

Respect, rights and recognition

Domestic work and the ILO standard
setting process 2010-2011



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Abbreviations

ACV-CSC Confederation of Christian Trade Unions (Belgium)

ACV-CSC Food and Services Federation of Food and Services of ACV-CSC

CNT Niger Confederation of Labour

JOC/YCW Young Christian Workers

ILO International Labour Organisation

ILC International Labour Conference

MTC Christian Workers Movement

NDWM National Domestic Workers Movement (India)

OR.C.A. Organisation for Undocumented Workers (Belgium)

PO Partner organisation

WSM World Solidarity (Belgium)

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A special word of thanks to the National Domestic Workers Movement (NDWM) in India, the Niger Confederation of Labour (CNT) and the Christian Workers Movement (MTC) in Niger as well as the Young Christian Workers (JOC) in Peru: they put us in touch with domestic workers, provided valuable information about their strategies to improve the working conditions of domestic workers and have shown that their strategies make a difference. We also extend our gratitude to the staff of ACV-CSC Food and Services as well as OR.C.A. who shared with us their knowledge and experiences with regards to domestic workers in Belgium.

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1

INTRODUCTION

Work takes a central place in people's lives. People work to earn a living, to meet their needs. Work is also about a person's dignity, his or her personal development.

That is true for domestic workers. They have made working in a household their "occupation". It is how they earn their living and take care of their own families.

One wonders why their work is often looked down on; why they are treated with less or no respect at all. Domestic work is definitely undervalued in society! Is it because society believes that it is an easy job that anyone could do? Is it because caretaking responsibilities are traditionally assigned to women, that we don't think it is a real work? There are probably multiple reasons underlying such perceptions, but there can only be one answer to it: decent work for domestic workers!

It is about time that domestic work be recognised as proper "employment"! Those who take care of people's households have to be treated like other workers. That means that their labour rights have to be respected, including their freedom to join a union. They should have adequate access to social protection measures. And their representative organisations must be part of any social dialogue on their working conditions.

Making decent work a reality for domestic workers is a long-standing concern of World Solidarity (WSM), the solidarity organisation of the Christian Labour Movement in Belgium, and ACV-CSC, the Confederation of Christian Trade Unions in Belgium. In Africa, Asia and Latin America, they cooperate with labour movements who have been mobilising and organising domestic workers over the last decades, some of them as long as 40 years! This policy paper draws on their experiences and gives some concrete examples, such as the National Domestic Workers Movement (NDWM) in India, the cooperation between

the Niger Confederation of Labour (CNT) and the Christian Workers Movement (MTC) in Niger as well as the Young Christian Workers (JOC) in Peru.

In the North, WSM published an in-depth human rights research report on domestic workers in the world named *"Invisible Servitude"*¹. This report was published in March 2000 in cooperation with Social Alert. In 2002, WSM and the Federation of Food and Services of ACV-CSC conducted a joint campaign in Belgium for better regulation for migrant domestic workers. Their campaign was successful because soon after a bipartite committee was mandated to adopt specific collective agreements governing their working conditions. Moreover, the King Baudouin Foundation funded further research into the reality of domestic workers. Afterwards, it started a large awareness raising campaign on the rights and obligations of international domestic staff and their employers in Belgium.

Presently, WSM and ACV-CSC Food and Services publish this policy paper in preparation for the International Labour Conference, which is convened every year by the International Labour Organisation (ILO). In March 2008, the Governing Body of the ILO decided to put the issue of domestic work on the agenda of the International Labour Conference of 2010 and 2011. The conference is given the mandate to elaborate international labour standards for domestic workers.

Our organisations, as well as our partner organisations in the South, want to take this opportunity to ensure that an International Labour Convention and a recommendation are elaborated. The second part of this policy paper outlines how this standard-setting procedure works and what our key demands are. During the conference, we will present these demands to the other delegates, hoping to find many allies who believe in decent work for domestic workers!

2

DOMESTIC WORK: Problems and challenges

2.1. THE PROFILE OF A DOMESTIC OR HOUSEHOLD WORKER

She is female

“Domestic work is one of the oldest and most important occupations for millions of women around the world”, according to a recent report of the International Labour Organisation. Indeed, a vast majority of the domestic workers¹ are poor women with little education. This should not come as a surprise! It is a deep-rooted stereotype in many communities that men are the breadwinners and that women take care of the house and look after the family members. In Latin America and the Caribbean, 10 to 18 per cent of women are employed in households. In the Arab countries, specifically in Qatar, Saudi Arabia and the United Arab Emirates over 40 per cent of women employed are in domestic work. Domestic work is also important in women’s employment in many countries in Asia and Africa: the Philippines 11 per cent; Botswana 11 per cent; Namibia 12 per cent and South Africa 16 per cent. By contrast in very few countries, men are found to be working in domestic service;² and if they do, they assume other tasks, like gardeners, security guards and as family chauffeurs.

She could be a child

In many countries, large numbers of children, mostly young girls, are also employed as domestic workers. The ILO estimates that more girls below 16 are employed as domestic workers than in any other category of child labour³.

She comes from....

One of the most striking features in the world of domestic workers is their origin. Large numbers of women, mostly young women, in developing countries migrate from their rural communities to the big cities, or even to neighbouring or other countries to work there in the household of someone else. In search of work and some income, many poor women leave their household behind in order to help out another family with their housework and childcare needs. The growth of the industrialised economy as well as the fact that both heads of the same household often go out to work, continue to push the demand for domestic workers.

Every year, several thousand women migrate to countries all over the world to meet this shortage of domestic and childcare workers.

- In Asia, women often find their way to Hong Kong, Singapore, Malaysia, Taiwan, Japan, Korea and the countries in the Middle

East. In most countries in the Middle East domestic work is the single most important category of employment among women migrants. Approximately 1.5 million women domestic workers, primarily from Indonesia, Sri Lanka, and the Philippines, work in Saudi Arabia.⁴ As much as 81 per cent of all women migrant workers from Sri Lanka and 39 per cent from the Philippines are attracted to this large “domestic work” market.⁵

- In Latin America, domestic workers make up to 60 per cent of internal and cross-border migration. Many of them head to the USA, others to Europe.
- In Africa, many households in the cities employ one or several domestic workers; often there is someone who really keeps the house, another person takes care of the garden and then there is someone who does whatever the head of the household wants or needs. Most domestic workers migrate from the rural areas during the dry season.
- In Europe, data exists for some countries like France and Italy. Often these data are contested because of it only cover certain categories of workers. The demand for domestic services is on the increase.⁶ In Spain domestic work is the largest single area of female employment. In France more than 50% of migrant women are employed in domestic work. Officially registered number of domestic workers in Italy is 600,000 and it is estimated that in total 1.2 million domestic workers employed in Italy; including the undocumented migrant domestic workers⁷.

She will perform the tasks assigned to her

Domestic or household work covers a whole range of activities such as “cooking, washing and ironing clothes, shopping, cleaning, gardening, caring for children, older and disabled people etc.” As one can tell from this list, it is not an easy task to provide an unambiguous definition of domestic work. In a way, anything that has to do with “keeping the house” on the one hand and “caring for the members of the household” on the other hand can be considered as a household or domestic task.

2.2. DATA

Today domestic workers make up a large portion of the world workforce. According to the available data, the ILO estimated in its latest report that domestic work *“accounts for between 4 and 10 per cent of total employment in developing countries”*.

¹ The term *“domestic worker”* is seen as undermining the dignity of the workers, so the term *“household workers”* is used as an alternative term in Latin America. But in most National and International legal documents the terms *“domestic work”* *“domestic workers”* are used. Only for consistency with the legal documents we use *“domestic work”* and *“domestic workers”* in our documents.

However, accurate and comparable data on domestic work are difficult to find due to the fact that it takes place behind closed doors, in the isolation of private households. As a result, domestic work is very often undeclared. Considering that domestic work is often not considered as “regular employment”, it also does not appear in national labour statistics.

2.3. DOMESTIC WORK: RIGHTS AND RESPONSIBILITIES

Unfortunately, domestic workers have many responsibilities and very few rights. That has to do with the undervaluation of domestic work.

- In economic terms, household work is often not considered to be “regular employment” which explains why these workers in many instances do not enjoy the same labour rights as other workers.
- In socio-cultural terms, it is seen as typical “woman’s work” because it is in their nature to look after the house and care for the family. These stereotyped views and the gender-biased approach to domestic work tend to reinforce the undervaluation of domestic work.

In political terms, therefore, domestic work is neither recognised nor regulated under national labour legislation in many countries. Even where the law protects these workers, enforcement is not proper for several reasons. One of them is that the household is often not formally recognised as a workplace. As a consequence, it is difficult to make on-site labour inspection visits to check whether the applicable legislation is respected.

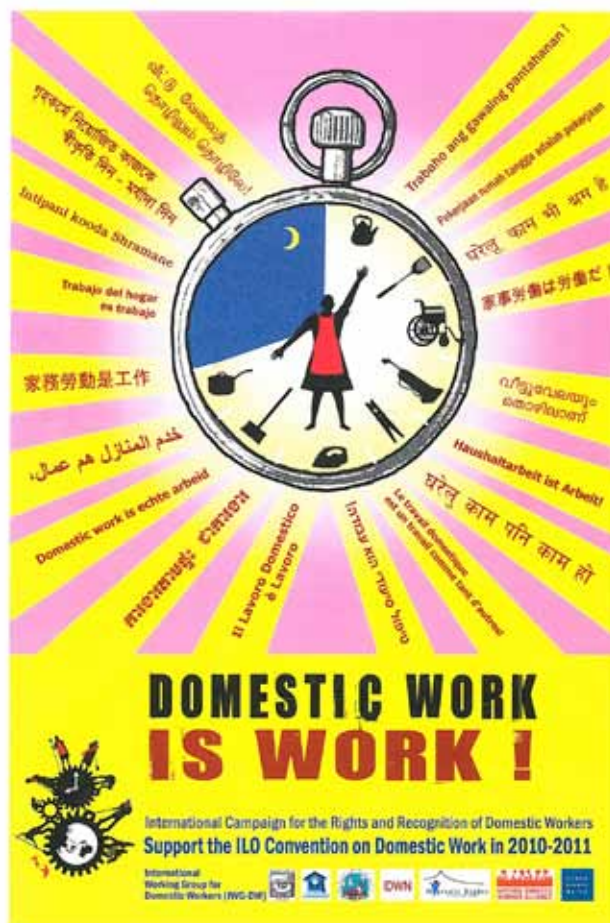
“This is not to imply that their working lives necessarily lack structure and regulatory control. On the contrary, their lives and work are regulated by strong non-state norms regarding work in the employer’s household, which vary significantly from one cultural context to the next but which result in domestic workers being among the most marginalized workers – and for whom decent work is often a distant aspiration.”

Contract

In some countries, the law obliges employers to provide domestic staff with a written contract. In others a verbal contract is sufficient. In practice, however, the vast majority of domestic workers are employed with no contract at all. In those cases, the employer determines the terms and conditions of employment at his or her discretion. Some domestic workers will be fortunate, but many others are not. It is therefore important that a proper set of labour standards is set for all of them to avoid arbitrary rules.

Working hours

Domestic workers, especially live-in workers, are often subject to working time arrangements that can be a threat to their well-being. According to the ILO’s report, half of the countries surveyed permit the domestic labour force to work longer hours than other workers. Working hours can range from 8 hours to 18 hours a day! Regularly, domestic workers only enjoy a one-day rest period per



week; sometimes they have no day off, even though it is generally recognised that adequate rest periods are essential for the physical and mental well-being of workers¹⁰.

Remuneration

The undervaluation of domestic work is most apparent in the wages paid. Domestic workers’ unequal bargaining power and isolation often undermine their ability to demand a living wage. Therefore, the ILO considers it necessary to fix minimum wages and to enforce these for domestic workers.

A specific problem for domestic workers is the payment in kind.¹¹ Especially for live-in domestic workers, employers argue that the food, accommodation and clothing they provide, are part of the worker’s salary. The problem with this type of payment is twofold. First of all, a wage allows anyone to make choices and to make autonomous decisions about what they want and do not want. Secondly, the risk with food and accommodation is that they are substandard. Several labour organisations, partners of WSM have reported abuses in that regard.

Social protection

As with employment contracts the extent to which domestic workers are covered by social protection varies significantly. Sometimes they are covered by the general system, sometimes by

a specific scheme. Unfortunately, as is the case with contracts, there is a serious gap between what the law stipulates and the actual practice, considering the large amounts of domestic workers in developing countries which enjoy no coverage at all for health care, occupational health and safety, unemployment security, maternity leave etc. One specific issue of concern is occupational health and safety. Because domestic work is associated with the normal activities of a household, it tends to be perceived as safe! But this type of work involves a great deal of lifting heavy things, exposure to heat sources (cooking and ironing) and using toxic products (cleaning products, gardening products). In fact, for the labour movements of the WSM network, it is a matter of urgency to recognise the dangerous nature of domestic work and to regulate it accordingly. This means that the household needs to be recognised as a workplace¹².

Physical, verbal and sexual abuse

Cases of physical, verbal and sexual abuse of domestic workers do occur but are rarely investigated and judged. Live-in and migrant domestic workers are particularly vulnerable to various forms of mistreatment, which in the worst cases have led to their death. Again, the isolation of the workplace is a determining factor. For migrant domestic workers, the lack of knowledge of the local language is another factor that prevents them from seeking help. One can only imagine the long-term damage that such forms of abuse can have on the domestic workers' physical and emotional health and safety.

2.4. A SPECIAL CASE: MIGRANT DOMESTIC WORKERS

As explained above, many domestic workers are migrants. Because of their status, many migrant workers are already vulnerable to discrimination and exploitation. In the case of migrant domestic workers, the situation is often worse since they often have to live in the residence of their employers. As live-in domestic workers, they are often completely cut off from the outside world. As the ILO report points out, *'In millions of households throughout the world, the workplace is also the domestic worker's residence. Living and working in their employer's home has a major impact on workers' personal autonomy and mobility and can influence decisions as to their future, including the decision to found a family of their own.'*¹³ Their freedom of movement is controlled by the employers; they decide whether their domestic worker gets a day off or not, if they can contact their family and friends. The worst thing that can happen is when their employers confiscate their travel documents,

passports and/or identity cards. This is of course forbidden by Art. 21 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.¹⁴ But with no papers, most domestic workers do not dare to leave the employers house. Sometimes, though, they do find the courage to escape, but with no or little knowledge of the language spoken "outside", they don't know who to turn to. Going to the police would be the most logical option, but unfortunately they then run the risk of being arrested and punished for not having their papers on them. In many countries, the immigration laws make no distinction when migrant domestic workers escape from intolerable abusive and violent conditions. In such situations, domestic workers may face trial while the employers and their family members are free from trial. This is definitely the case when the employer works as a diplomat, because they enjoy diplomatic immunity in the host country.

"Diplomats at several London embassies have been accused of using migrant domestic workers as "modern-day slaves"

The Times, a UK-based newspaper, reported that diplomats at several London embassies were found to use migrant domestic workers as "modern-day slaves", depriving them of food and subjecting them to systematic abuse. According to the article, "the workers claim they were lured to Britain with promises of good pay, but have been beaten, sexually abused and forced to sleep in a hallway or kitchen. In the past 12 months, at least nine cases involving diplomats have been referred to a government scheme to combat trafficking."^{14 15}

Their extremely vulnerable situation calls for specific protective measures; in the case of cross-border migration, both the sending and receiving countries have a human rights obligation to provide adequate protection. Moreover, the remittances sent back home by domestic workers employed abroad should be another incentive for the sending countries to protect their citizens. The Philippine Overseas Employment Administration, for example, estimated remittances of overseas Filipinos to be equal to \$6,794 million in 1999, while the Central Bank of Ceylon calculated a total of \$922 million in private transfers to Sri Lanka in 1997.¹⁶ More than 90 percent of Filipino migrants are women who are employed as domestic workers abroad. The safe and secure conditions in which their meagre incomes "travel" back home as remittances are in sharp contrast with the often unsafe and insecure working conditions that these women face. Pro-

¹⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly resolution 45/158 of 18 December 1990. It entered into force on the 1st of July 2003 and has so far been ratified by 42 countries. Article 21 reads as follows: "It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family."

tection must start at home, where women that wish to travel abroad, should receive sufficient assistance and information so that they can make an informed choice. The government should also regulate recruiting agencies and individual sub-contractors to avoid that women become victims of human trafficking. Unfortunately, the testimonies of poor, unskilled and illiterate women who were lured into domestic work with false promises of a good job and good pay prove that these inhumane practices, even though forbidden by international law^{III}, are still prevalent today.

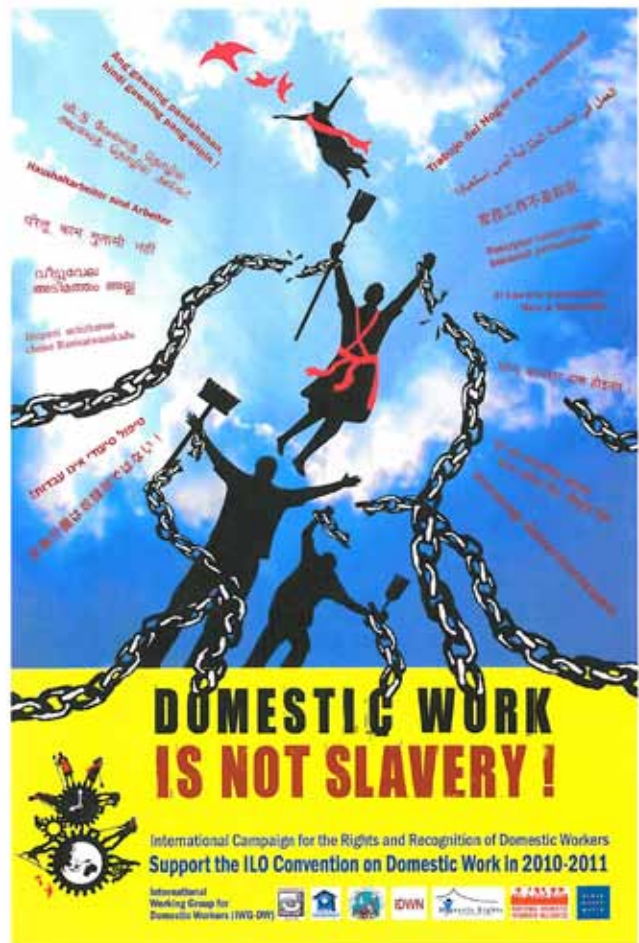
2.5. CONCLUSION

The household is a micro-economy where many things need to be done to keep it running: cooking, shopping, cleaning, bringing the kids to school, sports or music class, etc. Many modern-day households, in rich and poor countries alike, are lucky enough to be able to count on someone to help with these tasks because both of the parents or partners work outside the house. The outside economy can function because people take care of the “inside” economy of the household.

The question then is: is working in the outside economy more of a job than the one in the inside economy? WSM and ACV-CSC Food and Services are not convinced. We believe that domestic work is an occupation like any other; it’s hard work, which requires many skills. Therefore, it should be recognised and regulated as proper employment.

For far too long, decent work seemed like a dream for domestic workers. But a dream that may come true if all those concerned engage actively and constructively in the ILO standard-setting procedure in 2010 and 2011.

But that is not to say that while we were waiting for the ILO to take this initiative for international labour standards, domestic workers around the world had to rely on themselves. On the contrary, WSM and ACV-CSC Food and Services have been working with social movements in North and South to reach out to these workers. To comfort them, to listen to their stories and show them they are not alone. To raise their awareness about the rights they have but often do not know. And most importantly to show them that they have the ability to change their situation. This is a lengthy and difficult process, but when people finally find the strength in them to organise collectively, they actually discover that they can be the rightful actors of their own development.



III The United Nations Convention against Transnational Organized Crime and its Protocols^{III} prohibit, prevent and punish human trafficking, but domestic workers are victims of human trafficking.

3

CASE STUDIES

Organising people!? What does that mean? The ILO Declaration on Fundamental Principles and Rights at Work, which enshrines the freedom of association and the right to collective bargaining as core labour standards, clarifies: *“all workers and all employers have the right freely to form and join groups for the promotion and defence of their occupational interests. This basic human right goes together with the freedom of expression. It is the basis of democratic representation and governance.”*¹⁷ So, organising people is about bringing them together, empowering them to exercise their right to influence matters that directly concern them. WSM and ACV-CSC Food and Services are convinced that organising

the domestic workers is fundamental to claim and enforce their labour rights. In other words, it is a guarantee that their voices can be heard and taken into account in the policies related to them.

Fortunately, domestic workers in some countries have created their own representative organisations that have been intervening and advocating for their rights in recent years. The case studies below provide some examples of how social movements have managed to bring domestic workers together and what it means to organise them collectively.

3.1. DOMESTIC WORK IN INDIA

Country profile: Republic of India
 Capital city: New Delhi
 Area: 3,287,240 km²
 Human Development Index (HDI) rank: 134th
 Life expectancy: 69.89 years (2009 estimate), male: 67.46 years, female: 72.61 years
 Infant mortality rate: 50.78 deaths/1,000 live births
 Maternal mortality rate: 450 per 100,000 live births

Population: 1.18 billion people (April, 2010 estimate), representing 17.31% of the world's population.
 Labour force: 94% of the workforce in the informal economy
 Economy: Major exports include petroleum products, textile goods, gems and jewellery, software, engineering goods, chemicals, and leather manufactures. Major imports include crude oil, machinery, gems, fertilizer and chemicals.



3.1.1. Context of domestic work in India

Domestic work is a form of survival for millions of poor women in India. The discrimination against and abuses of domestic workers in India are rooted in a history of slavery, bonded labour, colonialism, feudal relationships and other forms of servitude. In addition, the Indian “caste system” stigmatises certain types of work such as cleaning and sweeping^{IV}. The social stigma that rests on domestic work affects the domestic worker’s self-confidence and dignity. Some estimate up to 90 million domestic workers are active in India.^V However the Indian government estimates that about 4.75

million to 6.4 million people work as domestic workers in India: “among them, 92% are women, girls and children, 20% are under 14 years of age and 25% are between the ages of 15 to and 20. In Mumbai alone, there are an estimated 6,000,000 domestic workers of whom 80,000 work full-time.”²³ These women and young girls either come from the rural areas, driven away by failing crops and increasing debts; or they live in the slums. Both groups are desperate for some kind of job opportunity and therefore welcome a job as a maid or servant in someone’s house.

^{IV} Caste system is a form of social discrimination based on caste by birth in India. People who are born to the families of manual workers are mostly considered as ‘low caste people’ and their work is not considered a dignified work. Touching these workers and the things they touched are considered impure. This social discrimination also known as ‘untouchability’ is practised by the ‘high caste people’. Even though untouchability is condemned and treated as a crime before law, it is still prevalent in many rural parts of India.

^V Interview with Dr. Jeanne Devos, National Domestic Workers Movement, India

India is also a receiving country for migrant domestic workers from neighbouring Burma, Bangladesh and Nepal. Most of them migrate to find a better job, a better life perhaps. Sadly, a huge number of them fall victim to human trafficking.

3.1.2. Labour legislation and social protection

At national level

At present, Indian national labour legislation does not recognise domestic workers as “workers,” let alone regulate their working conditions. Even the Child Labour (Prohibition and Regulation) Act 1986¹⁹ does not make any reference to child domestic work, even though it is a widespread phenomenon in India.

Expectations were high when, in 1989, the **House Workers (Conditions of Service) Bill** was introduced to the Indian parliament. This law contains provisions regarding working hours, wages, weekly day offs and provides social security benefits and medical leave for the domestic workers in India. But, the law has not yet been passed by the Indian parliament. Perhaps, the discussions at the level of the ILO will provide a second chance for the **House Workers (Conditions of Service) Bill**.

In 2006, the **National Commission for Enterprises in Unorganised Sector (NCEUS)**²⁰ proposed measures to protect the workers in the informal economy through labour regulation and social security coverage. As a result, the Indian parliament passed the “**Unorganised workers social security bill**” in 2008. This bill finally recognised domestic work as a type of “unorganised employment” and included the domestic workers in its scope of application following a number of advocacy campaigns by organisations of domestic workers. This bill establishes national and state level boards for social security. However, it does not create a clear and comprehensive social security programme for the workers in the informal economy, including the domestic workers; it just makes reference to 10 existing social welfare programmes and extends their application to workers in the informal economy. It should be noted, though, that these 10 social welfare programmes already provided inadequate benefits for families “Below Poverty Line” (BPL). For example, the **National Maternity Benefit Scheme (NMBS)** is one of these welfare programmes. Under this scheme, women from BPL families are entitled to a one-time payment of Rupees 500.00 (11US\$) per pregnancy for pre-natal and post-natal maternity care for the first two live births. This amount is not even enough to buy nutritious food for 3 days for a pregnant woman. With such little benefits, most of these welfare programmes do not offer adequate social protection for workers who are already among the most vulnerable.²¹

At the state level

Some state governments such as those in Karnataka, Tamilnadu, Andhra Pradesh, Kerala, Bihar, Jharkhand and Rajasthan have taken legislative measures to include domestic workers into the **Minimum Wage Act Schedule 1948**.

Few states have also formed a *State Welfare Board for Domestic Workers* to register the domestic workers with a view to giving

them access to social benefits and minimum social security. One such effort is the **Maharashtra Domestic Workers Welfare Board Act, 2008**²², which provides the following benefits to domestic workers: pension, health insurance, maternity leave and other welfare benefits. This state law gives domestic workers the same status as workers in the unorganised sector. It also contains provisions on daily wages, paid annual leave and weekly days off²³. Even though this is the most far-reaching piece of state-level legislation, its practical effect is very little since the welfare board has not yet been established.

More than anything, domestic workers in India are waiting for a comprehensive bill at the national level which expressly recognises domestic work as employment and regulates it accordingly.

3.1.3. The National Domestic Workers’ Movement (NDWM)

Though there are several NGOs working with domestic workers in India, the **National Domestic Workers’ Movement (NDWM)** is definitely one of the pioneer organisations in this field since its founding nearly 25 years ago. NDWM is working with all kinds of domestic workers, including children and migrants, in 23 states in India.

Since the early beginnings, the movement has encouraged participation and leadership in the hands of domestic workers. 25 years later, NDWM is a genuine social movement, an organisation of domestic workers for domestic workers. These workers have taken the reigns in their hands and seek recognition of their work and dignity of their person, at state, national and international level²⁴.

What the NDWM does...

One of the first things the NDWM did, was to create a space for domestic workers to come to: to rest, to enjoy a bit of time off, to meet and talk to other domestic workers. The NDWM facilitated the creation of self-help groups and started providing personality trainings to empower domestic workers. For the victims of human trafficking, the movement provides psychological counselling and medical aid; it also seeks to reinstate these victims in their families.

For those workers that wish to acquire new skills, the NDWM has capacity building programmes, which include vocational training, English courses and basic computer initiations. The NDWM also organises information sessions about the labour rights of domestic workers to raise their awareness.

“I learned many things after I joined NDWM. Now I am able to face the crowd, talk confidently and conduct awareness programs. I am being recognized. In my community, I was not given enough recognition in the past, but now I am invited to the meeting in our Panchayat (local governance body) and my opinions are valued which I didn't expect in this life. I am happy to be a member of National Domestic Workers Movement.”

Mrs. C. Padmini,
Domestic worker, Trivandrum, India



A mass meeting of domestic workers, members of the NDWM, India.

But also the public at large needs to be made aware. Therefore, NDWM conducts campaigns towards all stakeholders, in particular the employers, the government and the trade unions, to raise their awareness about the plight of domestic workers and the victims of human trafficking.

At the same time, the NDWM is spearheading lobby and advocacy actions for regulation on minimum wage, social security and decent working conditions for domestic workers.

"I come from a very poor family. I started working as a domestic worker when I was 10 years old. I supported my family with the little income I earned and continued to go to school. Now 30 years have gone by working as a domestic worker, I came to know all the pains and struggles in this work.

After I joined the NDWM, I learned a lot about the society, our work, our limitations and our rights. I am encouraged to learn more and more and to organise more workers in the movement. I started as a group member, and became a leader in the state coordination. Now I am an animator in the domestic workers movement. My family supports me in my work."

Mrs. Annakutty Suresh,
Domestic worker, Ernakulam district, India

Informing workers of their rights is one thing; claiming and enforcing these rights is quite another. As a result, the NDWM has initiated the establishment of trade unions for domestic workers in the following states: Tamil Nadu, Kerala, Andhra Pradesh and Jharkhand.

...does have an impact on the lives of the domestic workers!

In the last 25 years, the NDWM has become a reference in India in the fight for dignity and justice for domestic workers. Over these years, awareness has developed on the unacceptable conditions of the domestic workers and the need for legal protection. In fact, the recognition of domestic work as a type of "unorganised employment" and their inclusion in the **"Unorganised workers social security bill"** in 2008 is one of the most tangible results of the campaigns and the advocacy work of the NDWM at the national level.

Moreover, with over 2 million members at present, the NDWM is a force to be reckoned with.²⁵ As a consequence, the ILO has often invited the NDWM to official meetings on the issue of domestic work, including the preparatory meetings for the upcoming sessions of the international labour conference. This resulted in increasing acknowledgement at the national level where the Ministry of Labour formally consulted the NDWM while it was preparing the official Government's reply to the survey of the ILO regarding domestic work^{VI}. The NDWM also prepared its own response to the ILO survey.

VI This survey was annexed to the first ILO Report on Decent Work for Domestic Workers.

Domestic workers themselves now have someone to turn to, a place where they feel welcome and receive support if needed. They are more aware of their rights and they are gradually seeking to organise themselves in trade unions, which give more power to negotiate and enforce labour rights. Thanks to many services offered by the movement, they gained knowledge about family planning, the importance of health and education for their children and how to obtain access to some of the existing social welfare programmes.

3.1.4. Expectations with regards to the ILO standard-setting process

The NDWM, as explained earlier, is one of the important supporters of the ILO initiative to adopt labour standards for domestic workers and ever since the ILO Governing Body took the formal decision to start the standard-setting process, the movement has been actively involved in the preparations.

The NDWM hopes that the ILO process will result in the adoption of a binding international labour convention, which defines the rights and responsibilities of workers and employers. The convention should be complemented by a non-binding recommendation which gives further guidance on the implementation of the convention. On that last point, the movement also thinks it is crucial that the ILO gives technical assistance to member states.

If the ILO process has a successful outcome, this would certainly give a boost to policymaking at the national level. The NDWM would push the Indian Government to adopt a comprehensive regulatory framework in accordance with the international labour standards which deals both with the labour rights of domestic workers and their access to adequate social protection.

3.2. DOMESTIC WORK IN NIGER

Country profile: Republic of Niger
 Capital city: Niamey
 Area: 1,267,000 km² (desert for the most part)
 Human Development Index (HDI) rank: 178th
 Life expectancy: males 42.0 years (2005), females 41.0 years (2005)
 Infant mortality rate: 124.9 deaths/1,000 live births

Maternal mortality rate: one in 7 women
 Population: 15.3 million (July 2009 estimate)
 Labour force: 40% workforce is in the informal economy.
 Major products: Niger has important natural resources (gold, iron, coal, uranium, oil). Cattle breeding are another important economic activity.



3.2.1. Context of domestic work in Niger

An estimated 50% of the overall population is less than 15 years old. Young people represent both a factor of economic potential and a major challenge which needs to be addressed in terms of employment, income security, housing, health care, and infrastructure. With only 20% of the active population working in the formal economy (public and private sectors) and the remaining 80% living off the rural, traditional economy (farming and cattle breeding), there are few prospects for all these young people. That is why many of them, including those who enjoyed schooling and even university graduates, end up doing any kind of work, including domestic work.

For young girls, domestic work is considered an essential part of education, and not really work in Niger. It is a widespread habit in Niger and in other West African countries for more affluent families in the cities to “recruit” young girls from the rural areas through family relations, friends or elsewhere.²⁶ Instead of a formal education or in return for one, they have to do all kinds of domestic chores. In reality, many of them are domestic workers but because of their kinship with the employer they are not considered as that.

Consequently, they can make no claims with regards to working hours, rest periods, pay etc.

3.2.2. Labour legislation and social protection in Niger

Niger is one of these countries where domestic workers are actually covered by the existing labour and social legislation, either explicitly or implicitly.

1. The Labour Code, in its Article 2, defines the “worker” as the person accepting to provide his labour, in return for remuneration, under the direction and authority of another person, be it an individual or a legal entity, either public or private. Many argue, including the labour movement, that domestic workers are implicitly covered by this definition.²⁷ As a result, the provisions of the Labour Code as well as those of the Inter-professional Collective Agreement apply to these workers.²⁸
2. Following this argument, domestic workers are also implicitly included in the scope of application of the social security legislation. Indeed, pursuant to **Article 3 of Bill 2003 – 34 of**



Domestic workers in Niger demand to be registered to the National Social Security Office during the Labour Day demonstrations in 2009 in Niamey, Niger.

5th August 2003, “any employer, either public or private, using the services of one or more workers according to Article 2 of the Labour Code, shall register to the Social Security Institute.” Registration of the employer and the workers is compulsory and is incumbent on the employer.

3. To complete the list of legislative documents, mention should be made of **Decree N°2006-59/PRN/MFP/T of 8th March 2006**, which sets the minimum wages per professional sector. This Decree explicitly refers to domestic workers, stipulating that the minimum wage for different categories of domestic workers is FCFA 28,347^{vii}. This is of course an explicit recognition of domestic workers as “workers” and therefore reinforces the argument that the other general labour and social security legislation applies as well to these workers.

3.2.3. The Niger Confederation of Labour (CNT) and the Christian Workers Movement (MTC)

Niger has a regulatory framework for domestic workers. So far the good news! But the Niger Confederation of Labour (CNT) and the Christian Workers Movement of Niger (MTC Niger) found out that the problems with this framework are twofold: on the one hand, it is too general in nature to tackle the specific features of domestic work. On the other hand, its enforcement is very weak.

The CNT, one of the largest trade union confederations in Niger, was founded on the 28th of December 1996. The CNT groups together 40 trade unions across 8 professional federations. In total, it has more than 75,000 members at present and is active in most socioeconomic sectors^{viii}. It is affiliated to the ITUC-Africa as well as to the ITUC.

The MTC Niger was founded on August 18th, 1995 and is affiliated to the World Christian Workers Movement (WCWM). It has 12 grassroots groups, with a total membership of 400. The MTC Niger is a typical socio-cultural organisation: it organises social and cultural activities for people that are generally marginalised and excluded. It has a training centre, the “Guy Romano People’s University”, where mainly informal economy workers, young mothers abandoned by their families and children that drop out from school receive general education and vocational training (computer sciences, literacy training). It also has a “Home for the Unemployed” (CASEMA), where people without a job have access to professional training.

What the CNT and MTC Niger do...

Both CNT and MTC Niger, partners of WSM, have been working with domestic workers for a number of years. In 2008 they decided to join their forces in the fight for decent work conditions for domestic workers in Niger. One of the first common actions was the realisation of **a survey in Niamey and Dosso** to investigate what the exact working and living conditions of domestic workers are. In Niamey, 300 domestic workers agreed to answer the survey; in Dosso, 100 workers were found willing to do so. The majority were women (74%), with no general education (65%)^{ix}.

These surveys clearly indicated that the legislation mentioned above is not or not properly applied to domestic workers. Just a few examples:

- Wages: none of the people taking part in the survey were paid the legal minimum of FCFA 28,347 (€43). 75% of the respondents are paid less than FCFA 7,000 (€ 10.67) per month; 17%

^{vii} FCFA is the currency used in number of countries in Africa “Senegal, Mali, Niger, Ivory Coast, Chad, Guinea Bissau, Togo, Benin, Cameroon, Central African Republic, Gabon, Congo and the Comoros.” 1 Euro = 655,957 FCFA

^{viii} CNT was established by 5 unions from the following sectors: post, banking, civil aviation, commerce and cooperatives. Nowadays, the confederation has unions in the industrial sector, transport, communication, mining and energy, food and agriculture, textile and education.

^{ix} H. Tahirou, “Les conditions de travail et les droits des employés des hôtels, bars, restaurants et des travailleurs de maison au Niger”, Niamey, 2009, p. 19. This research was commissioned by the CNT and MTC Niger.

"I lost my father when I was 14 years old, studying in the fifth class. Then I was forced to stop schooling and learn sewing with the help received from some neighbours and my mother. I had no financial means and material to open a sewing shop after the end of 6 years training. So I decided to work and save money to open a shop.

I found a job with the support of MTC Niger. My employer lady agreed to pay a monthly salary of 35,000 CFA for household work. I had an undetermined contract with a 3 months trial period. In addition to cooking and laundry I had to do shopping for my boss and his wife. It was hard work, but I thought I had to do it just for a limited time to save a little money.

At some point the wife of my boss felt jealous of me. Because I am young she considered me as a threat to her. Maybe she was suspecting her husband. She became aggressive towards me. I had no other choice but to stay, because my dream was to save some money to open my own shop.

The employer lady was looking for a chance to fire me. But she could not find a valid reason. Finally, she sent me to my hometown on holidays. After 2 days, I returned from my village and found that I was fired. I contacted MTC to see what can be done. MTC and CNT Niger are studying my case now."

Safiatou Mamane,
Domestic worker, Niger

received an amount between FCFA 7,000 and FCFA 15,000 (€ 10.67 to 23). The remaining 8%, mostly live-in domestic workers, received nothing at all apart from food and housing. Employers consider these as a form of in kind payment, even though they are in many cases substandard according to a majority of the respondents.

- Domestic workers are only exceptionally declared to the national social security institute or "Caisse Nationale de Securite Sociale" (CNSS). In Dosso, a city about 138 km from Niamey, none of the domestic workers was registered to the CNSS. In Niamey, where the CNSS has its headquarters, the situation is a bit "better" with about 20% of the respondents registered. The survey also revealed that most of the respondents did not know what the CNSS is^x.

The surveys provided so much material -including very shocking testimonies- that both organisations decided to go public with it. In December 2008 and in May 2009, representatives of both organisations took part in **a TV debate on the plight of domestic workers.**

They also continued to provide legal counselling to domestic workers and employers alike, for example on how to register workers to the CNSS. When there are open conflicts, they mediate between the parties.

Since the study had shown that the regulatory framework was too general, the CNT and MTC Niger decided to push for a specific



On May 1st 2009, a representative of the CNT reads out the "Declaration of Niamey" which sets out the key demands of CNT and MTC Niger to improve the working conditions of domestic workers amongst others.

collective agreement for domestic work which could address the specific needs of domestic workers. On **May 1st 2009**, the Labour Day demonstrations were also focussing on the need to improve the working conditions of domestic workers. Moreover, CNT made this one of its key demands to the Minister of Labour of Niger. While she received the demands out of the hands of the Secretary General of the CNT, she was also given **a set of tablemats and coasters which carried slogans calling for respect of the labour rights of domestic workers.** She found the idea of tablemats and coasters very original and said she would use them in her house. At the same time, she reacted positively to the request for **a specific collective agreement for the sector of domestic workers** and indicated that she would convene a tripartite meeting to discuss this proposal.

...does have an impact on the lives of the domestic workers!

The TV debates did not miss their aim; the reactions were very emotional. On the one hand, the domestic workers were very glad that the media paid attention to their precarious working conditions. All of a sudden, they also discovered that there are organisations that care about them.

TV was also the perfect medium to reach the largest possible group of people. But many of them are employers themselves, and they were not pleased at all that their "private affairs" were all of sudden at the centre of public debate. Some of them went so far as to intimidate the leadership of these organisations and urged them to stop their actions. Instead of stopping, MTC Niger and the CNT asked for **a second TV debate** some months later, in May 2009, in which they managed to appease people's feelings. Instead of giving terrifying examples of what domestic workers endure, they called for people to take account of the valuable contribution of these workers to the Nigerien economy and further argued that they should be treated with dignity and respect in return.

^x Ibid, p. 69-71.

Following the TV debates and the Labour Day demonstrations in 2009, more and more domestic workers contacted the CNT and MTC Niger with all kinds of questions. It led finally to the establishment of a domestic workers union, called the "Syndicat National des Travailleurs de Maison" (SYNTRAMAN) on 13th September, 2009. SYNTRAMAN is affiliated to the CNT, who facilitated the organisation of the founding congress. In total 13 domestic workers were elected to serve on the board of SYNTRAMAN. At present, the union has approximately 200 workers. A small number, but things will change rapidly considering already 75 members are now reg-

istered to the CNSS and some 185 members now have a written contract which clearly defines their rights and responsibilities.

3.2.4. Expectations with regards to the ILO standard-setting process

CNT and MTC Niger both hope for an international labour convention accompanied by a recommendation, just like the NDWM. The adoption of these instruments would give them a good basis to start negotiating a specific collective agreement for domestic workers.

3.3. DOMESTIC WORK IN PERU

Country profile: Republic of Peru

Capital city: Lima

Area: 1,285,216 km²

Human Development Index (HDI) rank: 78th

Life expectancy: 73 years

Population: 29.1 million (29,132,013) July 2009 estimate.

Infant mortality rate: 21.9 per 1,000 live births.

Maternal mortality rate: 240 per 100,000

Labour force: up to 60% GDP in the informal economy.

Economy: Peru mainly exports copper, gold, zinc, textiles and fish products



3.3.1. Context of domestic work in Peru

In Peru, domestic workers constitute an important part of the workforce. According to the Ministry of Labour, there are over 450,000 household workers in Peru²⁹. Other sources estimate that there are approximately 700,000 domestic workers; of which 90% are indigenous and rural young women who have migrated from the countryside to the cities to escape from poverty. In most regions, they would only earn 50 to 150 Peruvian Soles per month (18 to 54 US dollars), while in Lima they can earn 250 to 300 Peruvian Soles per month (89 to 107 dollars)³⁰. But in both cases still far below the minimum wage which is fixed at 550 Soles.

The fact that 20 % of the domestic workers are minors is very worrying. These children can often only enjoy some schooling on Sundays, which is insufficient to learn the most basic skills such as reading and writing. This makes them obviously very vulnerable to abuse and exploitation.

3.3.2. Young Christian Workers of Peru (JOC Peru)

With so many youngsters at work in this sector, the "Juventud Obrera Catolica de Peru" (JOC Peru) decided more than 40 years

ago to start working with these people. Domestic workers are already the most marginalised workers; but being a very young girl makes you even more vulnerable.

What JOC Peru does...

So, on their weekly day off, JOC Peru would approach these girls and organise some activities with them. Considering their daily experiences, it was often very difficult to win their confidence. But once they were at ease, the girls really enjoyed their afternoons with the animators of JOC Peru.

A next step was to offer information sessions on the labour law and help them to obtain legal aid in cases of serious abuse and ill-treatment. At the same time, it started to campaign with a view to raising people's awareness about the lack of legal and social protection of domestic workers. The government was asked to fill that gap in the legislation.

...does have an impact on the lives of the domestic workers!

And their call for regulation was definitely heard! On 2nd June 2003, the "Household Workers Law" (Ley N° 27986) was approved by the Congress of Peru.



Many young girls in Peru become household workers in the big cities. Being young, a girl and indigenous makes these girls very vulnerable to discrimination. Thanks to JOC Peru and SINTRAHOGARP, they no longer stand alone. Together, they are stronger to face employers that do not respect their rights.

The new “household workers law” specifically recognises the labour rights of household workers, as they are called in Latin America. Even though the law did not meet all the demands that domestic workers and their representative organisations had, it represented a major step forward in the struggle for legal recognition of their rights. Without being exhaustive, the law determines that:

- The 8-hour working day is also a right for household workers, even for live-in workers (art 15);
- They are entitled to at least one day off per week (art 10) as well as paid holidays (art 12);
- They have to be covered by the social security system (art 18);
- They have the right to receive education (art 17).

Those that employ a household help now have the legal obligation to register them at the *National Superintendence of Tax Administration* (SUNAT). SUNAT keeps the register of “Employers of Household Workers”, which helps to give a more formal and public character to the employment relationship, which otherwise remains hidden. In addition, the registration obliges the employers to pay the social contributions for the domestic worker’s social security, in particular for health (equal to 9% of the salary) and the pension (13% of the salary)³¹.

Four years after the law was adopted, the government declared **30th March to be the national “Day of Household Workers”**^{XI}. A day that is celebrated both by organisations of household workers and public institutions to put these hard working people in the spotlights!

Already in the 1970s, JOC Peru tried to orient the household workers to establish their own trade union. In cooperation with other organisations, a first founding congress was held in 1973 but the Ministry of Labour refused to recognise it legally. They had to wait until 2006, when the “Sindicato Nacional de Trabajadoras del Hogar” (SINTRAHOGARP) was founded and legally recognised³². SINTRAHOGARP offers capacity building courses about the “House-

hold Workers Law” on Sundays – often the weekly day off for their members - as well as legal aid for its members whose rights under the law are violated.

3.3.3. Expectations with regards to the ILO standard-setting process

Peru has already gone a long way in tackling the difficult working conditions of household workers. But more challenges remain ahead, the main one being the enforcement of the law³³. One contributing factor is the fact that many household workers do not know this legislation. It is important that grassroots organisations, like JOC Peru and SINTRAHOGARP, continue to disseminate information about the law. At the same time, the authorities should also assume their responsibility to conduct a large promotional campaign about the rights of household workers. The upcoming international labour conferences could provide a good incentive to kick-start such a campaign. For JOC Peru the ILO process also offers opportunities to further unionise household workers.

“My work is to clean, to wash, to iron, etc. After the first month of work, the lady of the house told me that she was going to pay me only 150 Peruvian soles, i.e. 30 soles less than what we had agreed to. But I asked her to pay me the 180 soles because there are laws that protect me and prevent anyone from exploiting me. A while afterwards she called me to pay me the remaining 30 soles. I learned about my rights from the YCW.”

Noemí,
domestic worker, Peru



XI Decreto Supremo N°005-2007 TR, published on 2nd of March 2007.

3.4. DOMESTIC WORK IN BELGIUM

Country profile: Kingdom of Belgium
 Capital city: Brussels
 Area: 30,528 km²
 Population: 10,827,519
 Human Development Index (HDI) rank: 58th
 Life expectancy: 79.22 years (2009 estimate)
 Infant mortality rate: 4.44 deaths/1,000 live births
 Labour force: 73% in the service sector, 25%

in the industry and 2% in agriculture.
Economy: Main imports are food products, machinery, rough diamonds, petroleum and petroleum products, chemicals, clothing and accessories, and textiles. Main exports are automobiles, food products, iron and steel, finished diamonds, textiles, plastics, petroleum products and nonferrous metals.



3.4.1. Context of domestic work in Belgium

Domestic workers are also omnipresent in Belgium, both on the formal and informal labour market. For the first group, precise data exist; for the second group that is not the case.

In principle, 3 different employment situations can be distinguished for domestic workers in Belgium:

- Domestic workers recruited by an agency/company providing services to private households under the “service cheques” system.
- Domestic workers directly employed by a family on a fulltime or part-time basis.
- Domestic workers employed by diplomats with a special ID card issued by the Protocol Services of the Ministry of Foreign Affairs Ministry.

In addition, we will give some attention to the special case of undocumented migrant workers.

3.4.2. The service cheques system^{xii}

This system exists since January 1, 2004. The intention of government and social partners was to combat “black” or undeclared work; domestic work has always been one of these sectors where much work goes undeclared. The system is innovative in different ways:

- The domestic workers are recruited by a “service cheque company^{xiii}” with whom they have a formal, written contract. So the agency is the employer.
- If a family needs help in the house, they contact the company to hire one of their domestic workers.
- When the work is completed, the family pays the domestic worker 1 service cheque per hour worked. Only families can use

this system to pay for domestic services in the private sphere; companies cannot use this system^{xiv}.

The cheques can be used to pay for the

following services: cleaning, window washing, laundry and ironing, preparing meals and transporting disabled people etc. It should be noted that decorating or small maintenance works (plumbing, etc) cannot be paid with a service cheque.

One major advantage of the system is that **it breaks the unilateral relationship between the worker and the household that employs her or him**; as indicated earlier, this unilateral relationship generally lends itself too easily to abuse and exploitation. What is even better is that **both the workers and the employers become visible through this system**: workers can now be reached and organised by trade unions and the same applies for the service cheque companies. Social dialogue is now a fact in this sector as well!

Thanks to the cheque the worker also gets **a decent wage per hour** while part of the value is channelled to the social security office. Thanks to these **social contributions** domestic staff can now take paid leave, enjoy maternity leave, receive sickness benefits etc. This system finally created real decent work opportunities for low skilled workers, including those of other nationalities who reside legally in Belgium and possess a work permit B.

While the benefits of the system are enormous for domestic workers as well as the families employing them, the cost for the State budget is considerable. This system is indeed heavily subsidised by the federal state of Belgium. Each service cheque is worth 20.80 € per hour of service but the households using the system only pay 7.50 € of this amount. On top of that, they benefit from a 30% tax deduction.

Because of this favourable fiscal regime, the system is very popular! The number of workers, agencies and households using the service cheque system increases every year. In 2006, 420.000 people used this system; together they spend about 32 million cheques. That equals 32 million hours of work, performed by nearly 29.000 workers registered at one of the 1.450 recognised service cheque companies^{xiv}. Today, more than 110.000 people



^{xii} In Belgium, these cheques are known as “dienstencheques” or “titres-services”.

^{xiii} Different entities can apply for the status of “service check company” such as private enterprises, employment agencies, nonprofit associations, individuals, etc. To be recognized as a “service check company”, they have to apply an accreditation commission. The members of this commission are civil servants and representatives of trade unions and employers’ organizations.

^{xiv} Source: Enquête Idea Consult 2005.



The campaign poster used by WSM and ACV-CSC Food and Services in 2002.

The newspaper article is a mock job offer which requests the applicant to be obedient and preferably a migrant worker. The "successful" applicant will have no contract, enjoy inhumane working conditions and pay will not be proportionate with the work done.

are employed with the service cheque through one of the 2.500 service cheque companies now active in the sector. In 2009, about 78 million service cheques were issued, compared to 74 million in 2008³⁵.

3.4.3. Domestic workers directly employed by a family

This second category of domestic workers is in principle directly employed by a family, either on a full time or part-time basis. Until 2004 their legal status was poorly regulated. Following a campaign of WSM and ACV-CSC Federation of Food and Services that year, which asked the then Minister of Labour Ms Onckelinx to improve the labour legislation for domestic staff, things have changed³⁶.

A bipartite committee ("committee 323") was appointed to deal with all labour and social issues relating to domestic work. Since then, the working conditions of domestic workers are governed by a number of specific collective agreements. Committee 323 also negotiates the applicable salaries: they start at 8.5 € per hour or 1,404.18 € per month³⁷. In addition, the King Baudouin Foundation funded further research into the reality of domestic workers. Afterwards, it started a large awareness raising campaign on the rights and obligations of international domestic staff and their employers in Belgium^{XV}.

In 2008, only 1069 people were officially registered in this category of domestic workers. A very small number and with the success of the service cheque system, it is not sure whether this status still has a lot of a future. Again, this status is open for workers of other nationalities, given that they have the necessary residence and work permit (B). Surely a large part of the registered workers are

foreigners but disaggregated data are not available. The main concern for foreign domestic workers is that this work permit B ties them to one specific employer. In case of abuse or when the employer decides to terminate the contract, the domestic worker risks losing her or his residence status^{XVI}.

3.4.4. Domestic workers employed by diplomats with a special ID card

"Diplomats and international civil servants are entitled to bring their domestic servants to countries where they are stationed. It is an international custom for states to extend each other the courtesy of issuing residence permits for such workers, known as "special cards"³⁸. This is the third category of domestic workers active in Belgium. In principle, the Protocol Department of the Ministry of Foreign Affairs delivers a special ID card for these workers. This special status increases the worker's dependence on the employer, since the card is directly related to the employer's capacity and person. The worker is therefore given permission to stay in the country for the same length of time as the employer. In the event of dismissal, the domestic worker loses her or his residence permit.

As indicated earlier, article 31 of the Vienna Convention grants diplomatic agents full immunity from jurisdiction (criminal, civil and administrative) and from enforcement measures in the host state. Therefore, the labour inspection services are in principle not allowed to conduct on-site visits. In Belgium, though, domestic workers can contact the services of the Protocol Department of the Ministry of Foreign Affairs directly if they feel their rights are violated. The Protocol Department is mandated to discuss the case with the diplomat(s) concerned or it can re-

^{XV} The King Baudouin Foundation is an independent public benefit foundation. For more information: <http://www.kbs-frb.be/about-the-foundation.htm?LangType=1033>.

^{XVI} Interview by Elke Gutierrez, OR.C.A.

fer it to the Social Inspection for mediation. This system of dispute settlement depends very much on the goodwill of the people involved, but can lead to positive results. In certain cases, domestic workers have filed their complaints directly with the competent courts, and occasionally they were successful³⁹.

3.4.5. Special note on undocumented migrant workers

There are many undocumented persons living and working in Belgium, including as domestic workers, but official data are not available. They are recruited both by Belgian families as well as diplomatic personnel. Sometimes with very good intentions: to provide these people with a job and an income and to assist them with the regularization of their residence status. And in other cases with bad intentions: to exploit their vulnerability while not complying with the labour and social legislation.

With no papers, these undocumented workers do not dare to go to the police or other official instances, since they fear being expelled⁴⁰. But having no papers does not automatically mean you have no rights at all. According to OR.C.A., a non-governmental organisation offering services to **undocumented migrants, undocumented workers have a number of basic rights just like workers with papers**, once a working relationship can be established: a minimum wage, health and safety at work, compensation in case of accidents, working hours, holidays, etc". The organisation has developed and published a useful guide, in cooperation with ACV-CSC and ABVV-FGTB, the most important trade union confederations in Belgium. It can be obtained in their service centres and downloaded from the website of OR.C.A.⁴¹.

3.4.6. WSM and ACV-CSC Federation of Food and Services

Domestic work is an issue of concern for many organisations, trade unions and NGOs alike, in Belgium. That is definitely the case for WSM and ACV-CSC Federation of Food and Services, whose actions for domestic workers have already been referred to partially. The legal status and working conditions of certain categories of domestic workers has improved thanks to their actions. It has been the result of combining strong campaigning in 2004, followed by in-depth research (mainly the King Baudouin Foundation) and targeted lobby efforts.

But for other categories, mainly those employed by diplomats and undocumented domestic workers, much work remains to be done. That is why WSM, through its advocacy action Social Alert, continues to lobby the Belgian government to ratify the UN Convention on the Rights of All Migrant Workers and Members of their Families⁴². This UN Convention contains to date the most complete set of fundamental rights for migrant workers, including undocumented ones. It can only be hoped that the participants to the labour conference in 2010 and 2011 will also find inspiration in this convention. On the other hand, ACV Federation of Food and Services is aware that it needs to find access to these groups of vulnerable workers who seem so out of reach. Therefore it has decided to start working together with OR.C.A. who has some contacts with groups of undocumented migrant domestic workers.

But the icing on the cake would be the adoption of an international labour convention and recommendation by the International Labour Conference (ILC) in 2011. So, WSM and ACV-CSC and all of our partner organisations active in this field join forces in the run up to and during the next two sessions of the ILC to lobby delegates to make decent work a reality for domestic workers.



At a seminar on domestic work organised by the ILO Brussels and the Belgian Federal Ministry of Labour and Equal Opportunities, a representative of the CNT Niger hands over a set of tablemats and coasters to the Federal Minister of Labour and Equal Opportunities Ms Milquet. The tablemats and coasters carry slogans calling for respect of the labour rights of domestic workers.

4

THE ILO STANDARD SETTING PROCESS: DECENT WORK FOR DOMESTIC WORKERS

The ILO standard-setting process does indeed offer new opportunities to anyone concerned with the fate of domestic workers. This section briefly outlines what this ILO process is, how we will seek to influence it. The next section highlights our policy recommendations to the ILC.

4.1. THE ILO AND ITS STANDARD SETTING PROCEDURE

Since 1919, **the ILO has the mandate to create international labour standards.** These standards are norms that regulate the world of work and cover such areas like the freedom of association, right to collective bargaining, working hours, health and safety at work etc. These standards are the basic rules that this world, our global economy needs to prevent abuse and exploitation of the workers. Their aim is to ensure that these very same workers can also benefit from the welfare they create.

These labour standards come in the form of conventions or recommendations. **Conventions are binding treaties** for those States that ratify them; **recommendations are non-binding instruments** which provide guidelines for governments and social partners on the implementation of national labour and social policies. Often a Convention and a Recommendation on the same topic are adopted simultaneously.

Developing international labour standards at the ILO is a unique legislative process involving representatives of governments, workers and employers from around the world. That is why the ILO is known as a tripartite organisation: everything the ILO does, involves these three groups or “constituents”. As a first step in the standard-setting procedure, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office [the secretariat of the International Labour Organisation^{XVII}] prepares a report that analyses the laws and practices of member states with regard to the issue at stake. The report is circulated to member

states and to workers’ and employers’ organizations for comments and is discussed at the International Labour Conference. Following this general discussion, a second report is then prepared with a draft labour standard for comments and is submitted for discussion at the following Conference, where the draft is amended as necessary and proposed for adoption. This is called the “double discussion” procedure. A two-thirds majority of votes is required for a standard to be adopted.

Standards for domestic workers

In a report to the Governing Body, the International Labour Office noted the following: **“Most domestic workers are women and their work is enabling others to improve their living standards. [...] The need for a special international instrument on domestic work has long been voiced by workers’ and non-governmental organizations. There is wide recognition that the situation of domestic workers [...] will greatly benefit from the development and implementation of international standards that address human rights, fundamental workers’ rights and general conditions of work”.**

As a result the Office proposed the Governing Body **“to place the item of promoting decent work for domestic workers on the agenda of the International Labour Conference in 2010 with a view to developing ILO instruments,** possibly in the form of a Convention supplemented by a Recommendation, to provide badly-needed protection for this category of workers”. Imagine the joy that many domestic workers and their representative organisations must have felt when the Governing Body of the ILO approved this proposal in March 2008.

A first, general discussion will take place in June 2010. It is then that governments, workers and employers will have to decide which kind of labour standards they want to have (convention(s) and/or recommendation). The first discussion will be based on the two reports published by the ILO on domestic work^{XVIII}. In June 2011 the ILO constituents will meet for a second time to discuss, amend and hopefully adopt the proposed labour standards^{XIX}.

^{XVII} When the acronym ILO is used in this policy paper, it refers to the International Labour Organisation. The use of the term International Labour Office is reserved for the secretariat of the ILO.

^{XVIII} The first report is “Decent Work for Domestic Workers”, ILC 99 Report IV(1), Geneva, pp. 130. This report contains information on the law and practice concerning the situation of domestic workers around the world and a questionnaire to the ILO constituents on the scope and content of the proposed instruments (Convention and/or Recommendation). The second report is: “Decent Work for Domestic Workers”, ILC 99 Report IV(2), Geneva, pp. 423. This report contains the views of the ILO constituents to the first report and the questionnaire.

^{XIX} The second discussion would be based on 2 more reports. One report on the proposed draft instrument(s) on domestic work and the other report on the reactions and suggestions by the ILO constituents on the proposed draft instrument(s).

4.2. ADVOCACY AT THE INTERNATIONAL LABOUR CONFERENCE IN 2010 AND 2011

The case studies in this paper have shown the many labour rights violations that domestic workers suffer, even in countries where general or specific labour regulation exists. So, WSM and ACV-CSC Food and Services and all the labour movements we work with in the South are committed to the ILO standard-setting process which will start in June 2010. Following much of the grassroots work (organising domestic workers), the campaigns (awareness raising), we want to take this process to lobby governments, employers' and workers' organisations to recognise domestic work as "employment" and domestic workers as "workers" and to set the standards required to provide them **decent domestic work**.

The voice of labour movements in the process

In order to ensure that labour movements, especially those mobilising and organising domestic workers, are heard in the ILO process, WSM and ACV-CSC decided to consult their partner organisations in the South. We sent the questionnaire the ILO had prepared in May 2009 (as an annex to Report IV(1)) to all of them. **In total, 17 organisations (trade unions, socio-cultural move-**

ments and a training centre for domestic workers) from Africa, Asia and Latin America, answered the survey^{XX}. All of their replies were sent to the ILO by the 31st of August 2009, which was the deadline.

Many of their replies were taken into account in Report IV(2)^{XXI}. Moreover, *their comments are the basis for this policy paper as well as for our advocacy work prior to and during the conference sessions*. From all the points raised, we drew up a list of the issues that were common in their comments. We then submitted this list to all of them for yet **another round of consultations**, with the following question: which issues do you consider most urgent and need to be addressed in the ILO standards? In Asia, WSM even organised a thematic seminar to consult its partner organisations. In Africa and Latin America the consultation was done through email. These key issues are listed below.

To strengthen our advocacy work at the conference sessions, representatives of the organisations mentioned in the case studies will join the WSM and ACV-CSC delegation. It is of the utmost importance that their grassroots experience and input can directly feed into the discussions that will take place.

^{XX} A list of all the organisations is provided in Annex I.

^{XXI} Both Report IV(1) and Report IV(2) are available on: http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/99thSession/reports/lang--en/index.htm.

5

THE KEY RECOMMENDATIONS

On the kind of standards, all the consulted organisations agreed that the ILO should adopt **a binding Convention which is supplemented by a Recommendation** detailing the implementation mechanisms to guarantee the decent working conditions and rights of domestic workers that are prescribed in the convention.

Furthermore, they agreed that the ILO convention on domestic work should have provisions that:

1. Ensure the respect for *Core Labour Standards*, in particular the *Freedom of Association and Collective Bargaining* for domestic workers;
2. Define decent working time and decent wages for them;
3. Determine health and safety standards;
4. Extend social protection measures; and
5. Pay special attention to migrant domestic workers as a very vulnerable group of domestic workers

Hereafter these different issues are dealt with in greater detail, because often they refer to existing international labour standards.

5.1. ENSURE THE RESPECT FOR CORE LABOUR STANDARDS, IN PARTICULAR THE FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING FOR DOMESTIC WORKERS

The freedom of association and the right to organise are fundamental preconditions for social dialogue. Effective social dialogue is the best way to improve the employment conditions and social security coverage of domestic workers. The freedom of association and the right to organise were labelled “core labour standards” in the 1998 ILO Declaration on Fundamental Principles and Rights at Work. They are enshrined in ILO Convention C87 and ILO Convention C98.

5.2. DEFINE DECENT WORKING TIME AND DECENT WAGES FOR DOMESTIC WORKERS

Working time: the eight hour working day should be the rule for domestic workers as well. Working schedules should be defined, weekly resting periods and annual leave should be mandatory by law. Periods of standby should be considered as hours of work and the definition should be made clear in order to stop exploitation. There needs to be a limit in the number of standby hours allowed

and duration of time a domestic worker can be asked to be on standby.

Decent wages: decent wages should be paid at regular intervals, and at least on a monthly basis. In countries where minimum wages are set by occupation, special measures should be taken to ensure that the skills and responsibilities associated with domestic work as well as conditions under which it is carried out are assessed without gender biases.

- a) If there is any need for overtime work, it should be compensated both in payment and rest time.
- b) The provisions of the ILO Protection of Wages Convention (Convention C95) on in kind payments and wage deductions should be made applicable to domestic workers.
- c) Payments should be made by bank transfer or other adequate methods so that payment records are available to track underpayment and non-payment of wages.

5.3. DETERMINE HEALTH AND SAFETY STANDARDS

A combination of immediate measures should be introduced combining the employers’ responsibility to protect the health and safety of domestic workers, awareness raising and training for the workers. Because of the particular character of the workplace, an appropriate monitoring system should be devised. In this regard the ILO Home Work Convention, 1996 (C177) is a useful tool.

5.4. EXTEND SOCIAL PROTECTION MEASURES

The social protection package for domestic workers should at least include maternity protection, pension coverage, health care, compensation for occupational injuries and hazards and unemployment benefits. The reference in this regard should be ILO Convention 102. The package has to be available for all domestic workers, including those working part-time and/or for multiple employers as well as migrant domestic workers.

Already existing social protection measures in the country should be immediately applicable to the domestic workers. Other measures proposed in the ILO instrument should be made available under national regulations without delay. Progressive introduction of social protection measures can only apply for higher social security provisions and provided that at the time of ratification a time frame for the introduction of these provisions is agreed on.

The ILO recommendation should provide guidance to the member states on how to facilitate the payment of social security contributions by employers.

5.5. PAY SPECIAL ATTENTION TO MIGRANT DOMESTIC WORKERS AS A VERY VULNERABLE GROUP OF DOMESTIC WORKERS

Several international human rights instruments are relevant for the protection of migrant workers. In the first place, there is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Also the ILO Multilateral Framework on Labour Migration provides useful guidance for the protection of the needs and interest of migrant workers⁴³.

The migrant status of a working person, documented or not, cannot be a ground of discrimination. So migrant domestic workers should also enjoy their core labour standards, have a decent wage, work normal hours, are entitled to social protection etc. The ILO Convention concerning Discrimination in Respect of Employment and Occupation Discrimination (Convention C111) and the ILO Equal Remuneration Convention (Convention 100) are the reference in this regard.

Migrant workers should have easy access to fair and effective settlement procedures: access to court, accommodation and permission to stay and work while procedures are pending, free legal assistance and legal remedies in case of proven violations.

ANNEX 1

ILO surveys on domestic work: replies by partners of WSM and ACV-CSC	
Organisation	Country
I. Trade Unions	
Confédération Nationale des Travailleurs du Burkina Faso (CNTB)	Burkina Faso
Congrès du Travail et de la Fraternité (COTRAF)	Rwanda
Confédération Nationale des Travailleurs de Guinée (CNTG)	Guinée
Confédération Nigérienne du Travail (CNT)	Niger
Confédération Syndicale du Gabon (COSYGA) with/avec/con Jeunesse Ouvrière Chrétienne (JOC)	Gabon
Fédération des Unions Nationales des Travailleurs de la Terre (FUNTRAT)	Bénin
Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI)	Indonesia
Confederation of Free Trade Unions of India (CFTUI)	India
Central Autónoma de Trabajadores del Perú (CATP)	Perú
Uniao Geral de Trabalhadores (UGT)	Brasil
II. Socio-cultural Movements	
Mouvement des Travailleurs Chrétiens (MTC) du Bénin	Bénin
Mouvement des Travailleurs Croyants (MTC) du Niger	Niger
National Domestic Workers Movement (NDWM)	India
Juventud Obrera Católica (JOC) de Perú	Perú
Movimento dos Trabalhadores Cristões (MTC) do Brasil	Brasil
III. Others	
Centro de Promoción y Desarrollo de Trabajadoras del Hogar (CEPRODETH)	Perú

END NOTE

- 1 "Invisible Servitude – An in-depth Study on Domestic Workers in the World", Social Alert, March 2000, Brussels, pp. 53. Available on : <http://socialalert.org/pdf/Invisible%20Servitude%20-%20Human%20Rights%20of%20Domestic%20Workers.pdf>.
- 2 "Informal Workers in Focus: Domestic Workers", Domestic Workers Fact Sheet, WIEGO, Page Nr. 2, http://www.wiego.org/publications/FactSheets/WIEGO_Domestic_Workers.pdf
- 3 "Domestic labour - Global Facts and Figures in Brief", ILO Geneva, <http://www.ilo.org/ipec/areas/Childdomesticlabour/lang--en/index.htm>
- 4 "As If I Am Not Human: Abuses against Asian Domestic Workers in Saudi Arabia", Human Rights Watch, New York, 2008, Page Nr. 2 http://www.hrw.org/sites/default/files/reports/saudiArabia0708_1.pdf
- 5 For more details on this consult the article, "Domestic Workers: Little Protection for the Underpaid", By Gloria Moreno-Fontes Chammartin, International Labor Organization, April 2005 <http://www.migrationinformation.org/Feature/display.cfm?ID=300>
- 6 "Sortir de l'ombre-organiser et protéger les travailleurs domestique en Europe le rôle des syndicats", ITUC, November 2005, Brussels, Page Nr. 9
- 7 "Respect and Rights: Part II Actions Around the World", by E Reyneri, IRENE, Page Nr. 3 <http://www.irene-network.nl/download/part2rep.pdf>
- 8 *Decent work for domestic workers (IV) 1 report*, ILO Geneva, 2009, Page Nr. 6
- 9 Ibid, Page Nr. 11
- 10 Ibid, Page Nr. 48-51.
- 11 Ibid, Page Nr. 42
- 12 Ibid, Page Nr. 61-63
- 13 *Decent work for domestic workers (IV) 1 report*, ILO Geneva, 2009, Page Nr. 8 http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/ReportsubmittedtotheConference/lang--en/docName--WCMS_104700/index.htm
- 14 For more details on this consult the article, "Diplomats in London embassies traffic women to use as slaves", by Jon Ungoed-Thomas, appeared in The Times UK, February 21, 2010 <http://www.timesonline.co.uk/tol/news/uk/article7034899.ece>
- 15 In the USA as well diplomats were found abusing their diplomatic position for human trafficking of domestic workers and abuse and enslave them. For more details on this consult the youtube video, "Diplomats abusing domestic workers Baja story", originally appeared in ABC News <http://www.youtube.com/watch?v=kbwbJl6hO4Y> .
- 16 "Women Migrant Domestic Workers in Bahrain", Sabika al-Najjar, International Migration Papers – 47, International Migration Programme, ILO Geneva, Page Nr. 8 <http://www.ilo.org/public/english/protection/migrant/download/imp/imp47e.pdf>
- 17 For more details consult ILO declaration on Fundamental Principles and Rights at Work
- 18 "Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector", Dr. Arjun Sengupta, Chairman, National Commission for Enterprises in the Unorganised Sector (NCEUS), constituted by the Government of India in September 2004, report submitted to the Prime Minister on May 16, 2006, Box 5.1: Domestic Workers, Page 86, http://nceus.gov.in/Condition_of_workers_sep_2007.pdf
- 19 For more details consult "Child Labour (Prohibition and Regulation) Act 1986", Government of India <http://labour.nic.in/cwl/ChildLabourAct.doc>
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- 21 For more details consult the website: <http://www.scccommissioners.org/schemes/nmbs>
- 22 For more details consult "Maharashtra Domestic Workers Welfare Board Act, 2008" <http://lj.maharashtra.gov.in/data/board/english/2009/02/17/20090217134446.pdf>
- 23 For more details consult the article "Maharashtra govt approves domestic workers bill", Kajal Iyer, CNN-IBN, Posted on Jan 02, 2009 at 21:12 <http://ibnlive.in.com/news/maharashtra-govt-approves-domestic-workers-bill/81829-3.html>
- 24 For more details National Domestic Workers Movement (NDWM) consult the official website: <http://www.ndwm.org/>
- 25 For more details refer <http://www.ndwm.org/>
- 26 "Invisible Servitude – An in-depth Study on Domestic Workers in the World", Social Alert, March 2000, Brussels, pp. 26. Available on : <http://socialalert.org/pdf/Invisible%20Servitude%20-%20Human%20Rights%20of%20Domestic%20Workers.pdf>
- 27 Ordanaence No 96-039 of 29th June 1996 holding the labour code
- 28 Convention collective interprofessionnelle of 15 December 1972
- 29 Statistics of the Ministry of Labour Peru can be consulted on: <http://www.mintra.gob.pe/mostratContenido.php?id=367&tip=358>
- 30 For more details consult, "Femmes vie et droit", WSM Latin American Womens' campaign broucher
- 31 For a more detailed explanation of this registration and its benefits, consult: <http://www.sunat.gob.pe/orientacion/th/index.html>.
- 32 For the history of this trade union, please consult: http://www.sintrahogarp.com/#jaaxindex.php?option=com_content&view=article&id=17&Itemid=36.
- 33 For more information please consult: http://elcomercio.pe/noticia/458404/empleadas-hogar-ganan300-promedio_1.
- 34 For more information on the "Service cheques" please consult the website: <http://www.dienstencheques-rva.be/>
- 35 For more details consult the article, "Nieuwe look voor de dienstencheque", 11 februari 2010 http://www.belgium.be/nl/nieuws/2010/news_titres_services_nouveau_look.jsp
- 36 R. Vandelooy, "Internationaal huispersoneel: voorstellen van Wereldsolidariteit t.a.v. de Belgische overheid", Campagnebrochure 2004, Brussel, pp. 25.
- 37 For all information regarding this status, please consult the website of committee 323: <http://www.sf323.be/paritair-comite-323>.
- 38 "Domestic slavery: Report to Committee on Equal Opportunities for Women and Men", Parliamentary Assembly – Council of Europe, Mr John Connor, Group of the European People's Party, Ireland, 17 May 2001, Point 26, <http://assembly.coe.int/Documents/WorkingDocs/Doc01/EDOC9102.htm>
- 39 "The rights of migrant workers and the members of their families", in the *Joint Parallel Report regarding the compliance of Belgium with its obligations under the International Covenant on Economic, Social and Cultural Rights*, Social Alert International, 20 February 2005, Brussels, pp. 23-30. N. Cobbaut, Rapport d'évaluation de la campagne "Personnel domestique international", Fondation Roi Baudouin, Octobre 2006, Bruxelles, p. 20-21.
- 40 "Le personnel domestique : un autre regard", OR.C.A., Bruxelles, mars 2010, Page Nr. 33-36 http://www.orcasite.be/userfiles/file/ORCA_Domestique_FR.pdf
- 41 "Undocumented workers: A guide to rights", OR.C.A., ACV-CSC, ABVV-FGTB, Cire, Brussels, Page Nr. 22
- 42 Social Alert International, o.c., p. 30.
- 43 For more details consult "ILO Multilateral Framework on Labour Migration, A non binding principles and guidelines for a rights-based approach to labour migration" http://www.ilo.org/public/english/protection/migrant/download/multilat_fw_k_en.pdf

