

INTERNATIONAL TRADE UNION CONFEDERATION
ITUC OnLine
[076/040610]

Spotlight Interview with Luc Demaret (ILO-Actrav)

Domestic work: « Putting an end to exclusion and exploitation »

Physical and psychological violence, economic exploitation, low social status...domestic workers, mostly women, are the victims of multiple forms of abuse, particularly migrant women. While the trade union movement steps up its campaign, Luc Demaret, responsible for the "domestic work" portfolio within the ILO's Bureau for Workers' Activities (ACTRAV), explains how a new ILO Convention and its accompanying Recommendation will give domestic workers back their dignity "To replace an exploitative relationship with a legal relationship and give them the means to achieve emancipation and greater respect."

-How big is the domestic workforce worldwide ?

Most countries do not include domestic work in their labour statistics, so it is very difficult to put a figure on it. Domestic workers in the informal economy represent between 5% and 9% of the working population in many developing countries. There are about 5 million in Brazil, and another 2 million in the Indian capital of New Delhi alone. In the industrialised countries, they account for about 2.5% of the working population. By extrapolation, the ILO estimates that there are over 100 million domestic workers worldwide, overwhelmingly women. Because their work allows millions of people to leave the home to earn a living, they are an essential link in the world economy.

-Is this a growing sector, or is it beginning to shrink ?

We thought at one point that the promotion of decent work would reduce the number of domestic workers. But the opposite has happened. Even at a time of economic crisis, people who are looking for a job at any cost need domestic help. Even in the Scandinavian countries, where it is generally held that domestic work "shouldn't exist", because everyone should do their share of the work rather than delegate it to someone else, there has been an increase in the phenomenon, which has developed outside the legislative framework. In Denmark, for example, they exploit the "au pair" system as a means of providing domestic services.

-Domestic workers, particularly migrants, are victims of many abuses, often serious. Why are they so vulnerable ?

All this abuse is the result of the absence of protection which penalises all domestic workers. They are not recognised by the great majority of national labour laws and are not sufficiently covered by international labour law. Women migrants are doubly vulnerable to this lack of legal protection for domestic work, because of their gender and their status as migrants. They are completely at the mercy of the employer if they wish to stay in their country of destination. That leaves the door wide open to all forms of abuse.

-What is the fundamental objective of this new ILO instrument that is specifically for domestic workers?

The fundamental objective is to give these workers back their dignity, to transform an exploitative relationship into a legal relationship. The principal issue that motivated the ILO to take action was the realisation that tens of millions of people are excluded from any form of recognition and protection and that exclusion means exploitation. Exclusion is the root of all the problems faced by domestic workers, notably the very negative image they have in our societies. Legal recognition would give them the means to achieve their emancipation and restore their dignity. When we look back we can see that slavery was followed by the setting up of a legislative framework to protect labour. But domestic workers, like agricultural workers, were left out of this "leap forward" in the labour world. It is no accident that cases of actual domestic slavery are regularly discovered. As a result of an historic oversight this sector has been in a situation where

the working relationship is still based on domination.

-How can domestic work be defined in order to provide an objective basis for the elaboration of new, appropriate legal instruments?

That will be the crucial issue for the Conference, and there are two pitfalls that must be avoided.

First, care must be taken to avoid all forms of exclusion. The call for a new instrument is based precisely on the need to put an end to the exclusion of a whole group of workers, so that pattern of exclusion must not be repeated by developing a new instrument that fails to encompass all domestic workers. There has to be a sufficiently generic approach. But at the same time it is important to avoid having too broad a definition that covers workers already covered elsewhere.

Such as nurses for example, or caregivers in the home, who are already recognised by their own industrial relations system. It is important to be very careful not to have a one-size-fits-all definition that would mean a dangerous lack of clarity, and the risk of losing advantages that some workers already have. The ILO's proposals form a good working basis, to avoid replacing exclusion by confusion.

-Why does there have to be a Recommendation to accompany the Convention?

A Convention is a strong instrument that establishes minimum fundamental rights for domestic workers. To help governments apply this Convention, a Recommendation provides implementation mechanisms designed to meet the very specific needs of domestic work, in terms of working hours for example, leave, housing, etc. The Recommendation will also help guide governments who are prepared to go beyond the minimum rights protected by a Convention. It is important to consider ways of enhancing the workers' status, by means of training for example. Domestic work has become more and more necessary to the smooth running of our societies, it has many facets and huge development potential.

– Back in 1948 the International Labour Conference adopted a resolution expressing its concern about the situation of domestic workers. Why have we had to wait more than half a century for the issue to move up to the top of the agenda?

It is true that as early as 1948, and then again in 1965, the ILO had already expressed its concerns about the poor working conditions and lack of rights faced by domestic workers. It is not that the ILO hasn't done anything since then, but there has not been enough pressure for it to take any significant steps. It was around 2005 that more and more women domestic workers began to realise the need to organise. Women domestic workers' associations multiplied, particularly in Latin America and Europe, and as they began to feel the limitations on their forms of organisation, they moved closer to the trade union movement. Furthermore, the discussions on migrant labour in 2004, and the discussions on the elimination of child labour, also had an impact, as they strayed into the more nebulous territory of domestic labour each time. It was the convergence of all these elements that triggered greater awareness.

What role did the trade union movement play in the shift from growing awareness to developing a new standard at the ILO?

The strong link between the trade unions and domestic workers' associations led to their demands being voiced at the ILO. It was clearly thanks to the Workers' Group in the ILO that this subject has been put on the agenda. Some associations have turned into unions, like in Hong Kong, for example. The trade union movement itself has worked hard at organising domestic workers, which is a huge challenge.

But union organising also has its limits, particularly in the all too many countries where domestic workers don't have the right to form a union. Hence the need voiced by the trade unions for a normative instrument to overcome this stalemate.

The mere prospect of a Convention created great enthusiasm both among domestic workers and in the trade unions. The call for a Convention has become a rallying cry, as was seen during the recent trade union mobilisations on domestic work on May Day, international labour day. This mobilising has already attracted the attention of governments and employers, even before the existence of a Convention. So although the debate has not yet officially begun, the mere prospect of a Convention has had a major political impact.

What role can the trade union movement still play at this stage of the International Labour Conference now taking place in Geneva?

On the basis of a questionnaire sent to all the parties in 2009, the International Labour Office has

submitted conclusions that will serve as the basis for the discussions. Each provision will be subject to tripartite scrutiny. The task will be to negotiate with and convince the other parties in order to obtain a Convention that is both effective and ratifiable. In other words one that provides solid minimum standards that will make it possible to improve the initial situation at the national level and then move on to a process of further progress through the industrial relations system.

-What are the main areas of reluctance and resistance the workers' group can expect?

Governments have questioned the implementation of such an instrument, essentially because work in a private home is in theory difficult for labour inspectors to access. Some also question the financial issues, in terms of social security, health and safety. Some countries have already found the answers to these concerns however, such as Brazil, Uruguay and South Africa. In Europe, some countries have involved the employers, by developing systems that make it possible to bring domestic services out of the informal sector. There is a critical mass of experiences, isolated until now, that could be used as a source of inspiration for these discussions. It will also be important to enter into dialogue with the employers who have been reticent so far about the idea of a Convention. They prefer a non-binding instrument like a Recommendation. This position could change. In Belgium, for example, the proposal for a Convention and Recommendation is supported by all the social partners, including therefore the employers.

-What is the next step, after the International Labour Conference ?

At this year's Conference the task is to review the proposals made by the International Labour Office in order to draw up a draft Convention and Recommendation that will be sent back to the Member States and social partners. After the text is revised, further to any comments made and a second tripartite discussion at the 2011 International Labour Conference, the texts of the Convention and Recommendation need to be adopted by a two-thirds majority of delegates representing the governments, employers and trade unions of the 183 Member States of the ILO. This adoption stage will of course be crucial and the workers' group will have to use the force of their conviction. The next stage is ratification. The ILO will have to launch a ratification campaign, but trade union mobilising will also be essential to make things happen at the national level. It is important to know that if a State is not ready to ratify the Convention immediately, it can nonetheless vote in favour of the new ILO instrument, provided it does ratify it in the longer term, over a time period better suited to its situation. The important thing, as a first step, is to give the ILO the necessary instruments to promote decent work effectively for this category of workers.

-In practical terms, how can a new ILO instrument help a woman domestic worker who has been the victim of abuse in any given country?

Once a Convention is ratified it has the force of law in the countries that are party to it. Fear of the police will no doubt have an immediate effect, with a lot of people who use domestic labour abiding by the new rules and some systems may even give them incentives. In many cases, it is the lack of clearly defined rules that leads to abuse. The less scrupulous employers will leave themselves open to sanctions. Domestic workers will know their rights and trade union information campaigns can help with that. If for example a woman domestic worker is dismissed simply because she is pregnant, she can win compensation from a tribunal. She could receive help from a trade union organisation. It will be difficult for people who use domestic labour to do so unseen: decent work conditions will have to be respected, with minimum social protection, leave days, and a weekly rest day. There could be specific collective agreements, as is already the case in some countries. They will move from a world of exploitation to one of dignity. An international Convention can make a difference. That is what domestic workers are asking for. This isn't theory, it is a tool for real change. That is why this discussion is so historic; it will repair a historic oversight.

Interview by Natacha David

-For further reading on this subject see « Trade Union View » : Domestic Work : Mobilising for an ILO Convention, at: http://www.ituc-csi.org/IMG/pdf/VS_domestiques_EN.pdf

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