

>>> ITUC Press <press@ituc-csi.org> 14.11.2007 11:15 >>>
INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

ITUC OnLine

197/141107

Spotlight interview with Ida Le Blanc (Domestic Workers' Union - Trinidad)

“Domestic employees are workers like any others”

Brussels, 14 November 2007 (ITUC OnLine): Pay increases, legal assistance, training... the National Union of Domestic Employees (1) of Trinidad and Tobago is making steady progress. But as it's General Secretary, Ida Le Blanc, explains, there is still a long way to go to convince employers and legislators that domestic workers should enjoy the same rights as other workers.

What are the main problems facing domestic workers in Trinidad and Tobago?

The greatest problem lies in the fact that they are not recognised as workers. Anyone who works in or around a house and who is paid by the householder is excluded from our basic labour legislation which is the Industrial Relations Act (IRA). This deprives us of the right to legally organise domestics and to bargain collectively on their behalf. So domestic workers, chauffeurs, “handymen” and gardeners are not covered by this Act. It's a great injustice for the over ten thousand domestic workers in Trinidad and Tobago. If a domestic worker is dismissed from one day to the next after working for a household for 20 years, for example, she has no recourse, whether the dismissal is unfair or not. The Beijing Platform for Action (2) states that all workers must have access to legal recourse against violations of their rights. Our government has ratified the Convention on the Elimination of all Forms of Discrimination against Women, but contravenes this Convention by depriving domestic workers of their rights.

What other problems do they face?

If the government included domestic workers in the labour legislation, most of the other problems would be resolved. For instance, since domestics are not officially recognised as workers they are excluded from the Occupational Safety and Health Act (OSHA). A domestic complained to us that she had contracted a contagious disease at her work: after taking care of the employer's elderly husband, she eventually had to stay at home fearful that her children could also get the disease and when she applied for the sick leave to which she was entitled she was fired. Shouldn't the health and safety of every citizen be regarded as important? Domestics also claim that when they enquire about their National Insurance they are fired, since when the National Insurance Board representative requests information from their employer they are fired instantly, with no means of recourse.

A domestic worker recently told me that she had worked for six years with a woman who had promised to register her with the National Insurance Board. The domestic worker was approaching 60, retirement age, and when she realised that her boss had not done the necessary, she went to the national insurance office herself. The office then contacted the employer to inform her that she owed six years contributions. The employer was furious and

fired the domestic worker on the spot. She had no recourse, because according to the law she isn't a worker.

This is the kind of problem domestic workers have to face day after day. There is no legislation concerning termination benefits where the domestic has reached retirement age and there is no compensation in the event of dismissal. Some work for an employer for 20 to 25 years and when they reach retirement age they receive nothing. We formed our union to fight to bring domestic workers into line with all other workers, to secure protection for them through the labour legislation.

What services do you offer your members?

Apart from representing them and defending their interests, we hold at least four worker education programmes annually called 'Workers Know Your Rights', informing them of their rights and entitlements under existing laws that cover them. We inform them of current affairs taking place locally and internationally and try to keep them abreast of new developments in the world of work. I have represented domestic workers in numerous court cases, and have won many victories, but these have only concerned maternity protection and minimum wage violations which can be brought to industrial tribunals.

The members we want to organise are not just domestics. We extended our coverage in 1992 to include general workers, i.e. workers who are covered under the Minimum Wage Act and are too vulnerable to seek majority union status. We bring them together monthly to air their grievances with other workers who face similar difficulties.

Members are offered free representation in rights disputes at the Ministry of Labour and the Industrial Court but those workers who join the union only for those services must pay 10% of their compensation in the event that we are successful. These monies help support the general activities of the union because the union dues are kept low owing to the type of membership we organise.

We are also lobbying for the labour legislation to be amended, so that it protects all workers. One of our victories include having convinced the government to amend the minimum wage legislation, which applies to domestic workers and gives them rights such as public holiday pay, sick leave and maternity leave. The problem is that this law is not properly enforced by labour inspectors. But it allows us to go before the courts to represent domestic workers in cases of violations of the Minimum Wage Law. We have succeeded in making sure that violations of this law are dealt with by the labour tribunals, where we can represent the workers. Prior to this, we didn't have enough funds to pay the lawyers to represent them in the ordinary courts.

What kind of wages do domestic workers earn in Trinidad and Tobago?

The minimum wage is TT\$9 per hour (US\$1.40), but many receive substantially less. By acting like this, employers are adding to the poverty in our country, all the more so given that these domestic workers spend most of their time at their employer's home, taking care of their employers' family, whilst their own family, their own children sometimes stay home unattended. A link can be drawn between this situation and the rising criminality in the country, because there is a risk that all these youngsters growing up without supervision will contribute to a rise in crime in the long term. Domestics complain of not being paid for the overtime they work, especially

“Sleep In Domestics” who complain that they are always on call.

Is the employment of domestic staff confined to Trinidadians with high incomes?

The Prime Minister, every Member of Parliament and important people from every walk of life have domestic staff. That's where our greatest problem lies, because it is not in these employers interest to fight for the cause of domestic workers. That's why we don't stay in our union office but go out and campaign in public places where thousands of people pass by every day. Some employers are judges, who they themselves violate their domestic workers' rights. When we discover cases like these, the employers choose to settle with the domestic worker immediately, paying what they owe her on the spot, for fear of being denounced in public. But we have employers who are teachers, or nurses, etc., people from the middle classes who depend on the services of their domestic employees but are not afraid of media pressure. So it is difficult to negotiate with these middle income wage earners, since there is no law allowing domestics to seek redress for wrongful dismissal and these employers trade on this fact. Then there are the domestics who “help out” their friends and neighbours who work for the minimum wages and are given “a little something” when the friend gets paid. Governments must intervene on these workers' behalf to ensure decent standards of living.

However, there are good employers, who call the union for information about their National Insurance responsibilities or to find out how much they should pay their domestic workers. We encourage domestic workers to inform their employers about their obligations towards them.

Many unions have difficulties organising domestic workers, among other things, because it's difficult to make contact with them. What formulas do you use?

We try to go to all the areas where domestic workers are employed, to give them leaflets and talk to them about their rights. The main way of making contact with them, nevertheless, is by going through the media. Every time we talk about their problems in the media, we receive telephone calls from domestic workers wanting to come to us for information. Our biggest problem is getting them to keep up their membership: more than 800 domestic workers have joined our union at some point, but most of them don't stay members for very long. We don't really know why, although one certainty is that we don't have the financial resources to carry out a great deal of activities in their favour. Only around 120 of our 500 members are domestic workers. They conceal their union membership from their employers, for fear of being sacked.

Are there child domestic workers?

Yes, although they are not as visible as in other sectors. In most cases, the little girls working as domestics are not employed as such, as they only receive food and shelter... These arrangements are usually made between people from the same neighbourhood or family, but it is child labour all the same.

Are there migrant domestic workers in Trinidad and Tobago?

Many Trinidadians work as domestics in the United States. In Trinidad, we have migrants from the smaller islands: Trinidad is thought to be a rich country, because we have oil and natural gas, so a lot of people come from Grenada, Guyana or other islands to make a better living. These domestic

workers usually live at their employers' place. One day, a domestic worker from Guyana came to see us because she had been fired and had nowhere to sleep. There should be centres giving shelter to migrant workers who find themselves in this kind of situation.

There is talk that a new ILO Convention concerning domestic work may be adopted. Would such a Convention be of any assistance to you?

Yes, an ILO convention would be certainly be a form of acknowledgement that domestics are indeed workers and should be treated as such. We are interested in the here and now, and this can be used as a powerful tool for us in lobbying certain governments from developing countries. Results are obtained much more quickly with the backing of international connections. Having said that, international pressure would not be effective if it were not accompanied by a national lobby.

Interview by Samuel Grumiau

(1) The National Union of Domestic Employees is affiliated to the National Trade Union Centre of Trinidad and Tobago, one of the ITUC's two affiliates in the country.

(2) The Beijing Platform for Action is a key document in the history of the fight for women's rights. Adopted during the United Nations World Conference on Women in 1995 in Beijing, this document identifies the chief problems affecting women around the world and proposes measures to resolve them.

The ITUC represents 168 million workers in 153 countries and territories and has 305 national affiliates. Website: <http://www.ituc-csi.org>.

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