

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

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Spotlight interview with Marieke Koning (ITUC-Equality)

"A historic victory for domestic workers"

Brussels, 16 June 2011 (ITUC OnLine): The 100th session of the International Labour Conference has today adopted, on 16 June, a Convention accompanied by a Recommendation on decent work for domestic workers. This crucial step forward is the fruit of many years of campaigning by trade unions and domestic workers' associations from across the globe, as well as the workers' group within the ILO. Marieke Koning, ITUC expert on gender equality and domestic work issues, outlines the content of these new international standards, which take over 100 million domestic workers all around the world out of the shadows.

What changes does this Convention bring with regard to the status of domestic workers?

This Convention is a truly historic decision. Some of the domestic workers at the conference in Geneva even said that it marks the end of modern-day slavery. It means, above all, their recognition as workers, as fully-fledged human beings. It also constitutes a mark of respect for work that is traditionally done by women and is therefore underpaid and undervalued.

The Convention also gives the millions of domestic workers around the world the same rights as other workers. Until now, most domestic workers belonged to what is called the informal economy. Once ratified, this Convention has the potential to take millions of workers out of the shadow economy and formalise their employment.

What concrete issues regarding living and working conditions are addressed by the Convention?

The Convention, first and foremost, recognises the right of domestic workers to organise in unions, which is still forbidden in many countries. This change should allow them to negotiate and improve their working conditions.

Working conditions are also addressed in the texts. An exact number of working hours, for example, has not been specified, but it is stipulated that domestic workers must receive equal treatment to other workers and thus have the right to the same maximum number of hours, overtime hours, etc. as that provided for in the national legislation. The hours spent on stand-by are also recognised as working hours.

The Convention gives women the right to maternity leave and all domestic workers the right to one day off per week. It also establishes the right to the minimum wage in countries where it exists, like all other workers. Equal treatment to all other workers is really a very important aspect of the Convention, and is derived from the fact that it provides for the recognition of domestic workers in all the labour laws around the world.

The issue of payment in kind is also covered. It must be in line with national standards, be very limited and subject to very clear criteria. The Recommendation, for example, specifies that it should not cover the purchase and cleaning of uniforms.

Do these new international standards offer specific protection to migrant domestic workers?

Yes. Migrant domestic workers must sign a written contract, for example, covering their conditions of employment prior to their departure, and this contract will be applicable in the destination country. They will have the power to decide if they want to live in the workplace or not. It is also clearly stated that the domestic work is not obliged to stay in her employer's home during her weekly or annual leave. The text also provides for the strict regulation of recruitment agencies as well as the obligation to put measures in place to avoid abuses. Agency fees, for example, can no longer be deducted from domestic workers' salaries.

Migrant employees are given the right to keep their identity papers and travel documents in the destination country. This is a fundamental element, as migrant domestic workers' employers or employment agencies often confiscate their identity papers to keep them in their clutches for the duration of their stay in the destination country.

Does the text also deal with child labour? Is a minimum age set down?

The Convention refers to Conventions 138 (1) and 182 (2) of the ILO and stipulates that if children under 18 are employed as domestic workers (so long as they are above the age required by law to work), they must be given access to some form of education or training. The Recommendation places greater restrictions on child labour and prohibits night work, for instance.

A major point of contention was labour inspectors' access to a domestic worker's place of employment, since they are generally private residences...

Labour inspectors now have the right to enter private residences where the workers are employed. There are several references to this new rule, both in the Convention and the Recommendation.

A number of diplomats have been involved in scandals linked to their keeping domestic workers as slaves, but have escaped prosecution thanks to diplomatic immunity. Do the new standards address this problem?

There is a section in the Recommendation referring to diplomatic staff, stipulating that codes of conduct should be used to prevent this type of employer from violating domestic workers' rights, and that if there is a problem, solutions such be sought at bilateral, regional and multilateral levels.

What role have trade unions played in the adoption of this Convention and Recommendation?

Trade unions and domestic workers themselves have done a fantastic job campaigning throughout the world. Over the last 12 months in particular, unions have mobilised their members to contact their employers and governments and to negotiate the adoption of this Convention and Recommendation. Some unions have already been very active in this area for many years. They have tried to organise domestic workers or at least make contact with them in one way or another.

Given the support that governments and employers have given us during the adoption of these new standards, and given their support for the amendments we proposed, I consider the trade union campaign to have been highly effective.

Why is it that 100 International Labour Conferences have gone by before adopting a Convention like this?

Fifty years ago, ILO discussions were already being held on the recognition of domestic workers and their rights, but in many countries domestic work is considered as typically 'women's work'. This work is traditionally undervalued and, often, is not even recognised as a job. At the beginning of the 2000s, things were pretty much the same but, although it has taken a long time, mentalities have changed over the last decade. The main turning point was in 2008 when the ILO Governing Body placed decent work for domestic workers on the agenda of the International Labour Conference, with a view to having international standards adopted on the matter. The battle waged by domestic workers' movements for their rights was one of the major drivers behind this decision. As of then, the workers themselves followed the movement, creating communities, holding meetings, etc. They played a very important role.

What are the next stages in this fight?

Securing the adoption of the Convention and the Recommendation was the first step, now there are many others to take. For domestic workers to be able to fully exercise the rights guaranteed under these standards, they must be ratified. We are all set, therefore, to embark on a massive long-term campaign to secure their ratification: working to convince governments to ratify the Convention, thanking those who have supported us, etc. It is going to be a long and arduous task, but I truly think that the Convention's adoption and the fact that a majority was secured in its favour is really going to change the mindset not only of employers and governments but also the workers themselves. This issue has already been brought to the table and it will stay there, no one will be able to ignore it any longer.

It should also be underlined that whilst the Convention and Recommendation establish the minimal standards, trade unions can negotiate more favourable conditions.

Could the Convention have any impact on a country even if the government does not ratify it?

Firstly, governments have insisted on adopting a Convention that is ratifiable, which is already a kind of commitment in itself.

In addition, there is a now quite a large trade union movement fighting for domestic workers' rights and it will no doubt put pressure on the governments that refuse to ratify. It will need support and it may take years in some countries, but this Convention has been adopted and that will not change. Some countries like India, Tanzania or the Philippines have already made amendments to their labour legislations. If some countries move in the right direction, others will follow.

Interview by Anne-Catherine Greatti and Samuel Grumiau

- (1) ILO Convention 138 on the minimum age for admission to employment
- (2) ILO Convention 182 on the worst forms of child labour

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