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Decent Work for Domestic Workers: Opportunities and Challenges for East Africa

A Consolidated Report of Tripartite Consultative
Workshops in Kenya, Uganda and Tanzania

May 2011

**Annamarie K. Kiaga
Vicky Kanyoka**

**Country Office Dar es Salaam
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COUNTRY OFFICE DAR ES SALAAM

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PREFACE

Domestic work has been an ILO concern since 1948 when it adopted a Resolution concerning the conditions of employment for domestic workers and later in 1965 adopting a Resolution calling for normative action in this area. In realizing the lack of a clear guidance on how to address the specificity of domestic work, in June 2010, the ILO convened governments, workers' and employers organizations from more than 180 member states for its annual International Labour Conference (ILC) with the aim of discussing, among other things, new international labour standards for domestic workers.

By the end of the 99th session of the ILC in June 2010, a report of the appointed Domestic Workers' Committee was adopted and the ILC decided that an item entitled "Decent work for domestic workers" shall be included in the agenda of the next ordinary session for second discussion with a view to the adoption of a comprehensive standard, "a Convention supplemented by a Recommendation." In August 2010, the ILO sent to Member States a report of the 99th session of the ILC, the Brown Report, comprising both the draft convention and the draft recommendation. Member states were then expected to submit their comments on the draft instruments to the ILO by 18th November 2010.

Our first Occasional Paper in 2011 summarizes the discussions in Tripartite Consultative Workshops held in preparations for national responses to the proposed convention and the recommendation as contained in the Brown Report. These tripartite workshops were organized by the governments of Kenya, Tanzania and Uganda with the aim to create a common understanding of the instruments and provide a forum for tripartite discussions. In a bid to expand the scope of perceptions and experiences represented their social partnership, non-governmental and civil society organizations working with domestic workers were invited, both local and regional.

This paper is written by Annamarie Kiaga, a National Programme Coordinator of ILO Country Office Dar es Salaam in collaboration with Vicky Kanyoka, the IDWN Regional Coordinator for Africa. In this paper, the authors highlight policy matters that arose in the three tripartite consultative workshops and their implications to advancing decent work for domestic workers in East Africa. Where necessary, the workshop discussions are supplemented by information collected in a desktop review conducted in the process of writing this paper. While we recognize the support and collaboration received from TRAVAIL and IDWN, the content of this working paper reflects only the views of the respective authors.

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Decent Work for Domestic Workers: Opportunities and Challenges for East Africa

Part 1: Overview of the Tripartite Consultative Workshops in East Africa

In 2008, ILO's Governing Body initiated a double discussion procedure (2010 and 2011) towards adoption of new international labour standard on decent work for domestic workers. In 2009, a Law and Practice Report (Report IV (1) - ILC 2009) containing a questionnaire on conditions of employment of domestic workers in respective countries was shared with all member states. Only 90 member states responded in a timely manner and their responses consolidated into Report IV (2) - ILC 2009. The first discussion of these two reports during the 2010 International Labour Conference (ILC) adopted Conclusions and a Resolution on decent work for domestic workers. The proposed instruments were then described in Report IV (1) - ILC 2010, the "**Brown Report**" which member states were asked to review and propose revisions, if any, by November 2010.

Recognizing the significance of this juncture in the development and adoption of an international standards for domestic workers, the Governments of Kenya, Tanzania and Uganda, ILO's Technical Cooperation programme on Advancing Decent Work for Domestic Workers and ILO Country Office Dar es Salaam jointly organized tripartite consultative workshops in each of the countries to solicit tripartite views on the instruments. The overall objective of the tripartite consultation workshops was to inform the tripartite partners about the content of the draft instrument. Specifically, the consultations allowed the tripartite partners to build an understanding of the content of the draft instrument and their role towards the adoption of the instrument; to hear from domestic workers on the challenges they are facing and the type of support they require; and to make recommendations for regional level activities that can be implemented ahead of the next ILC 2011 where the final decision is to be made.

The target groups for these tripartite consultations were the governments, who were the hosts, and workers and employers organizations, both national and regional. NGO's and CSO's working with domestic workers both nationally and regionally were also invited in these consultative workshop. In all three countries, the discussions were led by the labour commissioners.

This Occasional Paper consolidates the issues discussed in light of the **Brown Report**. The paper begins by conceptualizing domestic work in the here countries and then proceeds to identify existing gaps in a range of existing policies and institutional measures regulating working conditions of domestic workers. The Occasional Paper ends with a consolidated list of measures that tripartite partners identified as the agenda moves forward.

Part 2: Contextualizing Domestic Work in the East Africa Labour Market

Recent years have witnessed increasing attention being paid to domestic work globally. This is in part because of the increasing visibility that domestic work has begun to acquire due to the sheer number of people involved in it, especially in developing countries where 4 to 10 percent of total employment is in domestic work.¹ In 2008, the ILO estimated that 100 million people work in domestic service globally. According to the ILO², the increasing number of people involved in domestic work can be explained by the ageing of societies, the intensification of work and the frequent lack or inadequacy of policy measures to facilitate the reconciliation of family life and work.

Moreover, the large part of this increasing visibility can best be explained by the contradictory nature of the changing structure of the labour market and the world of work as a result of globalization, deep economic restructuring, and neoliberal policies in both developed and developing countries. Increasing labour market flexibilization, the weakening of the labour market contract and informalization of jobs, rising income inequality and worker differentiation, and gender-related socially ascribed positions in society and in the household are some of the results of these changes.³ The result that is particularly relevant to domestic work is the informalization of the labour market, defined as the growth of informal activities, which has gone hand in hand with feminization of the labour market. The concept of feminization refers both to an increase in women's labour force participation and to the deterioration of working conditions in previously male jobs.⁴

Taking place under the shadow of unrelenting gendered division of labour, these dual processes of informalization and feminization of the labour market saw the increase of women's role in production without the reduction in their reproductive roles. As such there has been a dramatic increase in the demand for child care.⁵ Ideally, women's participation in the labor force should have witnessed an increase in men's share of unpaid domestic work. This is because historically the division of labor that defined unpaid domestic labor as 'women's work' was taking advantage of women's inability (variously defined) to participate in wage labor. But men's share of unpaid domestic labor has not materialized, or at least not yet. Instead, female domestic workers are increasingly employed to fill in the gap.

The increasing demand for domestic workers has had tremendous impact on the labour market, with profound gender implications. It is not the aim of this paper to discuss the gendered nature of this change. Suffice it to mention here that the authors recognize the

¹ IDWN. 2010. Domestic Workers Worldwide: Summary of Available Statistical Data and Estimates. ILC 99th Session, Geneva June 2010.

² ILO. 2010. Domestic Work for Domestic Workers. Report IV (1). International Labour Conference, 99th Session, Geneva, June 2010.

³ Beneria and Floro, 2005. Labour Market Informalization and Social Policy: Distributional Links and the Case of Homebased Workers, Vassar College Economics Working Paper No. 60.

⁴ Standing, G. 1999. "Global feminization through flexible labor: A theme revisited", *World Development*, Vol.27, No.3, Mar. 1999, pp. 583-60

⁵ Tronto, Joan C. 2002. The "Nanny" Question in Feminism. *Hypatia* Vol. 17, No. 2, (Spring 2002), pp. 34-51.

presence of a female domestic worker in urban households as contradictory to the notion of empowerment of women as it illuminates the parallel between the autonomy granted to certain types of women (variously categorized based on class, ethnicity and the like) and the experiences of subordination it encodes in the ‘Other’⁶ or as Tronto (2002)⁷ calls it a “domestic tyranny.” Instead, the paper seeks to highlight the ways in which these dynamics have laid ground for domestic work in East Africa, in particular in Kenya, Uganda and Tanzania. In doing so, three fundamental labour market characteristics are brought to the fore. These are the demographic structure of the labour market, employability of the labour market entrants and the gendered characteristic of the labour market.

Demographic Structure of the Labour Market

In 2006, the World Bank observed that the rate of population growth in sub-Saharan Africa as a whole is the highest in the world. In another study, it was found that young people make up 30 percent of and the fastest growing proportion of Africa’s population.⁸ In addition, the Population Reference Bureau has estimated that by 2050 the world’s youth population, ages 15 – 24, will become more and more concentrated in Africa and Asia.⁹

Table 1: Population Estimates for East Africa, 2010

Countries	Percent of Population	
	Age <15	Age 65+
Kenya	42	3
Tanzania	45	3
Uganda	49	3

Source: PRB. 2010. World Population Data Sheet, 2010.

As shown in **Table 1** above, Kenya, Uganda and Tanzania have a very young population that can only be expected to increase. This increasingly large group of young people does not match the capacity of the sub-Saharan economies to create jobs. As a result, many of the young people are unable to find employment, and those who do are often absorbed into the informal sector or become self-employed. In Kenya, for example, youth (ages 15 – 30) make 32 percent of the overall population and only 25 percent of them are absorbed into the labour market annually.¹⁰ A recent study of the Ministry of Gender, Labour and Social Development in Uganda has indicated that approximately 380,000 youth (ages 18-30) enter the labour market each year but only 90,000 of them get jobs. As far as Tanzania

⁶ Kiaga, Annamarie K. 2007. Blaming the Other Woman: Rural Housegirls and Urban Employers on Identity, Labour and Migration in Tanzania. Ph.D. Dissertation, University of Minnesota, 2007, 218 pages; AAT 3280716.

⁷ Tronto, J.C. 2002. Op. Cit.

⁸ World Bank. Africa Development Indicators, 2008

⁹ Population Reference Bureau. 2009. World Population Data Sheet, 2009.

¹⁰ MOYAS, 2008. Employment Marshall Plan, Strategic Plan and NYP 2006-2011

is concerned, youth (ages 15-34) account for about 56 percent of the working age population and by 2006 more than one third of the youth population in Dar es Salaam, for example, which is the largest city in the country, was unemployed.

This demographic structure has two key implications. First is that the increasing demand for domestic workers to clean, cook and care for the children and the elderly, on the one hand, and the lack of alternative forms of employment and sources of income, on the other, has turned domestic work into the most viable form of employment for young people. In Kenya, for instance, there are more than one million domestic workers, according to the Centre for Domestic Training and Development.¹¹ In Uganda, a study conducted by Platform for Labour Action¹² has revealed that about 6 million people are employed as domestic workers of which 50.2 are aged between 21-20 years while 44.3 per cent are aged below 20 years. What all this illustrates is a close relationship between increased unemployment of youth and their willingness to accept precarious jobs, including domestic work in urban areas. Although many of the young enter into the domestic work sector with the expectation of getting out as soon as possible, which means using domestic work as a stepping stone into the labour market, many of them end up remaining in its many forms, often moving from one work place to another.

Secondly, this demographic structure is also implicated in the increase of incidences of child labour in East Africa. Due to the population pressure created on the households, as a result of increased numbers of unemployed persons, more and younger people have been compelled to enter the labour market in order to support their families. Although it is not the only reason behind child labour in the region, such pressure to meet household livelihoods make younger persons more vulnerable, especially those from the poor families living in rural areas. Arguably, this relationship needs more in-depth analysis. However, as illustrated in **Table 2** below, the extent of poverty in East Africa remains large hence increasing the likelihood of increased incidences child labour.

Table 2: Extent of Poverty in East Africa, 2007

Country	GDP Per Capita (PPP US\$) 2006	Population Below Income Poverty Line (%)		
		\$1.25 a day 2000-2006	\$2 a day 2000-2006	National Poverty Line 2000-2007
Burundi	333	81.3	93.4	68.0
Kenya	1,436	19.7	39.9	52.0
Rwanda	819	76.6	90.3	60.3
Tanzania	1,126	88.5	96.6	35.7
Uganda	888	51.5	75.6	37.7

Source: Human Development Report (2008), UNDP.

¹¹ Centre for Domestic Training and Development (2008).

¹² Platform for Labour Action. 2007. Adult Domestic Workers in Uganda: An Analysis of Human Rights and Social Injustice. Kampala: Fountain Publishers.

It is important to note here that in such incidences of child labour, it is also more likely that girls would be working in domestic service. The ILO estimates that more girls children under 16 are working in domestic service than any other category of work or child labour.¹³

Employability of Labour Market Entrants

The second characteristic of the East African labour market is closely related to the first. This is limited employability of the large proportion of the young men and women. There are many studies that have noted the fact that unemployment in East Africa is worsened by the low level of education of the young labour market entrants. As Boateng (2002)¹⁴ has argued, “youth unemployment is partly the consequence of mismatch between inadequate educational outcomes and skills demanded.” Although the numbers of young people who have had some amount of formal education is large, as illustrated in **Table 3** below, it also remains true that such young women and men still lack the right set of skills and knowledge demanded by the labour market. As a consequence, the transition from school to work is more often than not unsuccessful such that young Africans end up either unemployed (typically university graduates) or underemployed in the rural and urban informal sectors.¹⁵

Table 3: Educational Attainment among EAC Peoples

Countries	Primary Completion Rates (%) (a)	Youth Literacy Rates (%) 15-24 years (b)	Adult Illiteracy Rates (%) (15+ years) (c)
Burundi	39	73.3	40.7
Kenya	93	80.3	26.4
Rwanda	No data	77.6	35.1
Tanzania	112	78.4	28.0
Uganda	54	76.6	27.4

Source (a) WDI Database (2009); Source (b) World Bank (2008/9) Africa Development Indicators; Source (c) UNDP (2008)

One such informal sector is domestic work, where for many years it has been equated to women’s unpaid work at home. As such, it is clad with a myth that there are no special skills required to perform it. Ironically it is this assumption that there is a weak link between education and skills and domestic work that has opened up “an avenue of employment to poor rural women who have had little access to education, often from

¹³ ILO, 2004. *Helping Hands or Shackled Lives: Understanding Child Domestic Labour and Responses to It*. Geneva.

¹⁴ Boateng, K. 2002. “Higher education and the labour market: A Logical Framework for Policymakers in Africa’s education Sector.” Economic and Social Policy Division Seminar Paper, UNECA, Addis Ababa.

¹⁵ UNECA, 2005. *Youth, Education, Skills and Employment*. Poverty and Social Policy Team. Economic and Social Policy Division. UNECA, Addis Ababa.

marginalized ethnic groups – those with otherwise low employability.”¹⁶ The underlying differentiation between rural and urban populations, levels of employability and the resultant migration patterns warrant discussions in another paper.

Gender Characteristics of the Labour Market

One other characteristic of the East Africa labour market that accentuates the increase in domestic work is its gender dimensions. There is ample evidence to support the observation that more young women than men in East Africa have remained unemployed for long period of time (See, for example, **Figure 1** below). Although some may argue that its significance is ambivalent, the fact that social practices continue to prescribe domestic work as essentially women’s work, has worked to the advantage of young women. The ambivalence follows the fact that like most jobs that women have increasingly been absorbed into, domestic work remains to be the most undervalued with largely indecent working conditions.

Figure 1: Unemployment rate (%), Sub-Saharan Africa



Source: Authors, with figures drawn from ILO, Trends Econometric Models, December 2008.

In view of these compelling characteristics of the labour market in East Africa, the proposed convention becomes pertinent in, among other things, making domestic work

¹⁶ D’Souza, A. 2010. Moving Towards decent Work for Domestic Workers: An Overview of the ILO’s Work, Bureau of gender Equality, Geneva.

reach its potential for absorbing the ever increasing labour force, without jeopardizing the quality of the working conditions in this sector. In the sections that follow, this paper outlines the general dynamics of domestic work in East Africa as discussed in the tripartite consultative meetings. The paper then describes what the convention means for East Africa, the opportunities it has created and the challenges that may hinder an effective implementation of the provisions of the convention and the recommendation. Lastly, the paper provides recommendations for a way forward as East Africa awaits the adoption of the convention and the recommendation.

Part 3: Understanding the Dynamics of Domestic Work in East Africa

One common feature among domestic workers across a wide variety of geographical areas and culture is their invisibility due to the fact that their workplace is a ‘private’ household. Beyond such commonality, experiences of domestic work remain individualized and isolated because their intricate details remain rooted in local circumstances and are always culturally constructed.¹⁷ To speak of dynamics of domestic work in the East Africa sub-region should therefore not be interpreted as the existence of a form of uniformity in the experiences of domestic workers among the five countries that form the East African Community or those in Kenya, Uganda and Tanzania. Rather, this chapter explores the heterogeneity of domestic work in East Africa under three broad categories that allow a reader to follow the different country contexts. Where possible, boxes illustrating selective country-specific examples, or existing global standards, have been included. The broad categories used include: varied definitions of domestic work, employment and other relationships and working conditions and rights at work.

Varied Definitions of Domestic Work

In the early 1950’s when ILO began to work towards improving the conditions of employment of domestic workers, the legal working definition of a domestic worker was “[a] wage-earner working in a [private] household, under whatever method and period of remuneration, who may be employed by one or several employers who receive no pecuniary gain from this work.”¹⁸

Box I: Definition: United Republic of Tanzania

“Domestic servant” includes any person employed wholly or partly as a cook, house-servant, waiter, butler, maidservant, valet, bar attendant, groom, gardener, washman or watchman, but an employee shall not include any such employee employed wholly or partly in connection with or in relation to any commercial or industrial enterprises.

Source: Labour Institutions (Regulation of Wages and Terms of Employment) Order, 2007 [Government Notice No. 223, published on 16/11/2007]

With this definition, a domestic worker (household helper or domestic aid) included any person employed in and about a private residence either wholly or partly in any of the following capacities – cook, house servant, bar attendant, footman, chauffeur, groom, gardener, launderer or watch keeper. Since then various countries have adopted this definition and defined domestic work in different ways. For example, in Uganda, the

¹⁷ Colen, Shellee and Roger Sanjek (Eds.). 1990. *At Work in Homes: Household Workers in World Perspective*, American Ethnological Society Monograph Series No. 3, Washington DC: American Anthropological Association.

¹⁸ ILO, 1951. *The Status and Conditions of Employment of Domestic Workers*, ILO Meeting of Experts, Geneva, 2-6 July 1951, report, Document MDW/8.

current labour law does not define a domestic worker, but the repealed Employment Act adopted the above definition in its entirety, changing the term 'launderer' for washerman, but also including a valet.

Box II - Domestic work according to the ISCO

Classification 5 addresses commercial establishments, institutions and private households. It covers two key categories: housekeeping (minor group 512), which includes housekeepers and related workers and cooks; personal care and related workers, including childcare workers and home-based personal care workers (minor group 513). Housekeeping foreseen under 5121 emphasizes the supervisory work of the housekeeper. Classification 5131 defines childcare workers as those who "take care of employers' Children and oversee their daily activities" and considers that the tasks include:

- (a) Assisting children to bath, dress and feed themselves;
- (b) Taking children to and from school or outdoors for recreation;
- (c) Playing games with children or entertaining children by reading or storytelling;
- (d) Maintaining order in children's bedrooms and playrooms;
- (e) Taking care of schoolchildren at lunch or other school breaks;
- (f) Taking care of schoolchildren on excursions, museum visits and similar outings;
- (g) Performing related tasks;
- (h) Supervising other workers.

Similarly, home-based personal care workers under classification 5133 "attend to various personal needs and in general provide personal care for persons in need of such care at their own homes because of physical or mental illness or disability or because of impairment due to old age". Tasks of this category, an example of which is a "home nursing aid", include:

- (a) Assisting persons in getting into and out of bed and making the appropriate change in dress;
- (b) Changing bed linen and helping persons with their bath and toilet;
- (c) Serving food – prepared by them or others – and feeding persons needing help;
- (d) Giving or ensuring that persons take the necessary medicaments;
- (e) Watching for any sign of deterioration in the person's health and informing the relevant medical doctor or social services;
- (f) Performing related tasks;
- (g) Supervising other workers.

Classification 913 speaks specifically of "domestic and related helpers, cleaners and launderers". It covers private households, hotels, offices, hospitals and other establishments, as well as a variety of vehicles to keep interiors and fixtures clean. The classification includes domestic helpers and cleaners, as well as hand-launderers and pressers. Under classification 9131, domestic helpers and cleaners "sweep, vacuum, clean, wash and polish, take care of household linen, purchase household supplies, prepare food, serve meals and perform various other domestic duties".

Source: ILO (2009). Decent Work for Domestic Workers, International Labour Conference, 99th session 2010 Report IV (1), Geneva

In Kenya, domestic work is not specifically defined in the labour law. However, in terms of remuneration, domestic workers are categorized under the term 'general labourer, which includes a cleaner, children's ayah and house servants. This is according to the incumbent labour commissioner, Dr. Sammy Nyambari, as quoted in *Ulimwengu wa Kazi Afrika Mashariki* (Issue No. 1, July 2010) who also added that, domestic work in Kenya is defined as work carried out at the individual household level and includes household chores, baby sitting, gardening, herding and guarding of the household.

Prior to the proposed Domestic Worker Convention 2011, the only other global guidance in defining domestic work was ILO's International Standard Classification of Occupations (ISCO) (See Box II). Notably, citing purely the ISCO as basis for definition of domestic workers is limited in particular because there is also recognition of the fact that domestic work may be performed outside the household, in "hotels, offices, hospitals and other

establishments (ISCO, Classification 913). Such workers are not considered domestic workers under in the Brown Report. It is this lack of recognitions of such workers that ignited a debate in discussing the proposed definition of domestic work (See Box III) during the tripartite consultative workshops in Kenya, Tanzania and Uganda.

Box III: Text of Proposed Domestic Workers Convention, 2011: Article 1

For the purpose of this Convention:

- (a) the term “domestic work” means work performed in or for a household or households;
- (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

The discussions were not so much around the tasks that domestic workers perform but rather the scope of the workplace that is the household. In essence the lingering question was “what constitutes a household.” To be able to grasp the significance of this question, one must understand the context-specific definitions of the household.

In the western world, a household often times refers to the living space occupied by members of a family. However, as Fraad, Resnick and Wolff (1994)¹⁹ have noted, “households have often included persons not considered family members while family has often included persons not sharing a particular household.” This is certainly true for many households in East Africa. The notion of a household becomes even more complicated when one considers a household as a physical space. This is because a household as a physical space in East Africa may include the main building – the house – but also other buildings, both permanent and make-shift, that often house forms of income generating activities like poultry, or the famous ‘kiosk’. The question that was asked in each of these countries was whether or not those employed to manage these activities should also be considered domestic workers.

Moreover, domestic work in all the three countries has, to some extent, been defined to include activities outside the household, in particular hotels. This is more pronounced in the way trade unions have been organizing ‘domestic’ workers as illustrated in their titles. For example, KUDHEIHA - Kenya Union for Domestic, Hotel, Education Institutions, Hospitals and Allied Workers and CHODAWU – Conservation, Hotels, Domestic and Allied Workers (Tanzania). After lengthy deliberations, it was found that while in terms of their remuneration, those performing domestic work in private households and those in hotels maybe comparable, the same cannot be said about their other rights like annual leave. An argument was made that while it is common to have only one domestic worker in private household, hotels can afford to have more than one. This would facilitate shift work in the hotel to accommodate emergency leave for example, but a household cannot do the same. All in all, the type of negotiations that need to take place between domestic workers at private households and those in hotels are different. Most importantly, however, is the questions of whether or not “*in and for a household*” clause included in

¹⁹ Fraad, H., S. Resnick and R. Wolff (1994) *Bringing It All Back Home: Class, Gender & Power in the Modern Household*. London and Boulder, CO: Pluto Press, 1994, p. 5.

the proposed convention excludes those doing domestic work in hotels and other establishments.

It is important to mention here that the ILO recognizes the limitation in citing only the ISCO as a basis for defining domestic work. Instead, since most national statistics often do not count domestic workers as a distinct category, the ILO Report IV (1) 2009 operationalized “domestic work” as workers under ISIC Code “households with employed persons,” a definition which fits better with that in the Brown Report (See Box III). Ongoing work in ILO is looking into the possibility of combining both the ISIC and ISCO codes.

As part of the discussions on the definition of domestic work was a question on the nature of the employment relationship speculated in section (b) of Article 1 (See Box III). The issues that were raised during these discussions are outlined in the next section of this paper. However, it is worth mentioning here that much of the domestic work in Kenya, Uganda and Tanzania is not formalized hence complicating the determination of the employment relationship. The next section, on ‘Employment and Other relationships,’ elaborates on this point.

Another aspect of the definition that brought up substantial debate was the understanding of “sporadic” and “occasionally” on the one hand and “occupational basis” on the other (Article 1(C)). In terms of length of employment, an illustrative case was cited in Kenya. It was explained that it is common in the country to find groups of people at the estate gates, every morning, waiting to be contracted, on a daily basis, to do domestic work in the households within a particular estate. These day-workers usually do the same duties as any other domestic worker and they consider themselves as such even though there are times when one may not get contracted for days. The proposed convention therefore provides an opportunity to re-define domestic work in East Africa.

Another category that might need to be considered in re-defining domestic work in East Africa is the ‘cleaners.’ These are workers employed by private cleaning companies which have mushroomed along with the increase of storey office buildings in urban areas of East Africa. Operating as typical small enterprises, these cleaning companies contract cleaners, although their work place monitoring is done by the third party that is the management of the office to be cleaned. It is therefore hoped that such freelance domestic work is not excluded. One of the issues discussed is how the lack of clear guidelines to deal with such workers has been used to deny such workers their rights especially in unionization. Interestingly, workshop participants in Kenya learned from a participating domestic worker that often times such workers do not consider themselves as domestic workers.

Employment and Other Relationships

Although employment relationships were considered as the definition in the proposed convention was being discussed, the issues and concerns raised warrant a separate section.

In its Employment Relationship Recommendation, 2006 (No. 198), the ILO emphasizes the need for a defined employment relationship in order to ensure that standards applicable to all forms of contractual arrangements, including those involving multiple parties are utilized in view of protecting employed workers and combating disguised employment

relationships. Often, such a defined employment relationship would be outlined in a contract of employment, both written and verbal.

Box IV: Text of Proposed Domestic Workers Convention 2011, Article 6

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, preferably, where possible, through written contracts in accordance with national laws and regulations, in particular:

- (a) the name and address of the employer;
- (b) the type of work to be performed;
- (c) the remuneration, method of calculation and periodicity of payments;
- (d) the normal hours of work;
- (e) the duration of the contract;
- (f) the provision of food and accommodation, if applicable;
- (g) the period of probation or trial period, if applicable;
- (h) the terms of repatriation, if applicable; and
- (i) terms and conditions concerning termination of employment.

The labour laws in Kenya, Tanzania and Uganda specify this need for employment contracts. For example, Tanzania's Employment and Labour Relations Act 2007 specifies three types of contracts which are a contract for an unspecified period of time; a contract for a specified period of time for professionals and managerial cadre and a contract for specific task. Further, it speculates that a contract with an employee shall be in writing if the contract provides that the employee is to work outside the United Republic of Tanzania.

In line with the provisions of Article 6 of the proposed convention, the labour laws of the three countries emphasize the need to provide particulars prior to entering into the employment contract. It was noted however that the enforcement of this provision of the current labour law is what is at issue. For example, although the laws insist on a written contract, most of the domestic workers are notably semi-illiterate. Two of the domestic workers who attended the tripartite consultative meeting in Uganda admitted to being illiterate. For this reason, most domestic workers are not able, in their own capacity, to examine written contracts. The practice has been to use verbal contracts.

There a number of problems associated with verbal contracts that were discussed in the consultative meetings. First is the disadvantage it places on the domestic workers, especially when a problem arises and the employer and employee need to produce evidence. In such cases, it is the word of the domestic worker against his or her employer, and often the employer is more prepared to produce evidence to support his or her claims. The second problem is related to termination, in which case there is an overall assumption that verbal contracts are permanent. It was reported that many domestic workers have found themselves in semi-slavery situation because they are assumed to have agreed to work for their employer for as long as they are needed. Admittedly, this is more common among migrant domestic workers. Often such assumptions are crystallized through the recruitment process, whereby an employer meets the travel expenses for a domestic worker to migrate to their new workplace. Any requests for termination would then require the domestic worker to repay these costs which they often fail to do and hence remain at their workplace beyond their own choice.

The most problematic issue with verbal contracts, which was mentioned by all the trade unions who participated in the tripartite consultative workshops, is the inability to access and protect the domestic workers under the verbal contracts. As will be discussed in the next section, any attempt to access such employees through their employers is often met with a 'family member' status of the workers and hence denying trade unions access. In countries like those in East Africa where extended families are very common, the boundary between an employer and an employee recruited through kinship networks, commonly referred to as *Undugu* in Swahili, is often blurred. Careful examination of such recruitment practices reveals the dependence on 'kinship' for access to resources including employment opportunities. In study done in Tanzania, such tendencies for use of kin networks were closely related to a lack of other methods of accessing resources, as summarized by Kiaga (2007),²⁰

"As an economic practice, *Undugu* can be compared to an "economy of affection," defined by Goran Hyden (1983:21) as "networks of support, communications, and interaction among structurally defined groups connected by blood, kin, community, or other affinities such as religion."²¹ According to Swantz and Tripp (1996:12) it emphasizes "community survival rather than simply individual survival, the reliance on and support of kin and clan at times of hardship; dipping into one's business savings to pay for medical treatment of a sick son or daughter rather than single-mindedly pursuing a profit motive; charging customers for services according to their ability to pay rather than having a fixed rate; hiring an extended family member in a business to help them out even at the cost of economic efficiency." ...Today, the increasing use of *Undugu* seems to reflect not only adherence to rights, duties and moral obligations, but also the lack of alternatives in access to resources, especially labor, outside the circle of kin (Creighton 2000:78). As institutional sources of support outside the household have dwindled with the adoption of market economics, households have tended to increasingly depend on their immediate circles of kin. Lack of accessible and affordable child care, for example, is the number one cited reason for the employment of housegirls in Tanzania (Creighton and Omari, 1995, 2000) and this study reveals that urban middle-class women draw on *Undugu* as a cultural means to make claims on the surplus labor of housegirls." (p. 10)

Despite their legitimate function of linking employer to employee, kinship networks through which domestic workers have tended to find their way to the workplace have often worked against them in the sense that they have served to divert attention from the existence of an employment relationship. Perhaps one of the most troubling issues concerning domestic workers employed as '*ndugu*' is whether or not the labour laws protect them. Notably, the Act in Kenya states clearly that it shall not apply to "an employer and the employer's dependants where the dependants are the only employees in a family undertaking." The Ugandan Act states the same and goes on to add "as long as the total number of dependent relatives does not exceed five." Dependency here becomes an issue of contention especially where young men and women are employed to work for their relatives under the promises of schooling or formal employment. Unlike the formal understanding where an 18 year old child ceases to be a dependent, dependency among families are a common feature in African families, and it is often not limited to the immediate family. All these issues were discussed in elaborating the complexity of

²⁰ Kiaga, 2007. Op.Cit

²¹ Hyden himself argues that the majority of urban residents, at all income levels, are well integrated into the 'economy' of affection (1980:161-3).

reaching out to domestic workers employed through kinship networks and whose first identity is *'ndugu.'*

Employment agencies have played a key role in overcoming this last issue. Through employment agencies, domestic work has increasingly been considered formalized and employers have tended to treat employees recruited through an employment agency differently. Often their contracts are formalized. However, the services of an employment agency are often limited to the very few domestic workers who are literate. In Uganda, one of the domestic workers participating the workshop, currently working for a recruitment agency, explained how their clientele specifies the level of education of domestic workers, which is often secondary school education and above. She is college-educated. Moreover, as will be mentioned later, employment agencies themselves have proven problematic in terms of their placement practices and ability to protect the domestic workers.

Another interesting aspect about the employment relationship between a domestic worker and their employer that came out of these tripartite consultative workshops is how even common practices of referring a domestic worker as *'dada'* that is sister or *'kaka'* that is brother, in fact crystallizes the notion that a domestic worker is 'one of the family' and hence disguises this legitimate employer-employee relationship. This is a challenge because it is not a common practice for people in East Africa to call each other without these qualifying titles. All these notions become significant in determining the working conditions of the domestic worker, as elaborated in the next section.

Working Conditions and Rights at Work

The fact that most domestic workers work under dire working conditions is no longer cause for debate. It has been established worldwide that domestic workers typically work in individual households where they are isolated and subject to the demands of the employer. Often, the conditions of their work are unregulated and prone to harassment (verbal, physical, and sexual), poor living conditions (small quarters and lack of adequate food), and little time off, if at all. One of the participants in the tripartite workshop in Tanzania went as

far as to warn stakeholders on what is seemingly 'complacency' with such dire working conditions of domestic workers in the country on the pretence that employers cannot afford to improve these conditions. How then does one explain the increasing numbers of domestic workers, especially in urban areas?

Perhaps the most plausible explanation can be found in a study conducted by Mumford (2005)²² in which she asked 400 employed men, "if by some chance you inherited enough money to live comfortably without working, do you think you would work anyway?" 80 percent answered "yes". Some of the reasons for this response included "work keeps a man healthy," "It is good for a person to work," and "It gives a feeling of self respect".

²² Mumford (2005, p. 295) Mumford, Emily. 1977. 'The social significance of work, and studies on the stress of life events' IN: Richard Simmons and Herbert Pardes (Eds.) Understanding human behavior in health and illness. Baltimore/London: Williams and Wilkins. p. 295-304.

Speaking of the same issue during the tripartite consultative workshop in Uganda, the incumbent labour commissioner explained that “the choice of what to do depends on many factors, determined by prevailing situations, because there are many people who opt for domestic work because they have no other choice out of the many options and this comes as a result of them having no basic requirements for other jobs.” He therefore noted that most domestic workers in Uganda opt for the job (domestic work) because they do not have a choice.

The ILO believes that employment is the only sustainable way out of poverty. And as Hume (1985)²³ puts it, “Choices are tainted by duress unless there is an alternative to acceptance.” From the point of view of an individual, therefore, the decision to become a domestic worker can be thought to be a rational decision, given the options that exist within the one’s economic and social context. As it was learnt in these tripartite workshops, an increasing number of young women view domestic work as a necessary income-earning strategy in spite of the risks associated with the job and the virtual lack of security.

For this reason, domestic workers, like any other workers, have become vulnerable to multiple forms of discrimination, in particular with respect to their conditions of work. Apart from the type of employer-employee relationship, discussed in the previous section, other aspects that were cited as key determinants of the working conditions of domestic workers in East Africa have been rural to urban migration and residency of the domestic worker.

(a) Rurality as a Social Status

Labour migration, both international and internal, is often beneficial to the migrant in the long run. In the short-run, however, the migrant status becomes a particular form of ‘othering’ that is used by employers to suppress the rights of workers. This is often easy to do because migrants, due to their unfamiliarity of their new workplace, tend to accept, in the first instance, any rights offered to them, in a bid to survive the first few days, months or years of their migrancy. Migration, therefore, is a major source of vulnerability to abuse of rights at work.

In the East Africa region, both international and internal migration for domestic servitude is common, perhaps the later more than the former. What came out strongly in the tripartite workshops is how migrancy as a source of difference between an employer and an employee has been utilized in determining the working conditions of domestic workers. Here we learned of a discourse of rurality being equated to ‘backwardness’ pointing out to the long history of systemic inequality between the rural and the urban areas. In Tanzania, where the rurality aspect of domestic workers was discussed in more length, the impact of the uneven development of the rural and the urban has manifested itself in the preference, among urban employers, of the rural ‘housegirl’ who is often perceived as timid, lacking the knowledge base and skills often associated with work in the urban space.

²³ This was Hume's critique of contractarian theories of political obligation. See David Hume, "Of the Original Contract," in David Hume, *Essays: Moral, Political and Literary* 465 (Eugene F. Miller ed. 1985).

Box V: Testimonies by Domestic Workers***Tripartite Consultative Workshop on Advancing Decent Work for Domestic Workers in Uganda, October 24, 2010***

The Directors of Children of Zion and DIFRA, domestic worker agencies in Uganda, translated the testimonies of the domestic workers who attended the tripartite workshop as follows:

Domestic Worker 1

She works for lady who has 4 children. She is left home to take care of a baby and she washes clothes and cooks for the family part from looking after the baby. The employer does not want the baby to cry, so the baby has to be carried at the back when doing house work or washing.

The Employer leave $\frac{1}{4}$ kilo of sugar which she emphasises should last for 2 days, and when it get finished before the second day, that will be enough cause for a quarrel.

At the end of the month, after doing all the heavy work in the house, she is paid 20,000 Uganda shillings. She has 3 children of her own. She has to meet their needs and that of her mother who is looking after her children.

She requested that Employers should treat their workers as human being and pay them enough money because they (workers) also have responsibilities.

Domestic Worker 2

She is a widow and HIV positive single parent. She has to declare her status to any prospective employer, because she often visits the clinic for routine check up and medication, therefore she will need to be allowed to go out.

However the challenge she faces is that when she declare her status, she faces rejection or in case she is taken up, she is not allowed to go out, yet she need her medication and the routine check up are necessary for the sake of her health.

She now finds it hard to get jobs.

Domestic Worker 3

Her dilemma started after completing her A Level education. Her mother lost her job and as a result she lost hope for further studies and opted for domestic work.

In her life as a domestic worker, she faced problems of lack of privacy. The employer does not respect her suggestions or decisions. She is piled with a lot of work and gets no time to rest. She is also expected to be alert at all times.

She is sexually harassed especially by the older children of the employer and she is often accused falsely by the children. The children do not cooperate.

Her employer at times borrows money from her and refunding such money is always very hard or may not be refunded at all.

The coordinator of children of Zion Recruiting Agency for domestic workers explained some of the challenges the girls face as follows; Domestic workers have no job description, so they are left to carry wide range of activities in the homes. Domestic workers work for long hours and are not appreciated. They are underpaid. Much as the salary is little, some employers end up deducting for every item that gets accidentally destroyed

Apart from the ease with which to train a recent rural-to-urban migrant on the preferred practices in their household, urban employers are said to prefer such domestic workers because they are easy to control due to their vulnerability. Honesty is another reason mentioned. Participants in the tripartite workshop in Tanzania also agreed that the employers find it easier to suppress wages of such migrant domestic workers because they often do not know anyone else to complain to or have someone to 'compare notes' with, so to speak. Clearly there is a need to understand this preference for migrant domestic workers, though it is beyond the scope of this working paper.

(b) Live-in vs. Independent Domestics

Unlike the rest of the world where the number of live-in domestic workers is shrinking, the East Africa region is seeing an increase in live-in domestic workers. There was no substantial data that could be used during the tripartite workshops to substantiate this claim but all those present agreed with the trend based on their own observations. Many reasons were given for this trend, most significant being the ease with which employers can manage their own time.

The isolation that comes first with migrating away from home and then living within your employers household is enough to 'tame' any person to comply to all forms of discrimination. It was therefore no surprise to hear about the vulnerability that comes with living in the employer's house. While most domestic workers living with their employers are often related to their employers, there are those who are not. Whether relatives or not, live-in domestic workers tend to depend on the employer for their livelihood including personal provisions, making them vulnerable to abuse. Some participants in the workshops in Kenya and Tanzania however were in the view that live-in domestic work has also helped especially migrant domestic workers to settle in their urban workplace without experiencing the harshness of urban living. The key question that was posed is how best the working conditions of live-in domestic workers can be regulated especially in view of the family-like relationships that often develop between the employer and the domestic worker.

It was further observed that most of the discriminatory practices on domestic workers as a result of their rurality and residency manifest themselves in wages, working time, and overall social protection especially in relation to termination. Laws to regulate each of these working conditions dimensions exist in Kenya, Tanzania and Uganda but as mentioned earlier in this working paper, compliance is lacking due to limited enforcement mechanisms.

For example, while Uganda does not have a minimum wage, Kenya and Tanzania have clear guidelines for domestic worker wages. In Kenya, the Ministry of Labour determines the minimum wage on an annual basis. **Table 4** below outlines the minimum wage for domestic workers in Kenya in 2010.

Table 4 – Minimum Wage for Domestic Workers 2010

Occupation	Nairobi, Mombasa & Kisumu cities			All municipalities & Mavoko, Ruiru & Limuru town councils			All other areas		
	Monthly contract (per month)	Daily rate	Hourly rate	Monthly contract (per month)	Daily rate	Hourly rate	Monthly contract (per month)	Daily rate	Hourly rate
Domestic worker	6,743	324.40	60.25	6,221	298.15	55.10	3,597	182.35	33.75
Waiter/cook	7,283	350.05	65.65	6,461	309.50	55.85	4,156	205.60	37.60
Night watchman	7,523	361	67.80	6,974	336.35	61.75	4,291	207	39.60

Source: Regulation of Wages (General) (Amendment) Order, 2010, Ministry of Labour, 28 May 2010.

Based on flier shared by KUDHEIHA during the tripartite workshop in Kenya, the monthly wages shown in **Table 4** above are exclusive of housing allowance. Every employer of domestic workers in Kenya is obliged to provide 15 percent housing allowance if reasonable accommodation is not provided by the employer. The daily and hourly rates include housing allowances.

Like Kenya, Tanzania recognizes the significance of the residence of the domestic worker in establishing their wages. The only difference is that in Tanzania, domestic worker wages are also categorized based on the ‘ability’ of the employer to pay. As such, there are three categories of wages:

- i. Domestic workers employed by diplomats and potential business men – Tanzanian Shillings (TZS) 90,000.00
- ii. Domestic workers employed by government officials entitled to domestic services – TZ 80,000.00; and
- iii. Domestic workers employed by all others – TZS 65,000.00

For domestic workers who live-in, a deduction of 68 percent of the salaries above is allowed by law. Using the January exchange rate of the UN where 1USD is equivalent to 1460 TZS, these wages range from US\$62 to 45 with a reduction to US \$14 for live-in domestic workers.

Quoted in *Ulimwengu wa Kazi Africa Masbariki*, Ms. Anna Chambaka, an official of the Association of Tanzania Employer (ATE) suggested that only collective agreements between trade unions and employers in this sector can improve wages for domestic workers. “Raising the minimum wage of employees in this sector will not work, especially with the domestic workers who are employed by employers who themselves earn minimum wages” she is quoted as saying. One participant in Uganda put it this way,

“Some of the issues faced by domestic workers like underpayment are spiral effects because an employer of a domestic worker is also employed by someone and may not be paid well, so he/she in turn ends up not paying the domestic worker well. Therefore, the government has to intervene in this area to ensure that all employees are paid reasonably well to avoid such spiral effects.”(Issue 1, July 2010)

However, during the workshops in Kenya, Tanzania and Uganda there was no evidence that any of the trade unions have entered into collective agreements over domestic worker wages. Instead, it was emphasized that it is hard to intervene in private household because most employers are not cooperative.

Despite these guidelines, the tendency to pay-in-kind, through provision of clothing for example, is rampant. As such, many domestic workers find themselves not only with reduced wages but sometimes get none at all. In a study conducted by IUF/IDWN in Tanzania in 2009²⁴, reduction of wages as 'punishment' say for breaking kitchen utensils was cited as a common occurrence too.

Box VI: ILO Conventions and Domestic Workers

All fundamental ILO conventions apply to domestic workers, irrespective of their migration status. Below are additional conventions that apply to domestic workers:

ILO Conventions on Migrant Labour

Migration for Employment (Revised) Convention No. 97 (1949)
 Equality of Treatment (Social Security) Convention No. 118 (1962)
 Migrant Workers (Supplementary Provisions) Convention No. 143 (1975)
 Maintenance of Social Security Rights Convention No. 157 (1982)
 Private Employment Agencies Convention No. 181 (1997)

ILO Conventions on Occupational Safety and Health, Equality and Conditions of Work

Forty-Hour Week Convention No. 47 (1935)
 Protection of Wages Convention No. 95 (1949)
 Employment Injury Benefits Convention No. 121 (1964)
 Occupational Safety and Health Convention No. 155 (1981)
 Worker with Family Responsibilities Convention No. 156 (1981)
 Termination of Employment Convention No. 158 (1982)
 Night Work Convention No. 171 (1990)
 Part-Time Work Convention No. 175 (1994)
 Maternity Protection Convention No. 183 (2000)

Apart from varying wages, management of working time also varies between live-in and independent domestic workers. For live-in domestic workers, there is almost no autonomy at all. As seen in the testimonies given by participating domestic workers, most of their working time commences at 5 am in the morning and ends after midnight. Labour laws in all of the three countries have provided guidelines for working time. What came out as a major problem in terms of working time is allocation annual leave. The workshop participants learned that often employers have tended to deny domestic workers their annual leave or provide less days. One domestic worker in Kenya explained how she never gets to rest even during weekends. As a result, she can only rest for a few hours during the week when the employer is at work. Lack of rest days does not affect the

²⁴ IUF/IDWN. 2009. Assessment of the Situation of Domestic Workers in Selected Districts and Municipalities in Tanzania (Unpublished Report submitted to ILO CO Dar es Salaam).

workers only physically but also denies them the autonomy to pursue other interests and increases the dependency on the employers for all provision.

Also mentioned as contentious was the issue of termination of employment of domestic workers. This is in fact one of the most unregulated dimension of their working conditions. Migrant domestic workers are more likely to fall victim of unlawful termination and many end up getting only enough money to travel back home. A few migrant domestic workers have managed to remain in the urban areas after their termination. Those recruited through kinship networks have often been escorted back to their rural villages to the detriment of their families there. We also heard about domestic workers who got terminated after they got pregnant. By the end of each of the three tripartite consultative workshops, it was clear that there is a need to systematically document these abuses of domestic workers because without such evidence they remain to be hearsay.

All these issues then provide the context within which to understand the responses towards the proposed convention as submitted by the Kenya, Tanzania and Uganda. In the section that follows, we will proceed to outline selected responses given during the workshop. These may be slightly different from the final submissions because these proposed responses were to undergo quality assurance at the institutional levels. Nevertheless the discussions that went on during the workshop were indicative of the proposed tripartite responses.

Part 4: Towards New Labour Standards for Domestic Workers in East Africa: Opportunities and Challenges

Unlike the previous sections where secondary data was used to supplement the discussions in the tripartite consultative workshops, this section is drawn solely from the actual discussions. It is hoped that the systematic presentation of those discussions based on the articles of the proposed convention contained in the **Brown Report**, will allow a reader to deduce those issues of controversy or concern among tripartite partners in Kenya, Tanzania and Uganda.

As mentioned earlier in this working paper, the overall objective of the tripartite consultations was to inform the tripartite partners about the content of the draft instruments. Specifically, the consultations allowed the tripartite partners to:

1. Build an understanding of the content of the draft instruments and their role towards the adoption of the instrument;
2. Hear from domestic workers on the challenges they are facing and the type of support they require;
3. Review the draft instruments and make recommendations for change, if any.

The idea was that after such tripartite consultations, the responses to the proposed convention and the recommendation would be more inclusive of the perspectives of both workers and employers and that any amendments to suggest or comments to make would also reflect the perspectives of all tripartite partners. The tripartite consultations also provided an opportunity for social partners to recommend regional level activities that can be implemented ahead of the next ILC where the final decision will be made.

The texts of a proposed Convention and Recommendation on Decent Work for domestic Workers are derived from the Conclusions adopted by the International Labour Conference following its first discussion of the item at its 99th Session, in June 2010 (henceforth referred to as “the Conclusions”), as contained in the Brown Report. For this reason, all the discussions below make inferences to this foundational document. To be precise, the following section of the working paper will present the discussions surrounding a number of paragraphs and articles of the convention where the ILO, in the process of drafting the instruments, felt obliged to make slight changes to the text of the Conclusions ‘in the interests of greater clarity and in order to bring the two official language versions of the texts into better alignment with one another, harmonize certain provisions and avoid possible inconsistencies with terminology used in other ILO instruments.’”

Comments on the Proposed Convention and the Recommendation

It should be mentioned here that the detailed responses by tripartite partners in Kenya, Tanzania and Uganda will be contained in the Report IV (2A) (“Blue Report”) scheduled to be published by the ILO in March 2011 ahead of the International Labour Conference in June, where it is hoped that the convention and the recommendation will be adopted.

In the section below, the article in question precedes the discussions. In some instances, discussions include more than a single article. Care has been taken to ensure

that the linkages of the proposed articles to the Conclusions are maintained for easy reference. The ILO Report IV (1) containing the office commentary and the proposed text of the Convention and the Recommendation are also attached to this working paper as Annex A.

PROPOSED CONVENTION

Preamble

(Point 4 of the Conclusions)

A number of comments were made following changes in the preamble to the proposed convention. Kenya has been in support of the modification of the fourth preambular paragraph (point 4(c) of the Conclusions), to avoid any discriminatory characterization of women as inherently “vulnerable.”

In addition, both Kenya and Tanzania made comments on the change of the words “high rates of unemployment” to “scarce opportunities for formal employment” made in fifth preambular paragraph (point 4(d) of the Conclusions). While Tanzania is in favor of the change if emphasis is also made to the need for the continuation of formalization of informal activities, Kenya observes that “the informal sector in developing countries generates the bulk of new employment opportunities. In Kenya in year 2007 the economy generated 469,000 new jobs. The informal sector generated 418,000 of the jobs which translate to more than 80 percent. Scarce opportunities in the formal sectors would seem to marginalize the potential of the informal sector in job creation. Thus high rates of unemployment and scarce opportunities for formal employment should be used together.”

In the eighth preambular paragraph (point 4 (g) of the Conclusions) the ILO wanted to know if the change of text from “taking into account the right to privacy that each domestic worker and each household enjoys” to “taking into account respect for privacy” provides for a text that is consistent with existing international law. Participants of the workshops in both Tanzania and Uganda proposed the use of the text in the Conclusions (herein forth referred to as ‘current’ text). In Tanzania, the concern was that the current text reinforces the rights of the domestic workers while in Uganda, participants thought that the current text should be retained because (a) the right to privacy is already enshrined in international law; (b) it is an inherent right that should not be subjective as the proposed text seems to suggest; and (c) if adopted, the use of ‘respect for privacy’ presents a fluid situation where the right will easily be violated, again making it subjective. All in all, the participants in Uganda were of the view that the proposed text reduced ‘privacy’ from a right to an option or a privilege.

In Kenya, the proposed change in the text of the eight preambular paragraph produced an intense debate on whether or not it takes into account the fact that privacy is a right. There was also concern over whether or not the word “reasonable” should precede the term privacy in order to protect the employers. At the end, it was agreed that granting privacy cannot be considered ‘reasonable’ at any point. As such the participants proposed that the text would suffice if revised to read ‘taking into account respect for the right to privacy.’

Article 1
(Point 3 of the Conclusions)

In Uganda, the discussions on Article 1 began with questioning whether or not the proposed definition of domestic workers suffices for Uganda and also if decent work for domestic workers in Uganda is an achievable goal taking into consideration that the country does not even have a minimum wage. The definition of domestic work also brought in issues of the definition of the household. Once it was agreed that each member state can define it as appropriate the discussion shifted towards those doing domestic work but outside the household, in particular in hotels as elaborated in section 2 of this working paper. At the end of this discussion there was a suggestion for the revision of the definition to read: “domestic work means any person who attained the minimum age of employment and engaged domestic work within an employment relationship.” By adding the element of age in the definition, it was argued, child domestic workers will be better protected. A number of participants disagreed with this addition and called to attention Article 4 of the convention which speaks to the concern over age. The suggestion was later dropped.

The discussion of the definition of domestic workers in Kenya also began with questioning its appropriateness for Kenya. It was thus agreed that the definition and meaning of the household needs to be made clear. For example, does it cover all types of work done by domestic workers in a family, e.g. cleaner, cook, gardener, driver, security, laundry etc. One participant wanted to know if it can be revised to say ‘work done in or for a family.’ All in all, there was a general agreement for the need to customize the definition in line with the nation’s conditions. Both Kenya and Tanzania proposed that each member state to be at liberty to define the term ‘household’ in accordance with their respective national laws.

As regards to Article 1 [c], participants in the workshops in all three countries agreed that it does not apply to Africa. However, in Kenya for example, in discussing the article, issues pertaining to the abuse of domestic workers who are contracted through employment agencies ensued. Participants in Uganda went as far as suggesting that the clause [c] of Article 1 be removed because it excluded those who worked part-time as domestic workers. However, once the logic behind this article was explained, it was agreed that the proposal to drop the clause be withdrawn even though the clause may not be significant for Uganda.

Article 4(2)
(Point 8(2) of the Conclusions)

In this article the ILO proposed the inclusion of a provision focusing on facilitating completion of compulsory schooling rather than on education and vocational training more generally. In Kenya, there was concern that the change to the provision for education and vocational training does not take into account the nature of child domestic work. Domestic work is categorized as a worst form of child labour and therefore should fall within the minimum age of 18 years. Where it is done for skills/vocational training purpose, proper supervision, through a certified curriculum must be followed. There was recognition that the nature of domestic work will hardly allow children to combine school and work, even within improved working conditions. However, participants proposed that the current text be retained in view of the fact that

most domestic workers in Kenya will have completed their compulsory education but need additional education through vocational training institutions.

While Tanzania supported the proposed text because it will facilitate children's access to compulsory education, Uganda proposed that the text be revised to read: "...or interfere with, completion of their compulsory schooling and/or vocational training."

Article 7(1)
(Point 17(1) of the Conclusions)

Overall, the countries were in agreement with the text as it stands. In Uganda, concerns over the ability of the domestic worker to understand the contracts they are often asked to sign led to a proposal that this article be accompanied by a recommendation that clearly point out the need to translate any contract or job offer into the language that the domestic worker understands.

Article 7(2)
(Point 17(2) of the Conclusions)

The proposed changes in text in Article 7(2) were adopted by all the countries.

Article 9(2)
(Point 12(2) of the Conclusions)

Discussions on Article 9(2) in Kenya surrounded the issue of labour inspection and right to privacy and a question was asked whether or not there should be provision stating that, in this article, the right to privacy excludes labour inspection. This means that an employer cannot prevent a labour inspector from inspecting his home using this article. Tanzania and Uganda were in agreement with the proposed changes.

Article 10(2)
(Point 13(2) of the Conclusions)

The proposed changes in text in Article 10(2) were adopted by all the countries.

PROPOSED RECOMMENDATION

Paragraph 3
(Point 25 of the Conclusions)

In discussing protection against undertaking HIV and pregnancy tests, a heated debate ensued in Uganda on the need to change the word 'required' with the word 'compelled.' At the end of the debate it was agreed that arguments for both words and what that implies in Uganda should be outlined and let the final drafters decide. Overall, the

concern was whether or not the current encouragement for people to take the tests, in particular the HIV one, is being contradicted by this article.

On the other hand, while Kenya proposed that the current text be retained due to mention of specific tests to be undertaken, Tanzanian participants thought that the proposed text be adopted because it is crystal clear on discrimination issues.

Matters Arising

Apart from issues discussed under the selected articles of the convention and the recommendation, there were other concerns that were discussed in various points during the workshops. These are grouped into the following broad categories:

1. The Role of the Employment Agencies. There were very deep concerns from the participating domestic workers over the abuse they experience through employment agencies in Kenya. What makes it hard to regulate is the fact that young girls and often boys, individually approach these agencies for help, pay to be linked to employers and hence the agencies tend not to take any responsibility on the domestic workers after they have received their commission from the potential employers. Until now, Ministry of Labour has only been responsible for registering these agencies but not regulate their day to day activities.

2. Migrant Domestic Workers - Like in most African countries, the number of internationally migrating domestic workers in East is increasing making them hard to monitor. One issue that was discussed in length was the need for Ministry of Labour to work closely with immigration departments. However, it was also noted that most girls who travel abroad for domestic work do not initially identify themselves as domestic workers unless they are recruited by employment agencies. In Uganda, there was concern that this has caused an increase in trafficking for domestic servitude.

3. Role of Employers Associations - There is concern that existing employers associations in each of the three countries do not represent individual employers of domestic workers, presenting an overall challenge of reaching employers. There is recognition of the need to bring the employers on board so as to handle the issues of domestic work appropriately. This can include sensitizing employers on how to handle and treat domestic workers. Considering an overall lack of support on the convention from employers globally, there is a need to work closely with employers associations to create clarity on this issue and build that support for the efforts to protect domestic workers in East Africa.

1. **Role of Civil Society Organizations (CSOs)** – There is no time like the present to put efforts of employment associations and civil society organizations together. There was discussion for the need to encourage ILO social partners to accept working with CSOs already working with domestic workers, and not let tripartism be the roadblock that halts the efforts towards protecting domestic workers.

2. **Contributions to Social Security Schemes** – In Kenya, the National Social Security Fund has now opened doors to employers with less than 5 employees to make contributions. It is an opportunity that needs to be explored further since they could

incorporate employers of domestic workers. The challenge discussed in the meeting was the fact that there are number of employers who do not even make contributions for themselves. A suggestion for targeted support to such employers and workers was also discussed. This needs to be emulated in the other countries.

3. **Organizing Domestic Workers** – All of the three countries admitted challenges in effective organization of domestic workers. In Tanzania for example, it was learned that although the labour law recognizes domestic workers and has even set a minimum wage for them, there is still a lot to be done to protect them. It was learned from the trade union representative that trade unions under represent the domestic workers. The challenge seemingly lies in the lack of admittance of employers of domestic workers of this role just as domestic workers fail to regard themselves as workers. In Uganda, it was noted that there are no unions representing only domestic workers.

At the end of the tripartite consultative workshops it was clear that a number of opportunities as well as challenges arise in anticipation of the new labour standards for domestic work. Many of these are unique to the East Africa sub-region, but there are a number that reflects global trends.

Emerging Opportunities

Advancing decent work for domestic workers entails concerted efforts of employers, workers and the governments in improving working conditions of domestic workers. A focus on decent work for all women and men means recognizing that domestic workers are real workers and acknowledging the personal nature of this work, namely the degree of proximity and intimacy with the employer it often entail, while reaffirming its compatibility with the employment relations (Tomei, 2010).²⁵ With the proposed Domestic Workers Convention and the Recommendations policy makers in the East African region, like their counterparts all over the world, have a window of opportunity to take significant steps towards this goal. Seizing it could prove vital to the improvement of working conditions of domestic workers and in the long run the economic and social development of their countries. In particular, three opportunities emerge:

1. Reviewing Existing Labour Laws

One of the issues that were raised in Tanzania when discussing the proposed definition of domestic work is the appropriateness of the existing definition in Tanzania. There is an overall agreement that this definition needs to be revised in order to eliminate the slave-like connotation that is contained in the term ‘domestic servant.’ In Uganda, there was a concern about the lack of a minimum wage. Both these discussions hint to the need for labour law reforms. Since the proposed Domestic workers convention does contains other elements that will need to be incorporated into existing labour laws, it is an opportune time to review these laws and make room for all aspects that have been identified as missing.

²⁵ Tomei, M. 2010. ‘Preface’ Domestic work and domestic workers in Ghana: An overview of the legal regime and practice. By Dodzi Tsikata. Conditions of Work and Employment Programme Series No. 23

2. Harmonizing Labour Legislation

Under the guidance of the East African Community (EAC), Burundi, Kenya, Rwanda, Tanzania and Uganda are working towards the harmonization of their labour legislations. These efforts have been magnified with the newly inaugurated EAC Common Market, in which free movement of workers is one of its two fundamental principles. There are many aspects to turning the free movement of workers from good intentions to reality, many of which entails harmonizing labour legislations so that workers, including migrant domestic workers, are protection wherever they go in East Africa.

3. Creation of Decent Employment for Young People

With increasing numbers of young people looking for jobs to no avail, policy makers in East Africa may want to consider the potential of domestic work to absorb these young people. This can be achieved by not only improving working conditions of domestic workers but also by facilitating career development prospects into domestic work such that skills that domestic workers gain during their tenure, for example cooking, become recognized by, among other, vocational training institutes. Most importantly, as the trade unionist in Tanzania have suggested, there is a need to recognize domestic work as a profession with recognizable skills.

Existing Challenges

Seizing the opportunity to improve working conditions of domestic workers in East Africa may not be as easy as described in the previous section, considering the number of challenges that exist. Apart from the challenges discussed throughout this working paper, there are three challenges that warrant specific mention:

1. Lack of data and empirical analysis on working conditions of domestic workers

Labour market statistics that exist in East Africa are very vague when it comes to the conditions of work of domestic workers. In fact, it is hard to say from the Integrated Labour Force Survey (ILFS) in Tanzania for example, the actual numbers of domestic workers. This is because, in the ILFS, domestic workers are categorized as unpaid workers. This lack of data undermines the capacity of policymakers to translate labour rights into concrete development strategies.

2. Organization of domestic workers

Each of the three countries has trade unions. Except for Uganda, these trade unions cater for the rights of domestic workers as well as other workers. However, because domestic work is already always invisible, there is a tendency for such multi-sectoral trade unions to undermine the significance of the domestic worker sector. Such tendencies are also reinforced by the fact that most domestic workers are not able to pay the required trade union fees. Organizing of domestic workers in east Africa needs renewed strategizing and perhaps a specific coverage of domestic worker could be an answer. In Kenya, a suggestion for organizing domestic workers through cooperatives was discussed. All in all, there is a need for the direct

involvement of domestic workers themselves, something that is largely missing in the current organizing strategies.

3. Reaching out to employers of domestic workers

Perhaps the most challenging aspect would be reaching out to employers of domestic workers, an issue that was eluded to previously in this working paper. Ideally, employers of domestic workers should be organized under existing employers associations. However, two caveats are in order. First, existing employers associations tend to work with companies and not individuals. Second, employers of domestic workers do not consider themselves, and therefore act as employers because of the number of employees they maintain, which is usually one domestic worker. Reaching out and organizing employers of domestic workers is therefore hugely important if the goal of advancing decent work for domestic workers is to be realized.

Having described what the convention means for East Africa and examined the opportunities it has created and the challenges that may hinder an effective implementation of its provisions, what remains is to deduce the policy implications of the discussions that took place during the tripartite consultative workshop.

Part 5: Conclusion: A Summary of Policy Recommendations

When asked by *Ulimwengu wa Kazi Afrika Mashariki* about what needs to be done now that the text of the proposed Domestic Workers Convention and the recommendation have been shared with member states, the Regional Coordinator of IDWN in Africa had this to say:

“Various interventions need to be done in the sub-region to gain maximum support and ensure that these efforts succeed. They include:

- *Facilitation of a tripartite-plus dialogue under the ILO’s Decent Work Agenda to discuss and lobby for support of this important Convention supplemented by a Recommendation;*
- *To establish different interventions for domestic workers through trade unions, NGOs, capacity building, and advocacy, thus enhancing networking among the organizations; and*
- *Build the capacity of the MOL and the other constituents concerning domestic workers issues so as to prepare them for discussion next year” (July 2010)²⁶*

This was before the tripartite consultations that took place in Kenya, Tanzania and Uganda. Today, admittedly, there is a lot more to be done. However, without an appropriate policy environment none of the proposed measures will make any impact. In this last section of the paper, therefore, four key policy recommendations are outlined to guide policy makers into making decent work for domestic workers a reality in East Africa.

Revisiting Existing Bilateral Agreements

This is a significant step in light of the implementation of the commitment made in the EAC Common Market Protocol that East African citizens will be able to move and settle freely in the region. Under the common market protocol, EAC member states are free to forge reciprocal bilateral agreements that offer automatic right of access to their citizens. It includes the reinforcement or abolition of work permits for citizens of member states. Should the domestic worker sector be liberalized soon, it’s potential to relieve the unemployment pressure in the east African member states maybe realized. Currently only the business sector is scheduled for liberalization.

Enhancing Labour Law Compliance

One of the key roadblocks to labour law compliance is inadequate institutional and human capacities of the national authorities. More weight needs to be placed behind strengthening compliance with the revised national labour legislation. In the short run, this entails raise the awareness of employers’ and workers’ organizations and their constituents of the proposed Domestic Workers convention and the rights and

²⁶ Kanyoka, V. 2010. ILC Perspective from the International Domestic Workers Network (IDWN). *Ulimwengu wa Kazi Afrika Mashariki*, Issue No. 1, July 2010., p. 6.

obligations it bestows on each of them. In the long run, enhancing labour law compliance means increasing the effectiveness of the labour inspection systems.

Confronting Gender Division of Labour and Issues of Difference

Domestic workers have a right to work in secure and decent employment. Employers, workers and governments need to address these rights as central to confronting the gender division of labour in their countries and addressing gender inequity in the labour markets.

Governments should also take measures to reduce the uneven development between rural and urban areas that causes the increase in internal migration but also increases the vulnerability of migrants.

Institutionalizing/Formalizing Domestic Work

Governments must recognize domestic work as productive work and should take measures to formalize it. This entails, among other things, recognizing the skills needed to perform it. Most importantly, like all other forms of work, efforts must be made to realize the fundamental principles and rights at work for domestic workers and enhance coverage and effectiveness of social protection for domestic workers. In addition, trade unions should take a lead in promoting social dialogue between domestic workers, their employers and the government.

APPENDIX A - PROPOSED TEXT OF THE CONVENTION AND THE RECOMMENDATION CONCERNING DECENT WORK FOR DOMESTIC WORKERS AS CONTAINED IN ILO'S REPORT IV (1) – THE BROWN REPORT

OFFICE COMMENTARY ON THE PROPOSED TEXTS

The texts of a proposed Convention and Recommendation concerning decent work for domestic workers are based on the Conclusions adopted by the International Labour Conference following its first discussion of the item at its 99th Session, in June 2010 (“the Conclusions”).

In accordance with the practice established in 1988, the report of the Committee on Domestic Workers (“the Committee”) appointed by the Conference to consider this item is being sent to member States in its entirety, together with the record of the discussion held in plenary sitting of the Conference.²⁷

A number of drafting changes have been incorporated in the text of the proposed instruments in the interests of greater clarity and in order to bring the two official language versions of the texts into better alignment with one another, harmonize certain provisions and avoid possible inconsistencies with terminology used in other ILO instruments.

The Office wishes to draw the attention of member States to some issues arising in connection with some of the provisions adopted during the discussion at the 99th Session of the Conference. The Office considers it important to mention these, so that comments may be submitted for inclusion in Report IV(2A), which the Office is required to prepare in accordance with article 39, paragraph 7, of the Standing Orders of the Conference.

COMMENTS ON PROPOSED CONVENTION

Preamble (Point 4 of the Conclusions)

The Office has established a standard preambular text. In the fourth preambular paragraph (point 4(c) of the Conclusions), the Office has modified the text so as to avoid any discriminatory characterization of women as inherently “vulnerable”, and to make it clear that discrimination in respect of conditions of employment and work is one of the human rights abuses to which domestic workers are particularly exposed.

For similar reasons, the Office has omitted the words “and vulnerable” from the fifth preambular paragraph (point 4(d) of the Conclusions) to avoid any discriminatory stereotyping of this predominantly female category as being passive rather than active agents capable of taking initiatives to improve their working and living conditions, despite marginalization. The words “high rates of unemployment” were replaced by the words “scarce opportunities for formal employment”, because unemployment is normally not the best

²⁷ ILO, *Provisional Record* No. 12, International Labour Conference, 99th Session, Geneva, 2010; and *Provisional Record* No. 19, International Labour Conference, 99th Session, Geneva, 2010.

indicator of the situation prevailing in most developing countries, where underemployment and low-income, unproductive and precarious jobs mean that many women and men workers remain poor, despite working.

In the seventh preambular paragraph (point 4(f) of the Conclusions), the Office has simplified the language, taking into consideration that the preceding paragraph states that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided.

In reference to the eighth preambular paragraph (point 4(g) of the Conclusions), the Office notes that the Committee did not discuss the notion of privacy at any length. Given the significance of the topic, the Office wishes to draw attention to the current use of language relating to privacy in international labour standards. The word “privacy” appears in 16 ILO instruments.²⁸ Most references arise in respect of maritime labour standards, and most relate to specific circumstances in which privacy may be invaded. For example, the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185), provides that the biometric of the holder of a seafarer’s identity document “can be captured without any invasion of privacy of the persons concerned, discomfort to them, risk to their health or offence against their dignity”.²⁹ The Work in Fishing Convention, 2007 (No. 188), addresses privacy in respect of sleeping accommodation and sanitary facilities.³⁰ A specific reference to the right to privacy is made in the Maritime Labour Convention, 2006, but only in relation to the protection of seafarers’ right to privacy in specific circumstances related to their personal data.³¹ The Worst Forms of Child Labour Recommendation, 1999 (No. 190), also refers to the right to privacy in the context of the compilation and processing of information and data.³² Arguably the reference that reflects the circumstances of domestic work most closely arises in the Home Work Recommendation, 1996 (No. 184), which provides in paragraph 8 that:

In so far as it is compatible with national law and practice concerning **respect for privacy**, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out. [Emphasis added.]

Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights provide protection against “arbitrary interference” with privacy, family, home or correspondence and provide for “the right to the protection of the law against such interference”.³³ In the light of the above, the Office proposes that, in the eighth preambular paragraph, the phrase “taking into account the right to privacy that each domestic worker and each household enjoys” be replaced by the phrase “taking into account respect for privacy”. The Office invites comments on whether this proposed wording might provide the basis for a text that is consistent with existing international law.

²⁸ Conventions Nos 75, 92, 126, 179, 181, 185 and 188, and the Maritime Labour Convention; Recommendations Nos 115, 120, 171, 184, 186, 190, 199 and 200.

²⁹ Article 3(8)(a).

³⁰ Annex III, para. 50.

³¹ Guideline B1.4.1, paras 1(d) and 2(b).

³² Para. 6.

³³ Article 12 of the Universal Declaration of Human Rights; Article 17 of the International Covenant on Civil and Political Rights.

Article 1
(Point 3 of the Conclusions)

During the first discussion, the Committee decided to defer the decision as to whether to replace in the French text the term “travailleur domestique” by “travailleuse ou travailleur domestique”, where the term “domestic worker” is used in English. Likewise, the Committee decided to defer the decision as to whether to replace in the Spanish text the term “trabajador doméstico” by either “trabajadora o trabajador doméstico” or “trabajadora o trabajador del hogar”. In accordance with the Committee’s decisions, the respective alternative terms remain in brackets in Article 1 and elsewhere in the French and Spanish versions of the text where the reference is made to the term in the singular. However, it will be noted that, throughout the proposed texts, the term is mainly used in the plural. In these cases, the following alternative expressions have been introduced in brackets: in French, “travailleurs domestiques” and “travailleuses et travailleurs domestiques”; and in Spanish, “trabajadores domésticos” and “trabajadoras y trabajadores domésticos”.

As pointed out during the first discussion, the ILO is currently undergoing a review of its governance documents for the purpose of introducing gender-sensitive language. Certain changes already having been made to the Standing Orders of the Conference and the Standing Orders of the Governing Body, in November 2010 the Governing Body will consider proposals with a view to ensuring gender-inclusive language in the ILO Constitution. With the aim of ensuring that the wording of the Constitution is non-sexist and non-discriminatory, this exercise will identify references in the Constitution that are gender specific (that is, exclusive to either men or women), in order to determine whether they are consistent with the principle of gender equality.³⁴ The Office intends to reflect the outcome of this discussion in Report IV(2A), together with any comments received in response to the present report regarding the terms currently placed between brackets in the proposed texts.

With regard to Article 1(c) of the proposed Convention (point 3(c) of the Conclusions), the Office recalls that the wording “not on an occupational basis” was included to reflect the concern of the Committee to ensure that day labourers and similar precarious workers remain included in the definition of domestic worker. Mindful that the intention behind the provision is clear, the Office, however, believes that there is room for improving the current wording which is potentially ambiguous and difficult to understand. The wording “not on an occupational basis” has not previously been used in ILO instruments and the Office would propose replacing it by the phrase “not as a means of earning a living”, in the hope that this more clearly expresses the concerns of the Committee. The Office invites comments on whether this proposed wording should replace the current wording in Article 1(c).

³⁴ ILO: *Constitution of the International Labour Organization: Preparation of proposals to introduce inclusive language for the purpose of promoting gender equality*, Governing Body, 307th Session, Geneva, Mar. 2010, GB.307/LILS/2/1.

Article 2(1)
(Point 5(1) of the Conclusions)

The Office made a slight drafting change to the wording “organizations representing domestic workers and their employers” to provide in clear terms that reference is made to organizations representing domestic workers, on the one hand, and organizations of employers of domestic workers, on the other. The parallel wording in Paragraphs 5(3), 6(2) and 22(1) of the proposed Recommendation was modified accordingly.

Article 3
(Points 6 and 7 of the Conclusions)

This provision brings together points 6 and 7 of the Conclusions, both of which are concerned with domestic workers’ human rights.

Article 4(2)
(Point 8(2) of the Conclusions)

The Office notes that this provision is concerned with access to education and vocational training of domestic workers under the age of 18 and above the minimum age of employment. It also notes that the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), do not exclude the possibility of persons within this age group engaging in domestic work, provided that it does not amount to hazardous work or another worst form of child labour. However, many of these children may have had no or only very limited access to education, often as a result of having become child domestic workers at a very young age. In this regard, the Office considers that a provision focusing on facilitating completion of compulsory schooling, rather than on education and vocational training more generally, would address the concerns of the Committee, while taking into account the varying realities and possibilities of member States. Mindful that the provision was the result of a lengthy amendment process, the Office has maintained the wording as adopted, but invites comments and suggestions on this matter.

Article 6
(Point 10 of the Conclusions)

For the sake of greater clarity, the Office has added the words “take measures to” after “Each Member shall” in the chapeau of this provision. This change makes it clear that the requirement under the provision is the taking of measures to ensure that domestic workers are informed of their terms and conditions of employment. The phrase “including where possible, and preferably” was rearranged to enhance readability.

In subparagraph (c), the Office replaced the words “regularity of its payment” by “periodicity of payments” to align the wording with existing standards.³⁵ In the specific context of this provision, the term “periodicity” is correct, as the concern here is to ensure that workers receive information on the intervals between each payment. Read in conjunction with Article 12(1) of the proposed Convention, it is clear that these intervals must be regular. While Article 12(1) provides that payments have to be made at regular intervals but not less often than once

³⁵ See Parts II and III of the Protection of Wages Recommendation, 1949 (No. 85).

a month, Article 6(c) is concerned with ensuring that the domestic worker in question is informed of the specific pay interval applicable in her or his case.

Subparagraph (i) was reformulated for the purposes of clarification and to align it with the structure of the preceding subparagraphs.

Article 7(1)
(Point 17(1) of the Conclusions)

This Article has been sequenced after Article 6 of the proposed Convention, as both provisions address similar matters. As the “minimum” terms and conditions of employment that should be set out in a written job offer or contract of employment are specified in Article 6, the Office has adapted the language accordingly.

The words “that must be agreed upon” have been omitted from the proposed text, which seeks to establish a written documentary basis for the terms and conditions of employment for migrant domestic workers. The Office seeks only to avoid redundancy and confusion to the extent that, generally in national law and practice, agreement to a valid job offer would result in the establishment of an employment contract.

The word “containing” has been replaced by “addressing”, to apply both to “job offer” and “contract of employment”; this wording is intended to ensure sufficient breadth and detail to ensure that the safeguards in Article 6 are satisfied.

In order to clarify that, in Article 7(1), the international standard provides a minimum threshold beneath which no derogation is permissible, the Office has removed the words “where applicable to migrant domestic workers” and, before the words “regional, bilateral or multilateral agreements, or under rules pertaining to the operation of a regional economic integration area”, has inserted the words “equivalent or more favourable measures under”. This wording was included on the understanding that the intention was not to adopt a provision that could be inconsistent with the Constitution of the ILO and with practice in respect of existing international labour standards.

When reflecting on the wording proposed by the Office, Members might in addition wish to offer comments on the following. First, the discussions in the Committee suggest that the regional, bilateral or multilateral agreements and rules in question, which pertain to the operation of a regional economic integration area, are binding international treaties, or rules derived from them. Members might wish to confirm that this provision is not meant to include agreements such as bilateral Memoranda of Understanding, possibly by replacing the word “agreements” with “treaties”. Second, it is the understanding of the Office that third-country migrants within a territory covered by equivalent or more favourable measures under the relevant agreements or rules, but who are not subject to them, would benefit from the requirement of a written job offer or contract of employment as stipulated in Article 7.

The Office invites comments on whether this provision might benefit from greater clarity.

Article 7(2)
(Point 17(2) of the Conclusions)

The reference to “rights” has been removed from the proposed text, as the Committee in its discussions was understood to be in favour of a provision ensuring that migrant domestic

workers achieve equality despite their distinct situation. With a view also to promoting cooperation in respect of migrant domestic workers, who exercise agency by deciding to cross international borders but who face special risks, Members might wish to consider the following alternative wording for this provision:

Members shall cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.

Article 9(2)
(Point 12(2) of the Conclusions)

In keeping with the explanation provided in respect of the Preamble, the Office considers that there is a need to examine this provision with a view to ensuring consistency with existing international law. In this regard, the Office invites comments on the following wording, which would replace the current text:

In taking these measures, Members shall ensure effective protection against arbitrary interference with the privacy of domestic workers and household members.

Article 10(2)
(Point 13(2) of the Conclusions)

In relation to this provision, it may be recalled that the Committee accepted an amendment to replace in point 12(2) of the Office text the words “in every” by “per each” (see paragraphs 497–506 of the Committee report). A related amendment which was not accepted by the Committee would have provided that, in relation to this rest period, “each Member may lay down a maximum reference period stipulated in national law and collective agreements”. Although the provision, as adopted during the first discussion, refers to “weekly rest”, its current formulation does not require that domestic workers actually enjoy this rest period in every seven-day period. This is a matter which requires serious consideration, also bearing in mind the wide support for an entitlement of domestic workers to a day off every week, which was expressed both in the replies to the questionnaire and during the first discussion. The Office invites Members to consider reverting to the expression “in every seven-day period”, it being understood that domestic workers may exceptionally be required to work during the period of weekly rest under conditions to be defined by national laws and regulations, or collective agreements. This possibility is recognized in Paragraph 10 of the proposed Recommendation.

Article 12
(Point 15 of the Conclusions)

Taking into account the discussions in the Committee as to whether paragraph 1 of this provision would allow for the payment of wages by means of bank cheques or bank transfers, the Office considered it appropriate to draw up a clause clarifying this matter. The additional language included in Article 12(1) of the proposed Convention clarifies that payment may be made by bank transfer, bank cheque, postal cheque or money order, as appropriate under national law and practice and with the consent of the worker concerned.

At the beginning of Article 12(2) of the proposed Convention, the Office omitted the words “Taking into consideration”, which are redundant. Bearing in mind the deliberations of the Committee during the first discussion, the Office considers that Article 12(1) of the proposed Convention clearly requires that payments are to be made in legal tender, while Article 12(2) provides for an exception. The word “generally” was moved to before the expression “applicable to other categories of workers” for the sake of greater clarity. At the end of Article 12(2), the Office reintroduced the words “, and the cash value attributed to them is fair and reasonable”, which, according to the records, the Committee intended to maintain, but appear to have been omitted from the Conclusions inadvertently.³⁶

Article 16(2)
(Point 20(1) of the Conclusions)

The Office made a number of drafting changes to enhance clarity of these provisions. The language included in subparagraph 2(a) of the proposed Convention is aimed at addressing ambiguity in the language adopted during the first discussion (point 20(2)(a) of the Conclusions). The proposed wording seeks to clarify that the information on past violations is meant to inform decisions on whether registration is granted.

Article 17
(Point 21 of the Conclusions)

With the aim of improving clarity and readability, the Office made a number of drafting changes to this provision.

COMMENTS ON PROPOSED RECOMMENDATION

Preamble

The Office has established a standard preambular text. Point 23 of the Conclusions was included as Paragraph 1 of the proposed Recommendation, in line with usual drafting practice.

Paragraph 3
(Point 25 of the Conclusions)

The Committee may recall that this provision was not discussed in detail during the first discussion. However, at its 2010 session, the Conference adopted the Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200), which applies to domestic workers and provides that “no workers should be required to undertake an HIV test or disclose their HIV status”. Having considered the language in point 25 of the Conclusions in the light of this significant development, the Office found it appropriate to include the words “consistent with international labour standards” in this provision to avoid any possibility of this provision being understood as referring to medical testing contrary to Recommendation No. 200. Other relevant standards are the Maternity Protection Convention, 2000 (No. 183),

³⁶ This would also be in line with the wording of Article 4 of the Protection of Wages Convention, 1949 (No. 95), which Article 12(2) basically reproduces.

and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in respect to which the ILO supervisory bodies are consistently alerted to discriminatory pregnancy testing. As an alternative to the wording that currently appears in the proposed text, consideration could be given to focusing the provision more clearly on the key issues affecting domestic workers, by rewording it as follows:

In taking measures to ensure the elimination of discrimination in respect of employment and occupation, Members should ensure that no domestic workers are required to undertake HIV or pregnancy testing, or to disclose their HIV or pregnancy status.

Paragraph 5(1)
(Point 27(1) of the Conclusions)

In modifying this provision, the Office has sought to avoid the repetition of language that is identical to that used in Article 6 of the proposed Convention.

Paragraph 20(1)
(Point 43(1) of the Conclusions)

A number of drafting changes were made to this provision in order to clarify and streamline the text that was adopted during the first discussion.

Paragraph 21
(Points 27(4) and 42 of the Conclusions)

In examining points 27(4) and 42 of the Conclusions, the Office found merit in merging these two provisions, as they deal substantively with the same matter. The resulting provision is contained in Paragraph 21 of the proposed Recommendation.

PROPOSED TEXTS**PROPOSED CONVENTION CONCERNING DECENT WORK
FOR DOMESTIC WORKERS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on ... June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for men and women workers with family responsibilities, and

Considering that domestic work continues to be undervalued and invisible and is mostly carried out by women and girls, many of whom are migrants or members of historically disadvantaged communities and therefore particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that, in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949, the Migrant Workers (Supplementary Provisions) Convention, 1975, the Workers with Family Responsibilities Convention, 1981, the Private Employment Agencies Convention, 1997, the Employment Relationship Recommendation, 2006, and of the ILO Multilateral Framework on Labour Migration, and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers, to enable them to enjoy their rights fully, taking into account the right to privacy that each domestic worker and each household enjoys, and

Recalling other relevant international instruments, such as the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime and in

particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ... day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Article 1

For the purpose of this Convention:

- (a) the term “domestic work” means work performed in or for a household or households;
- (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

1. The Convention applies to all domestic workers, provided that a Member which has ratified it may, after consulting representative employers’ and workers’ organizations, and, in particular, organizations representing domestic workers and those of employers of domestic workers, where they exist, exclude wholly or partly from its scope:

- (a) categories of workers who are otherwise provided with at least equivalent protection;
- (b) limited categories of workers in respect of which special problems of a substantial nature arise.

2. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

1. Each Member shall take measures to ensure effective protection of the human rights of all domestic workers.

2. Each Member shall take, in relation to domestic workers, measures to respect, promote and realize, in good faith and in accordance with the ILO Constitution, the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and not lower than that established by national laws and regulations for workers generally.

2. Each Member shall ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of, or interfere with, their education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, where applicable, decent living conditions which respect their privacy.

Article 6

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment, in an appropriate, verifiable and easily understandable manner, preferably, where possible, through written contracts in accordance with national laws and regulations, in particular:

- (a) the name and address of the employer;
- (b) the type of work to be performed;
- (c) the remuneration, method of calculation and periodicity of payments;
- (d) the normal hours of work;
- (e) the duration of the contract;
- (f) the provision of food and accommodation, if applicable;
- (g) the period of probation or trial period, if applicable;
- (h) the terms of repatriation, if applicable; and
- (i) terms and conditions concerning termination of employment.

Article 7

1. National laws and regulations shall require that migrant domestic workers receive a written job offer or contract of employment addressing the terms and conditions of employment referred to in Article 6 prior to crossing national borders for the purpose of taking up domestic work to which the offer or contract applies, without prejudice to equivalent or more favourable measures under regional, bilateral or multilateral agreements, or under rules pertaining to the operation of a regional economic integration area.

2. Members shall cooperate with each other to ensure the effective protection of migrant domestic workers under this Convention.

Article 8

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse and harassment.

Article 9

1. Each Member shall take measures to ensure that domestic workers:
 - (a) are free to negotiate with their employer whether to reside in the household;
 - (b) are not bound to remain in or with the household during the periods of daily and weekly rest or annual leave; and
 - (c) are entitled to keep in their possession their travel and identity documents.
2. In taking these measures, due respect shall be given to the right to privacy of both the domestic worker and the household.

Article 10

1. Each Member shall take measures to ensure that the normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave of domestic workers are not less favourable than those provided for workers generally in accordance with national laws and regulations.
2. Weekly rest shall be at least 24 consecutive hours per each seven-day period.
3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws or regulations, collective agreements or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

1. Domestic workers shall be paid directly in legal tender at regular intervals but not less often than once a month. As appropriate under national law and practice and with the consent of the worker concerned, payment may be made by bank transfer, bank cheque, postal cheque or money order.
2. National laws or regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of allowances in kind, in conditions not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such allowances are agreed to by the worker, are appropriate for the personal use and benefit of the worker, and that the cash value attributed to them is fair and reasonable.

Article 13

1. Each Member shall take appropriate measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of:
 - (a) occupational safety and health; and
 - (b) social security protection, including with respect to maternity.
2. The measures referred to in the preceding paragraph may be applied progressively.

Article 14

Each Member shall take measures to ensure that all domestic workers, either by themselves or through a representative, have easy access to courts, tribunals or other dispute resolution procedures under conditions that are not less favourable than those available to workers generally.

Article 15

Each Member shall establish effective means of ensuring compliance with national laws and regulations for the protection of domestic workers.

Article 16

1. Each Member shall take measures to ensure that domestic workers recruited or placed by an employment agency, including migrant domestic workers, are effectively protected against abusive practices, including by establishing the respective legal liability of the household and the agency.

2. Each Member shall take measures to:

(a) establish criteria for the registration and qualifications of employment agencies, including disclosure of information on any relevant past violations;

(b) carry out regular inspections of employment agencies to ensure compliance with relevant laws and regulations, and provide for significant penalties for violations;

(c) provide accessible complaint mechanisms for domestic workers to notify authorities of abusive practices; and

(d) ensure that fees charged by employment agencies are not deducted from the remuneration of domestic workers.

Article 17

Each Member shall implement the provisions of this Convention, in consultation with representative employers' and workers' organizations, through laws and regulations, as well as through collective agreements or additional measures as consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 18

This Convention shall not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

**PROPOSED RECOMMENDATION CONCERNING
DECENT WORK FOR DOMESTIC WORKERS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on ... June 2011, and

Having adopted the Domestic Workers Convention, 2011, and

Having decided upon the adoption of certain proposals with regard to decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Domestic Workers Convention, 2011,

adopts this ... day of June of the year two thousand and eleven the following Recommendation, which may be cited as the Domestic Workers Recommendation, 2011.

1. The provisions of this Recommendation supplement those of the Domestic Workers Convention, 2011 (“the Convention”), and should be considered in conjunction with them.
2. In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:
 - (a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers’ organizations of their choice and to the right of organizations of domestic workers to join workers’ organizations, federations and confederations;
 - (b) protect the right of employers of domestic workers to establish and join organizations, federations and confederations of employers of their choosing; and
 - (c) take or support measures to strengthen the capacity of organizations of domestic workers to protect effectively the interests of their members.
3. In taking measures for the elimination of discrimination in respect of employment and occupation, Members should make sure, among other things, that work-related medical testing is consistent with international labour standards and respects the principle of the confidentiality of personal data and the privacy of domestic workers; Members should prevent any discrimination related to such testing.
4. When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, including in respect of working time and restrictions on undertaking certain types of domestic work.

5. (1) In communicating the terms and conditions of employment to the domestic workers, appropriate assistance should be provided, when necessary, to ensure that the domestic worker concerned has understood those terms and conditions.
 - (2) Further to Article 6 of the Convention, the terms and conditions of employment should include the following particulars:
 - (a) the starting date of the employment;
 - (b) a job description;
 - (c) paid annual leave;
 - (d) daily and weekly rest;
 - (e) sick leave and any other personal leave;
 - (f) the rate of pay for overtime work;
 - (g) any other cash payments to which the domestic worker is entitled;
 - (h) any allowances in kind and their cash value;
 - (i) details of any accommodation provided;
 - (j) any authorized deductions from the worker's wages; and
 - (k) the period of notice required for termination by either the domestic worker or the employer.
 - (3) Members should consider establishing a model contract for domestic work, in consultation with representative employers' and workers' organizations and, in particular, organizations representing domestic workers and those of employers of domestic workers, where they exist.
6. (1) Hours of work and overtime should be accurately calculated and recorded, and this information should be freely accessible to the domestic worker.
 - (2) Members should consider developing practical guidance in this respect, in consultation with representative employers' and workers' organizations and, in particular, organizations representing domestic workers and those of employers of domestic workers, where they exist.
7. With respect to periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls (commonly known as standby or on-call periods), national laws and regulations or collective agreements should regulate:
 - (a) the maximum number of hours per week, month or year that a domestic worker may be required to be on standby, and the ways they might be measured;
 - (b) the compensatory rest period to which a domestic worker is entitled if the normal period of rest is disturbed by standby; and
 - (c) the rate at which standby hours should be remunerated.
 8. Members should consider specific measures, including appropriate financial compensation, for domestic workers whose normal duties are performed at night, taking into account the constraints and consequences of night work.
 9. Members should take measures to ensure that domestic workers are entitled to suitable periods of rest during the working day, which allow for meals and breaks to be taken.

10. The day of weekly rest should be a fixed day in every period of seven days to be determined by agreement of the parties, taking into account work exigencies and the cultural, religious and social requirements of the domestic worker.
11. National laws and regulations, or collective agreements, should define the grounds on which domestic workers may be required to work during the period of daily or weekly rest and provide for adequate compensatory rest, irrespective of any financial compensation.
12. Time spent by domestic workers accompanying the household on holiday should not be counted as part of their annual leave.
13. When provision is made for the payment of a limited proportion of the remuneration in the form of allowances in kind, Members should consider:
 - (a) establishing an overall limit on the proportion of the remuneration that may be paid in kind so as not to diminish unduly the cash remuneration necessary for the maintenance of domestic workers and their families;
 - (b) calculating the cash value of allowances in kind by reference to objective criteria such as the market value, cost price or prices fixed by public authorities, as appropriate;
 - (c) limiting allowances in kind to those clearly appropriate for the personal use and benefit of the domestic worker, such as food and accommodation; and
 - (d) prohibiting allowances in kind that are directly related to the performance of work duties, such as uniforms, tools or protective equipment.
14.
 - (1) Domestic workers should be given at the time of each payment an easily understandable written account of the payments due to them, the amounts paid and the specific amount and purpose of any deductions which may have been made.
 - (2) Upon termination of employment, any outstanding payments should be made promptly.
15. Members should take measures to ensure that domestic workers enjoy conditions not less favourable than those of workers generally in respect of the protection of workers' claims in the event of the employer's insolvency or death.
16. When provided, accommodation and food should, taking into account national conditions, include:
 - (a) a separate, private room that is suitably furnished, adequately ventilated and equipped with a lock, the key to which should be provided to the domestic worker;
 - (b) access to suitable sanitary facilities, shared or private;
 - (c) adequate lighting and, as appropriate, heating and air conditioning in keeping with prevailing conditions within the household; and
 - (d) meals of good quality and sufficient quantity, adapted to the cultural and religious requirements, if any, of the domestic worker concerned.

17. In the event of termination of employment, for reasons other than serious misconduct, live-in domestic workers should be given a reasonable period of notice and time off during that period to enable them to seek new employment and accommodation.
18. Members should take measures to:
 - (a) identify, mitigate and prevent occupational hazards specific to domestic work;
 - (b) establish procedures for collecting and publishing statistics on occupational safety and health related to domestic work;
 - (c) advise on occupational safety and health, including on ergonomic aspects and protective equipment; and
 - (d) develop training programmes and disseminate guidelines on occupational safety and health requirements specific to domestic work.
19. Members should consider means to facilitate the payment of social security contributions by employers, including in respect of domestic workers working for multiple employers, for instance through a system of simplified payment.
20. (1) Members should consider additional measures to ensure the effective protection of migrant domestic workers' rights, such as:
 - (a) providing for a system of visits to households in which migrant domestic workers will be employed;
 - (b) developing a network of emergency housing;
 - (c) establishing a national hotline with interpretation services for domestic workers who need assistance;
 - (d) raising employers' awareness of their obligations and of sanctions in case of violation;
 - (e) securing access of domestic workers to complaint mechanisms and their ability to pursue legal civil and criminal remedies, both during and after employment, irrespective of departure from the country concerned; and
 - (f) providing for a public outreach service to inform domestic workers, in languages understood by them, of their rights, relevant laws and regulations, available complaint mechanisms and legal remedies, and to provide other pertinent information.
- (2) Members that are countries of origin of migrant domestic workers should assist in the effective protection of the rights of these workers, by informing them of their rights before departure, establishing legal assistance funds, social services and specialized consular services and any other appropriate measures.
21. Members should consider specifying by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation at no cost to themselves on the expiry or termination of the employment contract for which they were recruited.
22. (1) Members should establish policies and programmes, in consultation with representative employers' and workers' organizations and, in particular, organizations representing domestic workers and those of employers of domestic workers, where they exist, so as to:

- (a) encourage the continuing development of the competencies and qualifications of domestic workers, including literacy training as appropriate, so as to enhance their career and employment opportunities;
 - (b) address the work–life balance needs of domestic workers; and
 - (c) ensure that the concerns and rights of domestic workers are taken into account in the context of more general efforts to reconcile work and family responsibilities.
- (2) Members should develop appropriate indicators and measurement systems in order to strengthen the capacity of national statistical offices and to effectively collect comprehensive data on domestic workers.
23. (1) Members should cooperate at bilateral, regional and global levels for the purpose of enhancing the protection of domestic workers, especially in matters concerning social security, the monitoring of private employment agencies, the prevention of forced labour and human trafficking, the dissemination of good practices and the collection of statistics on domestic work.
- (2) Members should take appropriate steps to assist one another in giving effect to the provisions of the Convention through enhanced international cooperation or assistance, or both, including support for social and economic development, poverty eradication programmes and universal education.

