is limited and they are not treated on par with the regular workers. The existence of an employer-employee relationship is important whether the domestic worker works for a private household, an individual or an organization.

Also, there are implementation gaps, wherein domestic workers who are covered by labour legislations and social security coverage remain informally employed due to lack of registration and employers do not comply with the laws. Implementation gaps are evident in Europe, Latin America and Central Asia (ILO 2023). The need for effective enforcement of labour laws is essential to improve compliance which includes inspections of households. Some countries like Uruguay have developed a special inspectorate that is legally allowed to enter the household premises of the employer in case of a court decision. In Philippines, the labour inspectorate is involved in raising awareness and promoting compliance through preventive measures (ILO 2021b).

Further, some countries have undertaken significant interventions towards formalisation of domestic workers that have impacted the sector positively by promoting decent

³⁹ <https://www.gov.za/documents/compensation-occupational-injuries-and-diseases-act>.

⁴⁰ https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3243110:NO.

working conditions. For example, in some countries like **Uruguay**, the legislative coverage, particularly minimum wages for domestic workers, has contributed in settling decent wages by increasing wages for workers in both the formal and informal sector. The country has been a pioneer in the Latin American region with the implementation of policies and legislations to formalise domestic work. Around 20 per cent of domestic workers had witnessed an increase in their wages. One of the significant achievements of the 2006 Labour Code for Domestic Workers, No. 18.065, it has led to increase in wages for domestic workers engaged not only in formal and informal sectors, but also those who are not affected by the wage policy (Espino et al. 2018). In Uruguay, enhancement in compliance and facilitation of labour inspection through various measures under a broader set of policies have led to reduction in the underreporting of domestic workers to the social security administration from 22.6 per cent in 2006 to 8.7 per cent in 2019 (ILO 2021b).

► **Text box 9. Registration of Domestic Workers: Step towards Formalisation in Uruguay**

Registration of Domestic Workers: Step towards Formalisation in Uruguay

The Social Security Institute (SSI) has played an important role in supporting formalization through ensuring registration, computing the various compensations and the relevant contributions, information uploaded on the SSI's website on registration, a video tutorial that makes using the web service to register and modify the contract easier; access to the landing page, displaying the main aspects to be considered and the steps to be followed after registration; and a virtual assistant for domestic work that answers employers questions (Espino 2022).

In South Africa domestic workers are a part of collective bargaining agreements. Also, the inclusion of domestic workers into the Unemployment Insurance Act No. 63 of 2001 and the Unemployment Contribution Act No. 4 (2002), which makes it mandatory for both employers and employees to contribute to the Unemployment Insurance Fund (UIF), is an important step towards formalisation (Seepamore 2016).

With regard to approaches towards formalisation, some countries have expanded their scope of legislation and social security provisions for promoting inclusion of domestic workers within the framework of employment relationship and regulation of conditions of employment (Spain and the Philippines). Some European countries, like Italy, have recognised the relevance of migrant workers and formalised these workers through regularisation drives. In 2009, Italy carried out a regularisation campaign in response to high demand for domestic services to prevent the imposition of serious legal sanctions on a large number of families employing irregular domestic workers (ILO 2017).

Other approaches towards formalisation include the deterrent approach and the enabling approach. In the former approach, the role of labour inspectorate becomes critical as it is important to enforce measures and monitor compliance. As discussed above, inspecting private households has become challenging. But some countries like South Africa have developed alternative methods of monitoring compliance like labour inspectors summon employers and domestic workers in neutral places for interviews during the investigation of complaints. The latter (enabling) approach focuses on removing barriers to the formalisation of jobs and strengthening the benefits of formal jobs. This is achieved through information dissemination of awareness generation, reduction of financial costs and simplification of procedures. For example, in the Philippines, the Labour Department has launched extensive information campaigns on creating awareness on the legislation through media (ILO 2016).

▶ **Text box 10. Simplification Measures: Step towards Formalisation**

Simplification Measures: Step towards Formalisation

Some countries like the Philippines, South Africa and Spain have developed model contracts for domestic workers.

In South Africa and Uruguay, the authorities have developed model pay slips. These documents are uploaded at the competent authority's webpages (ILO 2016).

▶ **VI. Policies and programmes to promote skill development of domestic workers**

Domestic work across the globe is perceived as unskilled work since it is carried out within the confines of the household and the traditional notions of care and domestic work being attributed to women has contributed to the informal status of domestic workers. The lack of adequate skills often disempowers domestic workers and leads to low bargaining power in terms of wages, employment conditions and access to social security thereby adding to the vulnerability of the workers. However, some countries have introduced several skill development and vocational training programmes for imparting desired skills required for the domestic work sector. These programmes are run either by the government departments or educational institutions, recruitment agencies or private organizations. Employers are increasingly interested in workers who possess a mix of transversal (ability to learn, communicate, inspiring trust, speaking a language that is understood by the employer, attitudinal skills, etc.) and vocational or technical skills (specialised skills such as skills to operate household appliances, etc.). For example, migrant workers are trained to see their skills are recognised both in destination countries and upon returning to their home countries (Tayah 2016). However, some of the countries like the Philippines have pre-departure programmes for migrant domestic workers. Some of the good practices on skill development are discussed below.

▶ **Text box 11. Skill Development Programme for Return Migrants: the Philippines**

Skill Development Programme for Return Migrants: the Philippines

The **Technical Education and Skills Development Authority (TESDA)** in the Philippines manages the assessment and certification of competencies of Filipino Overseas Workers, maintains a database to link the experience and competencies of returning migrants to prospective employers, and provides support services through the Permanent Returning Overseas Filipino Workers Network (PERSON) is an example of how national authorities are managing skill development and re-integration of return migrants (Tayah 2016).

Good practice on skill development for domestic workers: The Home Management and Care Givers Sector Skill Council (HMGSSC) in India

The Home Management and Care Givers Sector Skill Council (HMGSSC) is a not-for-profit company under the aegis of National Skill Development Corporation (NSDC) under the Ministry of Skill Development and Entrepreneurship, Government of India. Established during 2015-2016, the purpose of the HMGSSC is to define key sectors where domestic workers can

find employment, to identify critical roles and associated skill gaps. The main objectives of the programme include: the establishment of a national institutional network for skill development of domestic workers in India; facilitating linkages among various stakeholders in the sector for improved service delivery for the clients and better reward packages for the workers; developing a Labour Market Information System (LMIS) that contains information on the profile of domestic workers in India, the market demand and the list of organisations working in the sector; defining job roles and setting occupation standards, career progression maps and functional maps for all job roles in the domestic workers' sector; creating skill aspiration and skill appreciation in the sector through well-defined career progression tracks and awareness campaigns for employers and workers; standardising processes of accreditation, assessment and certification of domestic workers through the national network of placement agencies; building institutional capacities and promoting institutions servicing the sector to deliver skills training and recognition services for domestic workers; and contributing to the creation of a favourable environment for domestic workers.⁴¹ Under the HMCSSC, 258,827 beneficiaries are trained in sector skills with 25 active industry partners and 130 active training centres.⁴²

► VII. Collective action and representation of domestic workers in trade unions

Freedom of association and the right to bargain collectively are enshrined in the ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998.⁴³ Around the world, domestic workers demonstrate and claim these fundamental rights by organising collectively to improve their working conditions and have dignity at work (ILO 2021a). Collective organising of domestic workers into unions and the trade union movement has contributed immensely to the adoption of the ILO Convention No. 189 and in addressing the concerns of domestic workers through employment legislations in many countries. The ILO Convention No. 189 states that *"each member shall implement, in consultation with representatives of employers and workers organization, through laws and regulations as well as through collective agreements or additional measures consistent with national practice by extending or adapting existing measures to cover domestic workers by developing specific programmes for them"*.⁴⁴ After the adoption of the ILO Convention No. 189, significant changes have occurred in the organising of domestic workers for promotion of social dialogue. The International Trade Union Confederation (ITUC) had launched the 12 by 12 Campaign in December 2011 in partnership with the International Domestic Workers Network (IDWN) aiming at 12 ratifications of the Convention No. 189 in 12 months. This resulted in more than 10 million domestic workers improving their rights at work through ratification of the ILO Convention No. 189 and collective bargaining agreements.⁴⁵ The campaign has led to massive mobilisation of domestic workers in Indonesia, the Philippines, Spain, South Africa and India, which was instrumental in adoption of new collective bargaining instruments in Italy and Uruguay. The impact of the campaign has been significant in terms of promotion of rights of domestic workers, bringing about reforms in labour laws and increased organising of workers.

⁴¹ <https://archive.pib.gov.in/documents/rlink/2015/jul/p201571503.pdf>.

⁴² <http://dwsscindia.com/>.

⁴³ <https://www.ilo.org/resource/conference-paper/ilo-1998-declaration-fundamental-principles-and-rights-work-and-its-follow>.

⁴⁴ https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189.

⁴⁵ <https://www.ituc-csi.org/domestic-workers>.

► **Text box 12. Impact of the 12 by 12 Campaign**

Impact of the 12 by 12 Campaign

Protection of rights: 15 million domestic workers improved their rights. Millions of domestic workers have become a part of the formal sector and increased their right to organise, form trade unions and engage in collective bargaining.

Labour law reforms: reforms in 48 countries including the Philippines, Spain, Uruguay and Italy along with Vietnam, India, Singapore, Venezuela, Thailand, Ireland, Finland, Belgium and Germany.

Organising: Over 100,000 domestic workers are now organised and new unions have been created in several countries.

Source: <https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final-printer.pdf>.

The intensive organising of workers and the existence of collective bargaining processes have contributed to domestic workers having better chances of decent work. For example, countries in the European Union like *Italy* have a long history of feminist movements and the emergence of collective bargaining processes without the interference of the State (Seiffarth 2023). Though the collective agreements in Italy that are binding for both the workers and employers irrespective of their association with a trade union, three main national trade union confederations (*Filcams-CGIL*, *Fisascat-CISL*, *Uiltucs-UIL*) and the two employers' associations *Fidaldo* and *Domina* are responsible for negotiations in case of domestic workers (Carls 2019). In Italy the first National Collective Bargaining Agreement in Domestic Work (*Contratto Collettivo Nazionale di Lavoro Domestico*) was signed on 22 May 1974. Since then, this Agreement has been renegotiated nine times, with the most recent agreement in force from 1 October 2020 to 31 December 2022 (Seiffarth 2023).

Despite the reforms in legislations in several countries and trade union membership, the domestic workers face several challenges including issues of occupational safety and health, violence and harassment at the workplace, unfair recruitment practices, irregular migration, human trafficking, etc.⁴⁶ To address these challenges, some unions have taken effective steps to provide awareness to the domestic workers through informative campaigns. The National Association for Family Employment in the Domestic Work Sector (*DOMINA*) in collaboration with ILO, Italy and supported by IDWF had launched a campaign on fair recruitment of domestic workers in Italy. The campaign uses posters and leaflets for sensitising domestic workers on fraudulent practices during recruitment and placement process of migrant workers and also making them aware of their rights.⁴⁷ The IDWF is a membership-based global organization of domestic and household workers which became a network in the year 2006 and the Federation was officially formed in 2013.⁴⁸ The IDWF commits to unite all domestic workers at all levels (local, national and global) to overcome the exploitation and abuse experienced by domestic workers across the world. It is part of a global labour movement, seeking to join forces with all workers in the struggle to change power relations and to secure justice, dignity, security and peace.⁴⁹ Some trade unions have also engaged in leadership and capacity building training programmes for imparting leadership skills, technical skills for helping leaders to grow and sustain their organizations (ILO 2021a).

⁴⁶ <https://idwfed.org/publications/publications-capacity-building/fair-recruitment-adv-campaign-for-the-domestic-work-in-italy/#:~:text=The%20Campaign&text=This%20is%20an%20informative%20campaign,political%20awareness%20on%20the%20issue.>

⁴⁷ [Fair Recruitment Adv Campaign for the domestic work in Italy.](#)

⁴⁸ [https://idwfed.org/about-us/.](https://idwfed.org/about-us/)

⁴⁹ https://idwfed.org/wp-content/uploads/2022/08/domestic_workers_unite_en.pdf.

► Text box 13. Leadership Training Programmes

Leadership Training Programmes

In Latin America the IDWF and the Latin American Confederation of Domestic Workers have launched a leadership training programme entitled “*Liderazgo por Unidad, reNovacion, y Ampliación (LUNA)*”.

The programme aims to support new leadership; build the technical and political capacities of leaders to sustain their organizations, build solidarity and a shared commitment between domestic worker leaders across the region and develop a shared vision to unify, focus and motivate the movement.

The programme resulted creating 10,000 new domestic worker members and also leading to the growth of 2,707 new leaders across the 26 organizations (ILO 2021a).

The new legislation in Spain is the result of trade union movement in Spain led by Confederation of Workers Commissions and the General Workers Federation between 2007 and 2011 leading to several tripartite social dialogue processes with the national employers’ associations (CEOE and CEPYME20) and the socialist government (Carls 2019).

In some countries the trade unions are engaged in advocating for minimum wages and social protection. For example, the National Domestic Workers Federation (NDWF) in India had been campaigning for minimum wages and had been engaged in meeting with policy makers, undertaking media campaigns, etc.⁵⁰ Though India has not ratified the Convention No. 189, at least ten States in India have included domestic workers in the schedule of Minimum Wages Act, 1948, which is now subsumed under Code on Wages, 2019 after the labour reforms was initiated in the country.⁵¹ Similarly, one of the oldest and biggest unions of South Africa, the South African Domestic Service and Allied Workers Union (SADSAWU) had enabled the ratification of the Convention No. 189 after two years of lobbying with members of Parliament and organising marches and protests. Their advocacy has resulted in improvement in wages of domestic workers. Also, in the case of the Philippines, the National law (*Kasambahay Law 2013*) empowers the domestic workers to file petitions with the Wages and Productivity Boards to increase their wages through the help of trade unions.⁵²

However, in spite of accelerated trade union activism in many countries, there are several challenges reported by the trade unions for working towards realisation of rights of domestic workers. Some of these challenges include lack of enforcement of the legislations, legal recognition of domestic work as ‘work’, specific challenges of migrant domestic workers, etc., which requires new strategies in organising, increased networking and cross-country co-operation for promoting domestic workers access to trade unions (Carls 2019).

► VIII. Concluding observations

The report has reflected that in spite of the adoption of the ILO Convention No. 189 before thirteen long years, ensuring decent work and dignity to domestic work has still remained a challenge. While some countries have progressed well with legislations covering domestic workers, they have challenges in implementation. One of the prominent issues that has

⁵⁰ <https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final-printer.pdf>.

⁵¹ <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1564261>.

⁵² <https://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final-printer.pdf>.

emerged from the above discussion is the need to capture ‘domestic work’ as work in labour force surveys while estimating the extent of informality. The protection of domestic workers under the social security coverage and labour laws requires significant attention to issues of occupational safety and health, violence and harassment, etc. Domestic workers must be covered by labour laws, social security laws and OSH laws, as well as equality and non-discrimination laws (ILO 2021a). The role of labour inspectorate is extremely significant for effective enforcement of the legislations pertaining to domestic workers through adoption of a gender sensitive approach.

The services provided by domestic workers need to be valued through the adoption of care policies that recognize their skills, ensure adequate remuneration, and provide fair recruitment and decent working conditions. Recognizing domestic workers as care workers, including them as providers of care services within national care policies or systems, and ensuring they too have access to care rights and services can contribute to ensuring a sufficient supply of domestic workers to meet the care needs of the future (ILO 2024). Promotion of collective organising and access to trade union is also essential for ensuring their participation in social dialogue. Further, the vulnerabilities of domestic workers across different socio-cultural, geographical boundaries need to be analysed for have an in-depth understanding about their lived realities for targeted policy interventions.

► Annex 1

Scope of Legislations on the Protection of Domestic Workers in Select Countries (Source: Compiled by the author)

Country	Legislation	Year	Provisions	Responsibility/ Reporting	Other Responsible Agencies	Ratification of ILO Convention 189
Italy	Domestic Workers Legislation Act No. 339	1958	Protection of working conditions Social security	Central Commission established by Ministry of Labour and Social Security	Trade unions authorised by Ministry of Labour to deal with job placement	Yes
Spain	Royal Decree providing special employment relationships for domestic workers	2011	Improved working conditions Unemployment support Protects health and safety of domestic workers Social security Written contracts	Labour and Social Security Inspectorate	The General Treasury of the Social Security Scheme is responsible for informing the Public Employment Service of the terms of domestic work contracts and of their termination ⁵³	Yes

Moldova	Occupational Safety and Health Act of Moldova	2008	Includes domestic workers in health and safety laws	Ministry of Health, Labour and Social Protection	Recruitment agencies inform migrants	No
Uruguay	Act No. 18.065	2006	Regulation of working hours, unemployment insurance, health insurance, social security including maternity protection	Ministry of Labour and Social Security	Social Security Institution ⁵⁴	Yes
The Philippines	<i>Domestic Workers' Legislation (Batas Kasambahay)</i>	2012	Minimum standards for wages, regulation of working hours, social security	Department of Labour and Employment		Yes
Indonesia	No	—	—	—	Trade unions Promotion of written employment contracts by National Domestic Workers Advocacy Network	No
India	Unorganised Workers Social Security Act 2008 now subsumed under Code on Social Security 2020	2008 and 2020	Social security provisions extended to domestic workers	Ministry of Labour and Employment	State government	No
South Africa	The Labour Relations Act 66	1995	Minimum basic wages, regulation of employment, formal employment contracts, compulsory registration of domestic workers, social security including maternity protection	Department of Labour	—	Yes

(Source: Compiled by the author)

⁵⁴ <https://www.social-protection.org/gimi/gess/Media.action?id=15139>.

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