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## Protection for Domestic Workers – Challenges and Prospects

## 家政工人的保护 — 挑战及展望

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## I. INTRODUCTION

*Birte Klemm*

Despite being one of the oldest and most important employment sectors for millions of people, all over the world, domestic work is often undervalued and poorly regulated. Thus, in addition to being underpaid and overworked, many domestic workers remain socially and legally unprotected. Domestic work, mainly done by women, takes place behind closed doors, almost invisible to the outside world. For workers who do not live with their employer, multiplicity of households, informal work arrangements and opaque wage determination pose severe problems. On the other hand, the work of employees who do live in the household of their employer tends to occur in an isolated, largely unregulated and privatized environment. These workers are most susceptible to physical and sexual abuse, long working hours and deprivation. Because of the informal nature of domestic work, even in countries with sufficient legal protection for domestic helpers many of these problems remain.

The urgent need for action in this rapidly growing sector worldwide has meanwhile been recognized at the international level. In June 2010, the 99<sup>th</sup> session of the International Labour Organization (ILO)'s annual Conference in Geneva adopted a resolution calling for the drafting of an international convention and supplementary recommendation to extend labor standards and social protection to the world's domestic workers. Setting new standards on domestic work represents an unprecedented opportunity for the ILO to break into the informal economy and deliver decent working conditions to millions of the world's most vulnerable

workers. At the upcoming ILO conference in June 2011 the decision will be made on whether these international instruments are to be formally adopted. If the convention is passed, the governments which ratify it have to ensure that employees in this sector are covered by ILO rights and principles. Most workers' organizations around the world have voiced broad support for a convention, but the majority of employers' organizations have expressed a preference for a recommendation only.<sup>1</sup>

Whatever way the 100<sup>th</sup> session of the International Labour Conference decides on this issue, the efforts of the ILO have already contributed a great deal to the process of improving domestic workers' rights merely by drawing international and national attention to this group of workers and by increasing general awareness of their dire situation. However, labor law experts doubt that the ILO will lay down rules that will lead to extensive improvements due to numerous implementation problems. Wolfgang Däubler elaborates on this issue in the second part of this paper. He argues that it is not a lack of legal regulations on domestic workers that pose the main problem, but control of their implementation, given the peculiar nature of the relationship between households and domestic workers. Däubler sees a possible solution in the replacement of the household employer by a third, larger unit, an "artificial employer" which ensures that legal requirements are adhered to. He illustrates this approach with two cases in which an "artificial employer" has been successfully established. One is the case of dock workers in harbors, the other home-care aides in

<sup>1</sup> ILO (2011), *Decent Work for Domestic Workers, Report IV*, Geneva: International Labour Office, online: <[http://www.ilo.org/ilc/ILCSessions/99thSession/reports/lang--en/docName--WCMS\\_151864/index.htm](http://www.ilo.org/ilc/ILCSessions/99thSession/reports/lang--en/docName--WCMS_151864/index.htm)> (20.3.2011).

California. An obligation for labor contracts between the household and a third party could also ensure much needed social protection for domestic helpers.

The importance of social security for domestic workers was discussed at an international conference organized by the Shanghai Women's Federation and the Friedrich-Ebert-Stiftung in March 2010 in Shanghai. International experts, mainly from Asia, presented the situation of domestic helpers in their home countries and regions. The country reports from mainland China/Hong Kong, South Korea and India in the third part of this paper are largely based on the presentations and abstracts of this conference. They show that, although domestic work is no longer unpaid as a matter of course in this region, profound problems remain. For example, in India, South Korea and mainland China, the average wages in this sector are far lower than in other industries. And despite some first reform steps, the majority of domestic

workers are still excluded from social protection. Only in Hong Kong are domestic laborers better off, because employment contracts, both for locals and migrants, are common. These include rights and benefits regulated in Hong Kong labor law. Nonetheless, most part-time domestic workers do not enjoy full legal protection; moreover, all domestic workers are excluded from retirement benefits.

In mainland China, the first steps have been taken towards the establishment of the so-called labor dispatch model, similar to Däubler's suggestion to replace the household employer by a third unit. In China, an agency is charged by the government with the training and administration of domestic workers, including dispatching them to households and handling their payment as well as social insurance. This model would also be practicable for other countries in the region. However, the path to achieving decent working conditions for this group of workers will be a long one.

## II. DOMESTIC WORKERS – THE FORGOTTEN GROUP?

*Wolfgang Däubler*

Labour law focuses on industrial work which, historically speaking, gave rise to most of its rules. Increasingly, it is taking up the problems of the service sector. However, in Germany or France it would be difficult to find a study devoted to domestic work, despite the immense number of books and articles on labor law that are published each year. Employment within a household tends to be regarded, in certain respects, as a private matter, unlike the activities

of a saleswoman, nurse or office cleaner which are observable by all in the course of daily life.

As a first step, we will describe the phenomenon of domestic work and give a provisional definition. What is the legal status of domestic workers? Are they located inside or outside labor law? The next section will deal with the specific problems arising for this group of workers. Finally, we will concentrate on the measures that could be taken to improve the situation of workers in this category.

### 1. WHAT IS DOMESTIC WORK?

Domestic work is carried out in a household. It is based not on family obligations but on a relationship of a different type which is supposed to entail remuneration for the worker. In this context, it is possible to distinguish three main groups of activities.<sup>2</sup>

- Traditional housekeeping, which includes cleaning, cooking, laundering and care of pets. It has normally been a privilege of the rich to employ one or more persons to perform these tasks, which may also include driving and gardening.
- Childcare. This could be described as education within the home, insofar as it comprises both the supervision of children's daily life and the intellectual activity of teaching. If both parents have a full-time job and no grandparents are available, this form of domestic work is indispensable, even for families who cannot be regarded as privileged.
- Personal care. Workers in this category assist elderly or disabled persons who require personal services. In an aging society, the need for this kind of work is on the increase. Since the demand for such services is not dependent on the affluence or reasonably comfortable economic situation of the recipients, financial problems will inevitably arise and ways of solving them have to be found.

### 2. FORMS OF DOMESTIC WORK

Domestic work is, in most cases, informal work. Frequently, it is performed by migrant workers. The relationship between householder and worker may, theoretically, be governed by labor

law but in practice this aspect of the situation tends not to be relevant. No taxes or social security contributions are paid; labor inspectorates or courts are not expected to intervene; the activity will not appear in any official statistics. Even in a country like Germany, particularly the first form of domestic work ("housekeeping") will be largely informal.

In some cases, domestic work is concealed beneath a family or neighborly relationship. "Helpers" must pretend to belong to the family or to the neighborhood in which people support each other. In reality, this constitutes a special kind of informal work which is even more dangerous for the worker insofar as such "friendship" normally excludes payment.

Finally, domestic work may, in other cases, constitute a normal form of labor relationship that can exist between the head of household and the worker. In other instances, it is the result of an employment relationship with an agency which recruits domestic workers and sends them to work in households.

Domestic work can be a full-time job where the worker actually lives with the family. This applies in the case of the traditional maid and may be a necessity in the case of childcare and personal care. Other activities, such as cleaning the home, can be carried out on a part-time basis without living with the family. Such part-timers may work for more than one household, an arrangement which may create additional problems.

### 3. SPECIFIC PROBLEMS

The circumstances of domestic workers are usually more precarious than those of other employees. The reasons for this are obvious.

<sup>2</sup> Most of the following is based on Report IV (1) of the International Labour Office to the International Labour Conference 2010, "Decent work for domestic workers ([www.ILO.org](http://www.ILO.org)– "Domestic workers").

Domestic workers live in a situation of marked personal subordination. The members of the household may issue instructions at any moment. In factories or offices the worker has to follow pre-established rules but only exceptionally will he or she receive an instruction: this might be described as a form of virtual subordination, existing in the background but almost never applied. The different situation prevailing in households may create a lot of problems; the worker may be ill-treated, even abused.

Domestic workers are usually isolated from each other. Contacts can be established only during their spare time. Joining a union tends to be considered unacceptable by employers and is often penalized by dismissal. In most countries, laws protecting against dismissal do not apply to small workplaces with only one or two workers. Resistance to inadequate working conditions is therefore possible only in an informal manner – for example, work may be performed less conscientiously – but the limits of such behavior are very soon reached.

In many cases, domestic workers have no vocational qualifications; one worker can, therefore, easily be replaced by another. Even where this is not the case – especially in the case of personal care workers – their position on the labor market remains weak. Their activity resembles unpaid family work, which is another reason for their low wages (which may be considered acceptable if the employer is not wealthy).

Working time may be regulated by law but in reality it is difficult to imagine that a childcare worker would refrain from looking after a child or from dealing with problems arising during the night. Personal care workers, similarly, cannot withhold their services in the event of urgent

need; the argument »I have already done my ten hours« would be considered grave misconduct.

If the worker lives in the household, a problem of privacy arises. Will they have their own room and can it be locked? Are there certain periods of rest time during which contacts with other people are possible? Can phone calls be made unsupervised? Is health protection possible? Can a doctor be reached without difficulty? In most countries, to expect positive answers to all these questions would be optimistic, to say the least.

#### 4. TRADITIONAL LEGAL REMEDIES

The first thing that occurs to lawyers when they are faced with major problems is that the law should be improved. This may be a reasonable step in any legislative corpus in which domestic workers benefit from even less legal protection than other workers. It may be that they are excluded – as in China – from any protection afforded by labor law because the householder, their »employer«, is not regarded as an employer in the legal sense. A further consequence of this may be that they are excluded also from the social security system. Under other legislative systems they are not entitled to join a union or participate in collective action. Even if they are included in the labor and social law system as a whole, they will usually suffer from the fact that entitlement to protection against dismissal requires a certain number of employees (for example, five or ten) in a given workplace, a threshold which is virtually never reached in a household.

Abolition of this general or partial exclusion would be a useful step towards creating equality with other categories of workers. Achieving a better level of protection against dismissal would,

however, require significant legal reform which is difficult to envisage in the near future.

What happens when domestic workers enjoy the same legal protection as other workers? In the large majority of cases the answer is quite simply, nothing. This is obvious in all circumstances in which domestic work is informal work. In reality, law does not exist in these cases and it makes absolutely no difference whether the theoretically applicable legislative provisions are favorable or otherwise.

If the relationship is – as happens exceptionally, and is more likely in the case of personal care workers – subject to legal regulation, the problem of implementation arises. Can a legal rule be so concrete as to regulate matters such as unobserved phone calls or the requirement that the worker be given a separate room with a door that can be locked? What happens if there is no phone or lockable room in the house? A law-maker can forbid »inappropriate« instructions, but what will be considered »inappropriate« in practice? Sexual harassment can be strictly forbidden, but what will happen if the boss declares that the initiative was taken by the maid?

Nor are these the only obstacles. Even if the facts are clear, will a domestic worker send a letter to the labor inspectorate stating that their working time exceeds 12 hours a day? Will a domestic worker sue their employer in the labor court for incorrect payment of wages? Will they go to the data protection authority with a complaint that phone calls are impossible or allowed only in the presence of the »master«? Any person acting in this manner would lose their job on grounds of disloyalty or failure in the performance of duty. A well-informed employer

would, of course, not mention such a motive because it could make the dismissal illegal: they would probably give no reason at all or refer to circumstances that could reasonably prompt dismissal – disappearance of an object which the worker might be suspected of having taken; excessively slow work or inappropriate remarks made to the employer and so on. In Germany, more than 600,000 complaints are made to the labor courts every year but no court decision concerning domestic work is to be found among the considerable number of published judgments.

#### 5. NEW AND BETTER LEGAL RULES?

It is possible, of course, to seek to put in place specific legal provisions dealing with the situation of domestic workers. South Africa offers an example.<sup>3</sup> (Former) common law countries will have less difficulty in entering into details than continental countries with their civil code traditions that almost inevitably produce fairly abstract rules. Even so, it is not impossible to cross traditional borders. The quality and appropriateness of rules does not seem to be the main obstacle.

The real problems are connected with the control of implementation. Labour inspectorates and courts as the main instruments cannot rely on the individual concerned taking the initiative. The labor inspectorate must instead rely on its own supervisory powers. As it normally does not have even enough inspectors to visit all workplaces at least once a year, where would the human resources be found if inspectorates had to supervise units as small as households? The public budget is not big enough to hire a sizeable number of additional inspectors – at least in the view of governments and influential pressure

<sup>3</sup> See Shireen Ally (2009), *From Servants to Workers. South African Domestic Workers and the Democratic State*, University of KwaZulu-Natal Press.

groups. Karl Marx criticized the lack of inspectors in Britain, which made any legal restrictions on weekly working time quite useless, and his evaluation is valid still today. In some countries, what is more, there would be no legal right to enter a private house or apartment in order to inspect working conditions. Whereas factories and offices are, in significant respects, open to professional and commercial communication, including the intervention of a labor inspectorate, households belong to the private sphere which may be disturbed only in highly specific instances explicitly enumerated by law.

Can the labor court intervene without any initiative on the part of the worker? The liberal tradition considers a lawsuit to be a procedure between two equal parties with comparable rights and duties. It is astonishing that the generally accepted rule that the worker is the weaker partner in the labor relationship is completely forgotten as soon as employer and worker find themselves in a court building. In reality, there is a pressing need to modify the rules of civil procedure in labor matters. The first and most important change required relates to the principle that the court will deal with a case only on the basis of a complaint introduced by one of the parties: consumer protection law in the EU has given rise to the possibility of consumers' associations initiating a lawsuit against an entrepreneur without any individual being directly involved. Hitherto, labor law has had major difficulties in following the example of consumer protection law. This may initially seem astonishing as a consumer will not be threatened by sanctions: to bring a lawsuit against *Carrefour* or *El Corte ingles* will not lead to a prohibition on entering its subsidiaries or a refusal to sell goods or conclude other contracts. Of course, a

consumer will find it difficult to go to court, insofar as the legal situation appears confusing, to consult a lawyer costs money and a lawsuit may be fairly time consuming. The reasons for placing matters in the hands of consumers' associations are well-founded, but there are even more convincing reasons to establish a comparable right for workers and their organizations. If the national legislator hesitates to take such a step, the reason does not lie in the weaker situation of the worker but, more likely, in the fear that giving more rights to workers' organizations could considerably strengthen the situation of unions, an undesirable outcome in the eyes of the majority of decision-makers.

There is, however, one special field in which, in many countries, the position of the legislator is much less »cautious«, namely, antidiscrimination law. There are »equal employment opportunity« commissions tasked with supervising, for example, the conclusion of labor contracts, and with acting on their own behalf in taking measures against discriminatory practices. Might not this represent an important instrument in favor of domestic workers?

Domestic work is undervalued and characterized by various other disadvantages, as already described. This state of affairs may be regarded as discrimination against a whole branch of activities as distinct from other branches involving similar kinds of work, but the majority of whose employees are men, not women. The problem is that antidiscrimination law has a more restricted field of application. It deals with discrimination occurring in the same enterprise and or deriving from a specific legal instrument, such as a state law or collective agreement. While the European Court of Justice once emphasized that the principle of ex-Art. 119

of the EEC Treaty is aimed at wage equality in society as a whole,<sup>4</sup> there is not a single case in which this rule has found concrete application. Even in the legal literature it is seldom mentioned. The reason for this may be that to take this point of departure seriously would be to create major changes on the labor market which are not desired by the large majority of influential organizations. Efforts to improve the situation of domestic workers must, therefore, move along other paths.

#### 6. WOULD AN ILO CONVENTION BE USEFUL?

The ILO is currently examining whether its member states and the social partners wish to have a special instrument – a convention or a recommendation – in the area of domestic work. Domestic work is on the agenda of the International Labour Conference and, if standard-setting as such is approved, a decision on a convention or a recommendation (or both) will be taken in 2011. Would this not be an important contribution to the »decent work« campaign? Answers to a questionnaire sent to member states and social partners in March 2009 show that a clear majority is in favor of an instrument: 72 states, 10 employers' organizations (with seven votes against) and 124 trade unions. Will that be sufficient to convince at least a proportion of those employers who failed to respond? Will the Labour Conference take a majority decision in this area? Any answer at this moment is quite impossible for anyone not in possession of insider knowledge of the ILO's diplomatic rules.

But let us be optimistic for a moment and imagine the International Labour Conference inspired by a spirit of courage to fight for a better future for domestic workers. Is it conceivable that

it will enact rules that go beyond »minimum wages« and »fair treatment« of domestic workers? Will it be able to lay down rules that will lead to implementation in all those member states that decide to ratify the convention? Better rights and more human resources for labor inspectorates, access to courts not only by individuals but also by unions acting on their behalf? This sounds very much like utopia! Even a rule such as »the national minimum wage applies to domestic workers« is not easy to implement. What about states without a minimum wage, such as Sweden and Germany? If such a rule were amended to declare that »the national minimum wage, where it exists, applies also to domestic workers«, would this not constitute an incentive for member states to choose not to introduce a minimum wage or to abolish the existing rules if the political situation were to allow it? And even if one might prefer to set aside these issues, how can the minimum wage be calculated in cases in which the worker is provided with food and board by the employer? Should there not be a specific minimum wage taking these circumstances into account? A positive answer to this question would require us to deal with the problem that, in many countries, the regular minimum wage is far below what is required for a person to live modestly but decently. Are we to make an exception for domestic workers and give them a real right to a decent life? Protests can be imagined based on economic viability and – legal advice would be useful on this point – on the principle of equality. Why should there be special rights for domestic workers, but no comparable rights for miners, steel workers and nurses?

Labour law is a highly complicated network even on the national level. Changing a single

<sup>4</sup> European Court of Justice, 8.4.1976 – C-43/75, ECR 1976 p. 455 = Neue Juristische Wochenschrift 1976, p. 2068, 2069 – Defrenne II.

element is liable to provoke unwanted effects in other respects. To evaluate possible repercussions requires a comprehensive knowledge not only of written law but of case law too and an understanding of how courts are likely to react to an amended legal framework. The complexity increases to an extreme degree if a rule is drawn up that then has to be incorporated into 50 or 100 different national legislative corpuses. It is inevitable that whatever wording is selected will be open to numerous interpretations. Will that be helpful for domestic workers?

One way round this problem, theoretically, might be to concentrate on implementation procedures without any change of substantive rules. This is, in some measure, the method chosen by the NAFTA side agreement in which supervisory boards merely control the implementation of national law. A procedure that was deemed viable between three states from the Americas cannot be transferred to the international level at which the ILO operates. Taking rights seriously would be the biggest change the ILO has ever produced. Were we living in an age in which completion of the welfare state was a generally accepted principle, such an idea would probably be extremely helpful. But as we still live in an era from which, despite a major crisis, neoliberalism has not disappeared, there is no chance of realizing such a concept.

Should we, therefore, put away and forget all ILO activities in this field? The answer is a – albeit hesitant – »no«. The ILO's activities will at least concentrate the attention of governments and people dealing with social policy on the problems of domestic work. It will appear on the agenda of public debate and this represents a considerable step forward for those whose

working conditions previously seemed to interest nobody – who, it might be said, were living in the shadows.

## 7. NEW SOLUTIONS

For all the reasons given above labor law is not operational in the relationship between the domestic worker and the employer. What can be done in such cases? Are there other kinds of labor relationship with comparable problems? Can we find elsewhere a best – or at least a better – practice?

A comparable situation is that of agricultural workers living with small farmers. As far as I am aware, there has been no development of regulatory examples that might serve as a point of reference. Workers in small shops living with the owner are a second group with similar conditions but »good examples« are absent in this area too.

If an employment relationship is by its nature obviously unable to provide the necessary protection for the worker, another way out should be tried: why not replace the employer by a third (and larger) unit, with which legal links are established? Instead of relating exclusively to the relationship between worker and employer, the need for protection of the worker should be placed at the centre of the reform and a legal framework constructed in pursuit of this aim. There are two experiences which could justify such an approach.

The first relates to dockers in sea harbors. The various undertakings present in the harbor have, at certain times, to perform a volume of work that is followed by periods of inactivity. If labor contracts were to reflect the discontinuous nature of the work, employees would have only fixed-term contracts lasting two or three weeks,

entailing deprivation of annual leave and other social advantages provided for those working for a longer period. In order to prevent such a precarious form of labor, in many countries there has been established what might be described as an artificial employer: a body is created by law or by collective agreement in order to conclude open-ended labor contracts with the workers. This body sends the workers to those enterprises currently needing additional labor. This arrangement might be seen as a predecessor of what is currently described as temporary agency work, entailing socially acceptable conditions and a high level of stability. Whereas bilateral contracts between workers and employers would not guarantee a sufficient degree of protection, the contract with the artificial employer is able to do just this.

The second experience follows a comparable pattern. In Los Angeles, California, about 74,000 home-care aides became unionized during the 1990s. The union's activities in this regard lasted a decade but cannot be described here.<sup>5</sup> The problem was whether or not these workers could be considered self-employed and whether, in the absence of a recognizable employer, they would be governed by federal or by state law. Much of the home-care work was provided to »subsidized consumers, whose expenses are defrayed by a complex multilevel funding scheme financed by federal, state and local governments«. The report written by Karl Klare continues:

After some false starts, the union concluded that it would have to create an employer, an objective that could be accomplished only through the political process. After years of lobbying, California enacted

legislation authorizing its county governments to establish »home-care authorities« which would receive and dispense the funding and act as employers. To achieve this, the union had to sustain the energy and enthusiasm of its ever-changing grassroots base.<sup>6</sup>

The creation of an artificial employer is a necessary but not a sufficient condition for solving at least some of our problems. There is a need for social standards to be imposed on the new employer, such as minimum wage, maximum working time, health protection and so on. According to national traditions, it is possible to imagine a common administration of the new employer by the financing units and the unions. Moreover, a grievance procedure should be available for domestic workers, which can be used, in the event of workplace conflict, without risking future employment: if the worker is ill-treated or abused, a complaint would lead to a transfer to another place. The ugly alternatives of acceptance of poor conditions or unemployment would cease to exist. A measure along these lines is currently being discussed in Shanghai.<sup>7</sup>

Such a model cannot be enforced by creating a monopoly for the artificial employer to distribute workers. Such an arrangement may exist in some harbors, but it would not be realistic to deprive private individuals of the right to hire a person directly to carry out activities in their household. One possible approach would be to make workers coming from the »agency« more attractive: if such workers were in possession of specific skills, vouched for by the agency, before being sent out to households, then many »customers« would prefer to call on

<sup>5</sup> For details, see Klare (2005), »Horizons of Transformative Labour and Employment Law«, in Conaghan, Fischl and Klare (eds), *Labour Law in an Era of Globalization*, Oxford, pp. 20 ff.

<sup>6</sup> Klare (2005), op. cit., p. 22.

<sup>7</sup> See international workshop »Social Security for Domestic Workers,« organized by Shanghai Women's Federation/Friedrich-Ebert-Stiftung, March 16–17 2010, Shanghai.

the services of the new unit rather than going into the general labor market and placing an advertisement in the local newspaper.

Without doubt, any solution along these lines will entail numerous problems which we have failed to see or omitted to discuss. But uncertainty must not hold us back.

### III. SOCIAL SECURITY FOR DOMESTIC WORKERS IN ASIA – REPORTS FROM MAINLAND CHINA, HONG KONG, SOUTH KOREA AND INDIA

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#### SOCIAL SECURITY FOR DOMESTIC WORKERS IN MAINLAND CHINA

*Wang Beimin*

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Several factors, including increases in average income and demographic change, have generated growing demand for domestic help and support. According to the International Labour Organization (ILO) there are about 20 million domestic workers and 600,000 domestic service agencies, around 465 of which are run by the All-China Women's Federation (ACWF).<sup>8</sup> Statistical findings from the Ministry of Human Resources and Social Security (MOHRSS), cited by the ILO, show that 40 per cent of urban Chinese families require domestic help, indicating at least 15 million more potential jobs in this sector. Domestic workers in China are predominantly female (approximately 90 per cent) and their ages range between 16 and 48, the majority being

between 30 and 40 years old. Most of them are less educated rural migrants and laid-off urban workers. The main destinations for Chinese domestic workers are Beijing, Shanghai, Shenzhen and Guangzhou. The biggest problem in the sector is the absence of labor rights and benefits, which is due to the classification of domestic work as informal work. Long working hours, low wages, a lack of written contracts, low social insurance coverage and sometimes personal and sexual abuse are some of the difficult working conditions in the domestic sector.<sup>9</sup>

#### *The Case of Shanghai*

As in other Chinese cities, the domestic sector in Shanghai has developed at a terrific speed. About 450,000 people are currently employed as domestic workers, serving in more than 900,000 households in a metropolis of around 20 million persons.<sup>10</sup> As a survey conducted by the Shanghai Municipal Human Resources and Security Bureau, the Shanghai Women's Federation and the Shanghai Academy for Social Sciences in

<sup>8</sup> ILO Regional Office for Asia and the Pacific (2009), *Factsheet on Domestic Workers in China*, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_114256.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_114256.pdf) (25.02.2011).

<sup>9</sup> ILO Regional Office for Asia and the Pacific (2009) – see footnote 8.

<sup>10</sup> Dai Xiaoyun (2010), *A Brief Introduction of Shanghai Domestic Service Sector*, unpublished presentation at the international workshop »Social Security for Domestic Workers,« organized by Shanghai Women's Federation/Friedrich-Ebert-Stiftung, March 16–17 2010, Shanghai.

2009/2010 shows, only 4.3 percent of domestic workers were sent to households by labor agencies: 35.7 percent got in contact with their employers through service agencies, but were not employed by them, while the majority – 60 percent – found their job through direct contact with the employer. The survey also revealed that only about 10 percent of the workers in Shanghai have passed a domestic workers training. In general, these trained employees have a higher income than untrained domestic workers. Moreover, the study showed that in Shanghai around 70 percent of domestic helpers work on an hourly basis and often in more than one household. Only a minority are in full-time employment.<sup>11</sup>

Working conditions remain highly problematic. Besides the low wages, which are mostly below the minimum wage of RMB 1,280 (USD 194)<sup>12</sup> set by the Shanghai government,<sup>13</sup> there are huge problems concerning social security. The domestic service sector as a whole has the lowest percentage of workers who are covered by existing social security systems. Domestic workers in Shanghai come mainly from rural areas, especially in the neighboring

provinces Jiangsu and Anhui. They are excluded not only from the urban social security system, but also from the »Interim Procedures of Shanghai Municipality on the Comprehensive Insurance for Out-of-town Employees.« This regulation, passed in 2002 and amended in 2004, explicitly aims at the protection of migrant workers through insurance, including in-patient hospital stay, superannuation and accident insurance. It includes all employees as well as self-employed salesmen from other provinces, who are not registered in Shanghai (in the *hukou* system). However, domestic workers are explicitly excluded according to Article 3.<sup>14</sup> Only the small minority of domestic workers who have a registered permanent residence (*hukou*) in Shanghai have access to the pension and health insurance for self-employed workers in the city. However, the insurance premium is quite high: in 2011, the lowest monthly premium is RMB 1,028.5, 26.4 percent of average monthly income in the city in the preceding year (RMB 3,896 in 2010).<sup>15</sup> Moreover, this insurance is not subsidized by the Shanghai government.<sup>16</sup> It can therefore be questioned whether the low wages

<sup>11</sup> Xu Anqi (2010), »Difficulties and Barriers in Providing Social Security for Domestic Workers,« unpublished presentation at the international workshop »Social Security for Domestic Workers,« organized by Shanghai Women's Federation/Friedrich-Ebert-Stiftung, March 16–17, Shanghai.

<sup>12</sup> The Shanghai government raised the minimum wage to RMB 1,280 from RMB 1,120 from April 1, 2011. See China Daily (2011), »Shanghai Raises Minimum Wage Standard,« 3.3.2011, online: <[http://www.chinadaily.com.cn/bizchina/2011-03/03/content\\_121109913.htm](http://www.chinadaily.com.cn/bizchina/2011-03/03/content_121109913.htm)> (26.4.2011).

<sup>13</sup> Dai Xiaoyun (2010) – see footnote 10.

<sup>14</sup> Shanghai Municipal People's Government (2002), *Interim Procedures of Shanghai Municipality on the Comprehensive Insurance for Out-of-town Employees*, online: <<http://www.shanghai.gov.cn/shanghai/node17256/node17413/node17418/userobject6ai1270.html>> (1.3. 2011).

<sup>15</sup> The lowest premium for self-employed workers with the Shanghai *hukou* for health and pension insurance is calculated as follows: the calculation basis is RMB 2,338, which accounts for 60 percent of the city's average monthly income in the preceding year (RMB 3,896 in 2010). Self-employed workers have to pay 30 percent of this calculation basis for pension insurance, as well as 14 percent for health insurance each month. See Shanghai Municipal Human Resources and Social Security Bureau (2011), 2011年上海市社会保险费缴费标准 (2011 nian Shanghai shi shehui baoxianfei jiaofei biaozhun; Standards for social insurance contributions in Shanghai 2011), 31.3.2011, online: <[http://www.12333sh.gov.cn/200912333/2009xxgk/ztxx/shbxxx/201104/t20110406\\_1129026.shtml](http://www.12333sh.gov.cn/200912333/2009xxgk/ztxx/shbxxx/201104/t20110406_1129026.shtml)> (26.4.2011).

<sup>16</sup> Dai Xiaoyun (2010) – see footnote 10.

in this sector enable many domestic workers to take out this insurance.

In addition to these problems, legal protection for domestic workers is insufficient. The Labour Code of 1994 (Article 2) defines coverage as follows: »This law applies to enterprises, individually-owned economic organizations (hereinafter referred to as »the employer«) and workers who form a labor relationship with them within the borders of the People's Republic of China.»<sup>17</sup> However, the »Explanation of Some Provisions in the Labor Code of the People's Republic of China« of 1994,<sup>18</sup> as well as »The Opinion of the Ministry of Labor on Some Issues Related to the Implementation of the Labor Code of the People's Republic of China« of 1995,<sup>19</sup> explicitly exclude employees working in the domestic service sector. Furthermore, Article 7 of the »Interpretation of the Supreme People's Court of Some Issues Concerning the Application of the Law for the Trial of Cases on Labor Disputes (II)« of 2006 states that disputes between households and domestic workers are not counted as labor disputes.<sup>20</sup>

The Labour Contract Law, passed in 2007, covers only those domestic workers who are provided to households by an employment agency (Article 2). These companies hire domestic workers and train them before sending them out to households. Payments and social security are also regulated by these agencies. But,

as the abovementioned survey shows, this model is still rare in Shanghai and in mainland China as a whole,<sup>21</sup> and therefore the Labour Contract Law has little relevance in this sector. Moreover, Article 58 of the Labour Contract Law states that »the labor contracts between a placement agency and the workers they provide to clients shall be fixed-term labor contracts of more than two years.« In this way, incentives are eliminated for dispatch companies to hire workers when they have shorter contracts with households. Labour contracts signed without an employment agency are not regarded as working alliances but service alliances by both sides and are seen as »self-employment.«<sup>22</sup>

#### *Signs of Improvement*

However, the first steps to improve the situation have been taken. Given that the domestic sector provides an exceptionally large and growing number of jobs, especially for migrant workers, it has received more attention from the government in recent years, at both national and local level. In Shanghai, these measures include subsidies for training as well as for social insurance for domestic workers, guarantees and lower interest rates for loans for domestic work companies and also subsidies enabling workers to use the company's accommodation free of charge. In this way a market-oriented placement agency system will be strengthened in which stricter controls should prevent market abuse.

<sup>17</sup> Labor Code of the People's Republic of China, online: <<http://www.jus.uio.no/lm/china.labor.law.1994/doc.html#5>> (1.4.2011).

<sup>18</sup> Ministry of Labor, No. [1994] 289.

<sup>19</sup> Ministry of Labor, No. [1995], 309.

<sup>20</sup> Interpretation No. [2006] 6.

<sup>21</sup> ILO (2009), *Situational Analysis of Domestic Work in China*, Bangkok: ILO Regional Office for Asia and the Pacific, p. 3, online: <[http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_114261.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_114261.pdf)> (1.3.2011).

<sup>22</sup> Labor Contract Law of the People's Republic of China, online: <[http://www.fdi.gov.cn/pub/FDI\\_EN/Laws/GenerallawsandRegulations/BasicLaws/P020070831601380007924.pdf](http://www.fdi.gov.cn/pub/FDI_EN/Laws/GenerallawsandRegulations/BasicLaws/P020070831601380007924.pdf)> (1.3.2011).

The Shanghai government also aims at strengthening professional associations to gradually achieve self-administration in the sector. For example, the Shanghai Domestic Service Industry Association was founded in March 2009. In addition, commercial accident insurance especially for domestic workers was set up (for example, by Ping'an and CPIC). With an annual subscription of 30 RMB for each domestic worker, up to 100,000 RMB can be paid out by the insurance company in case of accidents at work. According to the Shanghai Women's Federation, 20 percent of all the households in Shanghai have already taken up private accident insurance for their employees.<sup>23</sup> However, a lack of active marketing measures by the insurance companies as well as insufficient knowledge and awareness of this topic on the part of domestic workers and their employers can still be observed.

The central government is aware of the importance of improving the legal framework with the goal of protecting workers' rights and working towards extensive insurance coverage. Therefore, the State Council set up a cross-departmental committee at ministerial level for the development of domestic work in 2009. Preparation of a regulation on the administration of the domestic sector by the Ministry of Human Resources and Social Security is under way and being tested at local level, for example in Shenzhen, Changchun (Jilin province) and Zhenzhou (Henan province). Professional training and contractual and social insurance obligations for domestic workers are the main focus.<sup>24</sup> It remains to be seen what impact these efforts will

have and whether there will be nationwide implementation.

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## HONG KONG

*April Lai*

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The Hong Kong Special Administrative Region has a population of about 7 million people with around 300,000 domestic workers, both local and migrant. It is estimated that the number of local domestic workers is about 50,000, although these are not official figures and the number fluctuates, largely due to local employment opportunities, the burden of family responsibilities and income. The official number of migrant domestic workers – also called »foreign domestic helpers« by the government – was 271,066 in January 2010. The number of such workers is influenced by pull and push forces in Hong Kong, as well as in sending countries. Migrant domestic workers come mainly from the Philippines (131,110, although the number is dropping), Indonesia (132,485, and the number is increasing) and Thailand (3,859); 3,612 migrant domestic workers come from other countries.

### *Legal Status*

Domestic work is recognized as such and workers are entitled to benefits under the provisions of the Hong Kong Employment Ordinance, the Employees' Compensation Ordinance and the Protection of Wages on Insolvency Ordinance. Migrant domestic workers are restricted to living

<sup>23</sup> Dai Xiaoyun (2010) – see footnote 10.

<sup>24</sup> Liu Minghui (2010), »The ILO Process towards a Domestic Workers Convention and the Efforts by the Chinese Government,« unpublished presentation at the international workshop »Social Security for Domestic Workers,« organized by Shanghai Women's Federation/Friedrich-Ebert-Stiftung, March 16–17, Shanghai.

in with only one employer. Under the »New Conditions of Stay« they can remain only two weeks in the territories after their contract terminates. Unlike other migrants, they also have no citizens' rights after seven years of residence.

Migrants have official standard employment contracts, including details on the employer, place of employment, basic job description, accommodation, minimum wages, meal allowance when free meals are not provided, traffic allowance upon return home as well as medical care. Locals' rights and benefits are regulated under Hong Kong labor law.

However, most part-time domestic workers do not enjoy these provisions in full, including, for example, statutory paid holidays, paid annual leave, paid sick leave, notice of termination/wages in lieu of notice, severance and long service payments. This is because they are not engaged on a continuous contract, which is defined as working for the same employer for four weeks or more, and at least 18 hours or more a week. Only an employee with a continuous contract is entitled to the legitimate rights enshrined in the Labour Employment Ordinance, and vice versa. Many part-time domestic workers do not meet these requirements, and consequently they are mostly marginalized and cannot claim full labor entitlements. Apart from this, many part-timers do not have written contracts, which means that it is difficult for them to claim their rights in case of disputes over wages, duties, occupational illness and so on.

The Hong Kong government sets »minimum wages« for migrant domestic workers and reviews the amount annually in accordance with economic indicators. In 2010, minimum wages in Hong Kong were HK\$3,580 per month. Free

food (or an HK \$740 monthly meal allowance), lodging and medical care are provided by employers. For locals, wages are mostly hourly between around HK \$50 and \$75. This is negotiable and varies between different locations, as well as with regard to work intensity, skills and experience, frequency of job and the generosity of employers.

#### *Lack of Social Security*

All Hong Kong workers have been re subject to a contributory retirement scheme – the Mandatory Provident Fund Scheme (MPF) – since December 2000. Only domestic workers – locals and migrants – are deprived of retirement security. Most local domestic workers are middle aged women who can scarcely make provision for coming retirement. Retirement is regarded as a personal issue, but it is a major social problem when the majority of the older population depend on public welfare. The exclusion of domestic workers obviously discriminates against women working in this gendered occupation.

Moreover, all Hong Kong workers are subject to the Employees' Compensation Ordinance, meaning that they are entitled to compensation for occupational accidents and diseases. Altogether, there are 51 recognized occupational diseases. However, many domestic workers are not aware of compensation for work-related injuries. Often their sickness is regarded as related to their aging. This makes domestic workers, part-timers in particular, reluctant to claim compensation for occupational diseases because in most cases it means a loss of income, as well as trouble with their employers.

When occupational accidents happen or occupational diseases are contracted, sick leave allowances, medical allowances and

compensation for common law damages must be borne by the employers. In fact, all employers in the territories are obliged to insure their workers. There are many insurance providers in the territories and the premiums for domestic workers are not high, at around HK \$160 to 400 (plus medical) a year. In the case of domestic work, there is a legal exemption from displaying an insurance certificate at the workplace on the grounds that it is a household. In many cases, domestic workers have no idea whether they are insured or not, and employers often dodge their responsibility.

#### *Workers' Unions: Bargaining for Better Conditions*

Freedom of association is observed in Hong Kong. Workers can freely form societies and workers' unions. Recently, more and more local and migrant domestic workers have come to be aware of the importance of organization. Many tend to unionize themselves to make their voice heard at the policy level for decent work. In 2010, there were four registered local domestic workers' unions and ten migrant domestic unions.

Being organized does not bring with it collective bargaining power. Hong Kong has no collective bargaining legislation. Only a few large enterprises with in-house unions can practice collective bargaining and reach agreements. Domestic workers, both local and migrant, rely heavily on the legal framework and individual bargaining. Workers' organizations make it easier to address demands.

Wage negotiations are conducted in a subtle way. Since there is no statutory minimum wage in the territories at the moment, a media campaign is a common and effective way for

workers' organizations to publicize wage rise proposals, thereby alerting domestic workers and employers. Such proposals also serve as a reference for job placement agencies.

In the early 2000s, when the Employee Retraining Board launched domestic worker retraining programs and provided job placement services, it was difficult to find insurance providers for local part-time workers because domestic workers were not visible at that time. Through union negotiations with insurance providers and government, packages for part-time workers were promptly provided.

#### *Suggestions for Filling in the Gaps*

However, huge gaps may still be observed between domestic workers and workers in other sectors, part-time and full-time workers and also migrant and local workers in terms of working conditions and social protection. However, the issues facing locals and migrants are more or less the same.

For example, Hong Kong workers' struggle for a statutory minimum wage must include live-in workers, who fear being excluded from any legislation of this kind by the Hong Kong government. As migrants are normally not aware of issues related to occupational accidents and diseases, it is important for them to support the local part-time workers' campaign for a Central Occupational Safety and Health (OSH) Fund. This proposed centralized domestic worker insurance scheme for OSH prevention and compensation is aimed at simplifying claim procedures, avoiding multi-employer problems, minimizing administrative costs and maximizing benefits for workers. Premiums would be pooled in a centralized fund instead of spread among different insurance institutions. As locals are

urging the abolition of »continuous contract employment« migrants must demonstrate their support. The issues of underpayment, excessive agency fees, the two-week stay rule, statutory rest days, the 8-HR campaign,<sup>25</sup> and so forth are not separate: they are all manifestations of class, gender and racial discrimination in the global economy.

If domestic workers are to be able to claim their rights and assert their dignity, they must prioritize their representation in negotiations on protective laws and policies. Concerted efforts across industrial sectors, gender differences, ethnicity and racial segregation must be consolidated to enforce workers' rights as human rights that must be respected in economic, social and political terms.

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### THE SOCIAL SERVICE SECTOR IN SOUTH KOREA

*Hyunjoo Min*

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The expansion of social services in a country is closely related to increases in women's labor force participation rates. In countries in which women's economic activity rates are over 60 percent, private and public social services systems are well established. As in other industrialized societies, in Korea employment in the social service sector is being used to increase women's labor force participation. During their periods of economic development, most industrialized Western countries experienced a major increase in women's labor market participation rates, particularly in the social service sector. The development of this sector enables more women

to enter the labor market by offering various care services in private households, such as childcare, care for sick persons and domestic chores. Moreover, it offers more jobs for women who lack skills and experience.

In Korea, the expansion of jobs in the social service sector has been successful, but jobs in this sector are evaluated mainly as »poor quality jobs.« Average wages are estimated at about 60 percent of average wages in all other sectors. Furthermore, most workers in this sector have long and irregular working hours. More importantly, most domestic workers have neither social insurance on the job nor an employment contract. These problems highlight the importance of policy intervention in order to secure the continuous increase of employment in this sector. It is also necessary to improve the quality of services as well as to provide different types of service depending on consumers' needs. Otherwise, demand will decrease due to lack of satisfaction among the middle or upper-middle classes, who will increasingly turn to the private sector. At the same time, job quality should be improved to ensure a stable labor supply.

#### *Survey Findings with regard to Domestic Care Workers*

A survey conducted by the author regarding the working conditions of 3,000 home-based care workers in Korea yielded the following results. Jobs in this female-dominated sector can be classified in terms of three groups: babysitters, housekeepers and carers. Opportunities are provided for workers who lack skills and training. Most women who work in domestic care have an intermediate education; only a few babysitters and carers complete high school or college. The

<sup>25</sup> 8-HR refers to: rights and redress, respect, remuneration, rest, retirement, residency and mobility, reproductive rights, and reintegration. The campaign is spearheaded by migrant domestic organizations in Hong Kong and Asia as a whole.

average age of domestic care workers is in the mid-forties. In general, these workers had little or no work experience before entering the domestic care service sector. About 93 percent of babysitters and 94 percent of housekeepers work for only one household. On average, housekeepers earn about USD 5, babysitters about USD4.5, and carers about USD3 per hour. This group of domestic workers also has very long working hours, especially carers: while babysitters work on average about 46 hours and housekeepers about 31 hours a week, carers work around 108 hours per week. To investigate the possibility of institutionalizing domestic care work, the survey also asked whether domestic care workers would be willing to participate in training programs. About 48.5 percent of carers, around 46.5 percent of babysitters and 29.3 percent of housekeepers were in favor of getting more training. All in all, carers exhibit the most positive attitude towards more regulated working conditions. This group of domestic workers plays a particularly important role given the aging of the Korean population. Therefore, for the Korean government it should be of particular interest that this group be unionized and enjoy social security.

#### *Policy Recommendations*

The findings of the survey suggest implementation of the following policies in order to institutionalize domestic care work in Korea. First, it is necessary to introduce legislation to provide social insurance for care workers. For this purpose, revision of the current Labor Standards Act and the acknowledgement of home-based care workers as standard workers are indispensable. Secondly, the restructuring of

employment relationships needs to be considered. For instance, the relationship between employers and employees could be formalized by setting up social enterprises for home-based care workers. Finally, it is essential to enable care workers to specialize by formalizing training programs and linking formal training to the certification system. In this way, it may be possible to ensure stable supply and demand in the market and to improve the working conditions of domestic workers, including a minimum wage and supervision of working hours.

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### **SOCIAL PROTECTION FOR DOMESTIC WORKERS IN INDIA – NEED FOR AN INNOVATIVE APPROACH**

*Shalini Sinha*

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There is an urgent need for social protection mechanisms for domestic workers in India. There are several reasons for this. First, domestic service is the largest sector for female employment in urban India: 3.05 million women are employed by private households. Thus, working conditions and social protection needs in this form of work have significant ramifications for women's work and welfare. Secondly, informality is a dominant feature of domestic work: virtually all workers engaged in private households are informal and thus have little or no social protection. Thirdly, it is a fast-growing sector: the number of women working in the sector has increased by 222 per cent since 1999–2000.<sup>26</sup> Growing urbanization, the feminization of labor and the development of nuclear families are some of the primary reasons for the exponential growth of this sector.

<sup>26</sup> Chandrashekar, C.P. and Ghosh Jayati (2007), Women Workers in Urban India, Macroscan, February 6, online: < [http://www.macroscan.com/fet/feb07/fet060207Women\\_Workers.htm](http://www.macroscan.com/fet/feb07/fet060207Women_Workers.htm)> (1.5.2008).

Fourthly, women workers predominate in the sector. This is partly due to a long-standing perception that domestic work is »women's work« requiring no skills or training and is thus severely undervalued. Finally, most domestic workers are from »backward« communities – tribal villages or scheduled caste communities – which means that they carry the combined burden of caste, class and gender hierarchies.

Domestic workers provide important care services to households, sacrificing quality care for their own homes. A recent study on women's workforce participation supported by the ILO in Delhi suggests that care related roles and responsibilities mediate women's decision to join the labor market.<sup>27</sup> The extent to which services provided by domestic workers allow greater female involvement in the labor market is controversial. Their contribution to the economy should be recognized and domestic work not merely written off as »something that women do in other people's homes to *help out*.«

#### *Existing Policies and Welfare Models*

In India, domestic workers are largely absent from state policy, whether it be labor legislation or social policy. They are therefore not entitled to maternity or other social benefits; nor are their working conditions or working hours regulated. However, some efforts have been made. The Unorganized Social Security Act of 2008 does include domestic workers. In certain states, minimum wages have been notified for domestic work. There have been efforts to legislate for the protection of domestic workers, including one drafted by the National Commission for Women in 2008. At the state level, the Maharashtra Domestic Workers Welfare Board Act of 2008

and the Tamil Nadu Manual Workers Act also envisage welfare and protection for domestic workers through the welfare board model.

The experience of welfare boards has been very positive in India, particularly for extending social security to workers without a clear employer–employee relationship. The advantages are manifold. First, financing for the boards does not depend on government budgets but on surpluses in the particular sector or trade: in other words, financing comes directly from revenue generated in the sector. Secondly, it has a logic that is acceptable to all, in that the benefits of the trade accrue to the workers of the trade. Thirdly, it has strong stakeholder participation. However, despite the advantages of welfare boards, they do not address the structural problems characterizing social protection of women workers in the domestic service sector.

#### *Reform Steps and Domestic Workers' Organizations*

Innovative amendments to the existing welfare model will have to be introduced to enable it to deliver social security for domestic workers. Due to the personal and locale-specific ways in which wage and working conditions are negotiated by workers, there is an urgent need to decentralize this process and to factor-in the different geographic and socio-economic profiles of areas, while setting norms on wage fixing and working conditions. At the very least, the welfare model will need to be changed to make it more decentralized, provide more benefits and become more efficient. Some of the proposed legislation assigns a wide range of activities to welfare boards. Boards are to supervise the design of

<sup>27</sup> Sudarshan, R. and S. Bhattacharya (2008), *Through the Magnifying Glass: Women's Work and Labour Force Participation in Urban Delhi*, ILO Asia Pacific Working Paper Series.

norms and programs for workers, as well as to be responsible for facilitating the registration of workers, while monitoring and allocating funds for the benefit of workers. These are wide-ranging activities and the capacity of any institution to manage such a combination of tasks needs to be evaluated.

There is also an urgent need to look into other innovative practices which can be piloted at the local level, in collaboration with other local institutions. Resident Welfare Associations (RWA), private registered agencies, workers' cooperatives and state program units can play critical roles. Alternative residential area based mechanisms for social security and dispute settlements can also be piloted. Local migration centers linked to RWA or neighborhood services bureaus are other alternatives. Reconceptualizing the legal framework so as to cover domestic workers is imperative. National labor laws need to extend recognition to domestic work as »work« through its inclusion within the ambit of laws on minimum wages, dispute settlement and social security.

Domestic workers are »invisible« in a number of ways. Not included in the wider notion of »worker«, they lack entitlement to certain benefits, such as social security and welfare. Working in private homes, these workers have less voice vis-à-vis employers or public authorities than others. Organizing at the grassroots is fundamental to finding solutions to the various problems faced by domestic workers and addressing the myriad vulnerabilities that they face. However, organizing domestic workers is a challenge as workplaces are inaccessible and multiple, with a high rate of attrition and instability. Nevertheless, domestic workers are being organized all over the country. There are now several trade unions in India that have been

working towards establishing the rights of domestic workers both in the legal sphere and on a day-to-day basis. The Penn Thozhilargal Sangam, the Unorganized Sector Workers Union in Tamilnadu, the Domestic Workers Movement (operating in 23 states) and the SEWA are examples. Other domestic workers' organizations which are trade unions function either independently or in association with the larger regional or national trade unions.

Cooperatives have also emerged as an effective way of organizing for domestic workers. Cooperatives can create structures that allow domestic workers to take control of their working lives, address isolation and build solidarity. Nirmala Niketan and SEWA Kerala are good examples.

Apart from workers' movements, many non-governmental organizations dealing with gender and/or labor issues are organizing domestic workers. The effect of these unions and associations may be seen in new legislation on domestic workers, as well as ongoing efforts to deal with discrimination. Some of these struggles have yielded success, as in the case of Maharashtra, with the passing of specific legislation on domestic workers, and the government order in Tamilnadu for the setting up of a welfare board for domestic workers.

Organizations for domestic workers must be sustained and supported in order to improve their bargaining power, wages and voice. Furthermore, organizing workers and providing information on basic entitlements at the local level will make it easier for workers to negotiate improved wages and working conditions.

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