

# International Campaign for the Rights and Recognition of Domestic Workers

## Highlights of the Regional Preparatory Consultation to the 2011 International Labour Conference

### Background

At the 99th Session of the International Labour Conference (ILC) of the International Labour Organization (ILO), the ILO agreed to include a second discussion in the agenda of its next ordinary session in June 2011. The ILC adopted in principle a comprehensive instrument (a Convention supplemented by a Recommendation) for domestic workers.

Following the ILC deliberations, a Third Report (Brown Report) was released by the ILO Office which contains the text of the Proposed Convention and Recommendation. The Brown Report is based on the first discussion and the Office Commentary that explains the drafting changes, seeks comments in connection with certain provisions and makes suggestions for alternative text. In March 2011, the ILO released the 4th Report (Blue Report), published in two volumes, which contains feedback on the Brown Report from Member States as well as employers and trade unions and a proposed text for the Convention and Recommendation. This Report will be the basis for discussion at the 100th Session of the ILC on 1-17 June 2011 under the item entitled "Decent Work for Domestic Workers".

This year's ILC is the second and last discussion on the standard setting process for an ILO Convention on Domestic Work. Member States will make a final decision on the adoption of this comprehensive international standard for domestic workers.

Though the battle on the form of the instrument has been won, the deliberations and results of the 2010 ILC initiated another year of critical analysis and strategic and diplomatic interventions.

The period leading up to the 2011 ILC (June 1-17) is crucial for domestic workers and advocates to ensure that a Convention will be passed in June. After the adoption of the Convention, the next challenge is to ensure that Member States ratify the Convention and work towards its implementation at the national level.

To prepare for this year's ILC, Migrant Forum in Asia along with its members in Bangladesh and Singapore. Global Network, International Domestic Workers Network (IDWN), the International Trade Unions Confederation Asia Pacific (ITUC-AP) and the International Trade Unions Confederation (ITUC) initiated two preparatory meetings in Bangladesh and Singapore on 19-20 April and 23-25 April respectively.

Domestic workers and representatives of national and regional NGOs, trade unions and domestic workers' organisations from the region participated in the meetings. The consultation provided venue to enhance coordination and collaboration between domestic worker groups, trade unions and civil society groups, and to follow up on the result of the previous initiatives, define strategies and discuss activities for Geneva. The consultation established and improved partnerships with trade unions.

Moreover, participants were able to critically examine the ILO Blue Report and analyze the political climate around the campaign for an ILO Convention. Participants were also able to map out and identify strategies that would create greater social recognition for and rights of domestic work as work. An action plan leading to the ILC and towards ratification was also drawn up.

At the end of the Consultation, a statement was drafted and signed by all the organizations present in the Consultation.

The succeeding sections present some of the documents that came out of the consultations.

*Inputs on the ILO Blue Report: The matrix outlines the inputs of the participants at the Pre-ILC Consultation on articles of the Blue Report that the group feels warrant further attention.*

*Country Plans: The matrix presents the plan of action of each country and the common actions that the group intends to take on in the lead up to the ILC and beyond*

*It's Time for Decent Work for Domestic Workers: Is a solidarity statement urging governments to support the Convention.*

<b>Background</b>	<b>1</b>
<b>Inputs on the ILO Blue Report</b>	<b>2-3</b>
<b>Country Action Plans</b>	<b>4-6</b>
<b>Common Actions</b>	<b>7</b>
<b>It's Time for Decent Work for Domestic Workers</b>	<b>7</b>



Article	Issue	Original Text	Comments/Justifications
Preamble, Paragraph 8 (See also Art. 5 and Art 9 (2))	Right to privacy	Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers, to enable them to enjoy their rights fully, taking into account the right to privacy that each domestic worker and each household member enjoys, and	<p>The ILO (Office) proposes to replace 'right to privacy' with 'respect for privacy'. Consultation participants disagree with this suggestion and would like to retaining the original text. Participants are concern that a change from 'right to privacy' to 'respect for privacy', as per the ILO Office suggestion, would water down the article .</p> <p>Employers also disagree with the use of 'respect for' rather than 'right to' . OHCHR emphasized that privacy is a human right to be enjoyed all persons.</p> <p>Workers organizations emphasized that respect for privacy should not be an impediment in the enforcement of labour legislation</p> <p>If as householder, you employ a domestic worker you are accepting limitations on your right to privacy, just as the domestic worker is giving up some of his/her privacy to work in your home. Employers taking on domestic workers are agreeing, in principle, to an oversight process.</p>
Article 1	Definition of domestic work and domestic workers	<p>For the purpose of this Convention:</p> <p>a) the term 'domestic work' means work performed in or for a household Or households;</p> <p>b) the term 'domestic worker' means Any person engaged in domestic work within an employment relationship</p> <p>c) a person who performs domestic work only occasionally or sporadically and not as a means of earning a living is not a domestic worker</p>	<p>There is a general consensus that the definition, as it stands, covers most types of domestic work. Opening up the definition to further debate would be next to impossible, and would likely be detrimental to the strength of the article. However, there is a concern that the use of the words 'occasional' and 'sporadic' in 1(c) has the potential to exclude some domestic workers unnecessarily – (i.e. those who perform their duties only once per year as in Chinese domestic workers who work only at the New Year; those who work in military/security camps who are on-call). These terms should be clarified.</p> <p>Consultation participants understand that the ILC is planning to review the text of Article 1 to discuss any changes that may be desirable, possibly in conjunction with Article 2.</p>
Article 2	Scope-exclusions	A member which ratifies may, after consulting representative employers' and workers' organizations, and in particular, organizations representing domestic workers and those of employers of domestic workers, where they exist, exclude wholly or partly (a) ("with at least equivalent protection") and (b) ("limited categories of workers in respect of which special problems of a substantial nature arise")	<p>The group would like to retain the original text but seeks clarification on 2 (b). Concerns have been raised over the use of any kind of exclusion, as we seek to protect every domestic worker under this convention, however it is understood that exclusions are necessary to define the scope of the Convention's definitions.</p> <p>A question was raised over wording of 2(b) – what 'special problems of a substantial nature' are being referred to here? In the comments on the Brown Report, it seems to be indicated that this clause would be deleted, but it remains in the Blue Report. It is unclear what this refers to.</p> <p>There is concern also that consultation by Member States does not mean approval from parties being consulted.</p>

## LO Blue Report

Article	Issue	Original Text	Comments/Justifications
Article 6 (d)	Hours of work/ rest	d) the normal hours of work	<p>The group consensus is that provisions for leave must be included in the contracts of DWs, and therefore must be included in the Convention text (and not in the recommendation only).</p> <p>Question raised: Does ILO have definitions for standard o normal hours of work?</p>
Article 13		<p>13(1) Each Member shall take appropriate measures, with due regard to the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of occupational safety and health.</p> <p>13(2) The measures referred to in the preceding paragraph may be applied progressively."</p>	<p>While the group recognizes the need to provide some leeway with respect to the implementation of Convention provisions, concern was expressed that 13(2) will delay the implementation of OHS guidelines for an indefinite period, or that it might be used to justify the prolonged stalling of implementation.</p> <p>See also Art. 14 which gives due regard to specific characteristics of domestic work, in respect of social security and maternity.</p> <p>It is also suggested to refine timeline on 13(2) by moving to the recommendation.</p>
Article 16	Compliance with national laws	"Each Member shall establish effective means of ensuring compliance with national laws and regulations for the protection of domestic workers."	<p>Add the following phrase after domestic workers "... including appropriate mechanisms for visiting households for inspection and monitoring, with due consideration to the right to privacy of households and domestic workers."</p> <p>The group maintains that this article needs to be examined more carefully, as many national laws do not cover adequately workers in the informal sector. This could possibly also be moved to the text of the Recommendation.</p>
Article 17	Employment agencies	Each member shall take measures to ensure that domestic workers recruited or placed by an employment agency, including migrant domestic workers, are effectively protected against abusive practices, including by establishing the respective legal liability of the household and the agency	<p>There is a concern that this article is not strong enough. Most domestic workers secure their employment through recruitment agencies. There should be a discussion on criminal liability for recruitment agencies, as it is clear that fines, and license suspensions are not adequate deterrents or repercussions for abusive practices.</p> <p>The group raised the following points for consideration: -Should the Convention stipulate limits on agency fees? -Should the Convention include the language of corporate social responsibility?</p> <p>Revisit the article to strengthen the text. The group felt that standards to be adhered to should be in compliance with C181. The following articles in C181 maybe considered:</p> <ul style="list-style-type: none"> <li>• Article 17 2A vis-a-vis C181 Article 3</li> <li>• Article 17 2B &amp; 2C vis-a-vis C181 Article 8</li> <li>• Article 17 2D vis-a-vis C181 Article 7</li> </ul> <p>Use this provision to get support for ratification of C181 too</p>
Article 18	'In particular'	Harmonize language with other provisions in the Convention: Art 2(2) and Recommendation paras 5(3), 6(2), 22 (1).	The group felt that the qualification "in particular" should be removed from the articles mentioned, as well as in all relevant provisions.

Country	Pre-ILC	During the ILC	Post ILC
Cambodia	<ul style="list-style-type: none"> <li>Will organize a national consultation on the ILO Blue Report on 20 May</li> <li>Will produce leaflets and t-shirts</li> <li>Will issue a joint statement with CCTU</li> <li>Media work – raise DW issues; submit articles</li> </ul>	Will lobby the Cambodian delegation during the ILC	<ul style="list-style-type: none"> <li>Will continue the campaign for amendments to certain provisions in the national labour law</li> <li>Will establish a working group on domestic workers' issues</li> </ul>
Hong Kong	<ul style="list-style-type: none"> <li>May Day:           <p>(A.M) Program with traditional cultural performances from all nationalities;</p> <p>(P.M.) March from Victoria Park to CGO in Central; submit May Day Statement; DWs to lead the May Day march with the ILO Convention as the main theme</p> </li> <li>Media strategy</li> </ul> <p>Invite media to May Day rally and programme and negotiate the possibility of securing radio interviews (for migrant domestic workers from various countries)</p> <p>Organize a press conference on the ILC</p> <p>Submit editorials/letters to the editor/ news articles focusing on the importance of the ILO Convention</p> <ul style="list-style-type: none"> <li>Lobby the government of China to ensure that they will maintain its position in supporting a Convention</li> <li>May 15 – KOTKIHO programme in Victoria Park; negotiate a time to highlight the ILO Convention campaign, through drama presentations, information booths, etc.</li> <li>May 22 – training on ILO Convention; arranged dialogue with the HK Labour Commissioner</li> </ul>		
India	<ul style="list-style-type: none"> <li>Development of a legal framework for DWs on the implementation of the Convention</li> <li>Organization of a joint CSO-TU representation to the gov't for institutional mechanisms, e.g. registration of employers and domestic workers, resources for a helpline and redress mechanisms, etc.</li> <li>Various workshops and training programs about the ILC – organized by different organizations</li> </ul>		<ul style="list-style-type: none"> <li>Ensure that the Convention reaches the grassroots community/ simplify the language for better understanding</li> <li>Concept paper to be produced before July</li> <li>Special note on social security that is applicable to the context of local domestic workers</li> <li>Continue to work on the passage of national laws to protect domestic workers</li> </ul>
Korea	<ul style="list-style-type: none"> <li>Press conference with the Care Workers Network</li> <li>Pressure the government delegation to support the Convention</li> <li>Symposium on the DW Convention</li> <li>May Day rally will highlight DW issues</li> </ul>		
Indonesia	<p>1 May</p> <ul style="list-style-type: none"> <li>Cyber Campaign on the DW Convention via online petition, Facebook and Twitter, accompanied by posters</li> <li>A rally in support of the DW Convention (date TBD)</li> <li>Common press statement urging government to support the ILC</li> <li>Citizen Law Suit</li> <li>Publication of infosheet about the ILO Blue Report and text of the Convention</li> </ul> <p>3 May 2011</p> <ul style="list-style-type: none"> <li>Seminar on the ILC / DW Convention</li> <li>Citizen Law Suit</li> <li>Meeting with DW organizations/unions to inform them of</li> </ul>		

## Strategy Plans

Country	Pre-ILC	During the ILC	Post ILC
Indonesia continued	<ul style="list-style-type: none"> <li>updates related to the ILC</li> <li>Drama performance by DW unions</li> <li>Press conference about the DW Convention</li> </ul> <p>18 – 19 May 2011</p> <ul style="list-style-type: none"> <li>National Seminar on the Convention and the DW Bill to discuss the Blue Report</li> <li>Consolidation of the Indonesian delegation</li> <li>Citizen Law Suit</li> <li>Meeting with Ministers and Legislators to push the common platform and our petition</li> </ul> <p>24 May</p> <ul style="list-style-type: none"> <li>Mass Action aimed at government officials and parliamentarians</li> <li>Citizen Law Suit</li> <li>Mass media briefing on the ILC</li> </ul> <p>Graffiti/wall painting in a prominent place to raise awareness of the issues facing domestic workers.</p>		
Malaysia	<ul style="list-style-type: none"> <li>Meeting with the Minister of Human Resources and TUs to discuss the ILO Blue Report</li> <li>Equality program with TENAGANITA focusing on migration (ministry officials will be invited)</li> <li>Section on MTUC's website re. how stakeholders can support the Convention and lobby the government (will be available next week)</li> <li>Will produce booklets and leaflets on decent work for DWs for distribution at the 100th session of the ILC</li> </ul>		
Nepal	<ul style="list-style-type: none"> <li>Discussion with the government, NGOs, and TUs on the ILC / Blue Report</li> <li>Mass meeting – May Day; placards; banners in support of the DW Convention</li> <li>Press conference will be held on DW rights</li> <li>Joint programme with NGOs – produce a joint statement on the ILC</li> </ul>	Documentary on the situation of Nepalese domestic workers will be prepared	<ul style="list-style-type: none"> <li>Training for DW leaders</li> <li>Interaction programme with civil society will continue</li> <li>Lobby for the inclusion of HR and labor rights provisions in the Constitution</li> <li>Social security programme to cover domestic workers</li> <li>Union activity will continue – unionization is a must!</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>A series of strategy meetings will take place to solidify arguments based on the Philippine context (April 26 – meeting with Hans Cacdac, Department of Labour &amp; Employment).</li> <li>Meetings with the Philippine delegation to the ILC</li> <li>May 18 – Congressional Hearing to consolidate the DW bills</li> <li>Visibility during May Day (participation in TU activities) TUCP Labour Forum DOLE's Labour and Employment Summit FFW's mobilization APL's May Day Rally</li> <li>Embassy hopping to selected missions, and the personal submission of the Philippine position on the DW Convention</li> <li>Development campaign materials and a TWG poster</li> <li>Grand Day Off (National Domestic Workers Day) on 22 May. Domestic workers, TWG members, government line agencies that provide information/services to domestic workers will participate in this event. Possible activities include: product display, raffle, variety show and a press event.</li> <li>Media event – send off to the Philippine delegation to the ILC in June.</li> </ul>	June 12- A knowledge-sharing session on child labour will occur	<ul style="list-style-type: none"> <li>TWG feedback session and campaign planning</li> <li>National Domestic Workers Summit to share the results of the ILC, celebrate the milestones, and discuss strategies for the implementation of the Convention, the level of preparedness of the agencies, and capacity for action (July or August)</li> <li>Continue participation in the Committee hearings for the passage of the DW bill</li> <li>Participation in various foras re. ratification of the Convention necessary for the capacity building of the TWG members</li> </ul>

## Country Plans continued...

Country	Pre-ILC	During the ILC	Post ILC
Singapore	<ul style="list-style-type: none"> <li>• Groundwork with the media aimed at getting them to pick up the Convention and raise consciousness on the issue</li> <li>• Awareness/groundwork among Singaporeans; school visits will be key to this campaign</li> <li>• Maximize public holidays/events by organizing activities that would provide venues for domestic workers and other stakeholders to have a greater understanding of the ongoing negotiations on the Convention. Activities include the following:               <ul style="list-style-type: none"> <li>o May 1 – HIV training</li> <li>o May 8 – HIV training for Indonesian migrants</li> </ul> </li> <li>• HOME campus recruitment for ILC during Mother's Day Celebration and concert. There will also be a Quiz Bee about the ILC to assist in awareness-raising.</li> <li>• May 27- Indonesian-Filipino Interactions – will discuss the ILC</li> <li>• Help desk training for DWs will be organized – will use this venue to talk about the ILC process too</li> <li>• Engaging partners in HK – learn more about the HK situation of DWs</li> <li>• Produce documents to help lobby the Singaporean government</li> </ul>		
Taiwan	<ul style="list-style-type: none"> <li>• Lobby sending country governments (e.g. Indonesia), as Taiwan is not a member of the ILO</li> <li>• Will share outcomes of the pre-ILC consultation with partners in Taiwan</li> </ul>		<ul style="list-style-type: none"> <li>• Long term plan: organizing of migrant domestic workers</li> </ul>
Global Network (GN) delegation	<ul style="list-style-type: none"> <li>• Coordination of strategy planning on May 5th</li> <li>• IDWN Briefing, May 30th (Geneva)</li> <li>• ITUC Briefing, May 31st (Geneva)</li> </ul>	No strategy developed yet; will be based on the results of the discussion of the May 5th meeting of GN members	
International Domestic Workers Network (IDWN)	<ul style="list-style-type: none"> <li>• Lobbying with TUs to include DWs in their delegations as delegates and/or advisers</li> <li>• Will produce booklet for the ILC re: arguments/counter arguments</li> </ul>	<ul style="list-style-type: none"> <li>• Lobby with employers and governments</li> <li>• Ensure that supportive governments maintain their positions and influence unsupportive governments to change their positions.</li> </ul>	
Migrant Forum in Asia (MFA)	<ul style="list-style-type: none"> <li>• Produce resource booklets on the reply to ILO Blue Report</li> <li>• Draft statement on the ILO Blue Report position</li> <li>• Lobby the government or employers in each country to support the ILO convention on domestic workers (face-to-face meetings or submission of letters)</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in 3 side events on the occasion of the Human Rights Council Sessions:               <ul style="list-style-type: none"> <li>• Distribute posters, stickers, T-shirts and booklet displays/distribution</li> <li>• Interface lobbying with the government /employer representatives</li> </ul> </li> </ul>	

## Common Actions

- Lobbying governments in Asia that are unsupportive of the adoption of a Convention and Recommendation on the rights of domestic workers to reconsider their position. The form of interaction with the governments will be decided in relation to the national context, and can take the form of pickets/rallies in front of embassies, requests for formal meetings, and/or the submission of a statement. This will occur prior to the ILC in June.
- Coordination with the ITUC-AP's Regional Conference participants will take place in order to share the results of this consultation. The issue will also be tabled at the ITUC's women's workshop. ITUC representatives taking part in the Singapore Consultation will also share the inputs on the Blue Report and this Action Plan with those attending the ITUC-AP conference.
- Participating organizations will collaborate with national trade unions to include the DW

## It's Time for Decent Work for Domestic Workers!

*Domestic workers are the biggest sector of workers in the world who are not protected by an international convention. That could change in June: it all depends on whether at least two-thirds of the representatives of governments, employers and trade unionists gathered at this year's International Labour Conference (ILC) vote in favor of the Domestic Workers Convention 2011.*

*Held in Singapore on 23-25 April, 'Towards an ILO Convention: Building a strong Asian solidarity and delegation to the 2011 International Labour Conference' was a chance for domestic workers, representatives of national and regional NGOs, trade unions and domestic workers' organisations from the region to discuss how to help make it happen. The consultation was attended by around 70 people from 12 countries and territories: Belgium, Cambodia, Hong Kong, India, Indonesia, Malaysia, Nepal, Philippines, Singapore, South Korea, Thailand and Taiwan.*

*We welcomed the 'Blue Report' produced by the International Labour Organisation. It sets out the text of the draft convention and recommendations - the result of an extended process of study and discussions at the national, regional, and international levels. When adopted, it will establish an international yardstick of basic standards concerning decent work for domestic workers and could be the basis for adopting and changing national laws. When ratified by member states and applied, it should do much to raise the status of domestic workers and ensure respect for their rights.*

*We are determined to do all that we can to encourage support for the convention in these final few weeks before the crucial ILC vote.*

*This year's ILC session will be the 100th, a fitting occasion on which to pass a landmark convention that reflects its core values. It will also mark the 100th celebration of International Women's Day.*

*We strongly urge the governments, workers' organisations and employers' organisations of our region to put their support behind the Convention. Decent Work for Domestic Workers should go from being an aspiration to being the observed and accepted standard.*

*Signed by:*

*Alliance of Progressive Labor (APL)\* Alliance of Progressive Labor - Hong Kong \* Asian Migrant Centre (AMC)\* Asian Migrant Domestic Workers' Alliance (ADWA)\* Center for Migrant Advocacy (CMA)\* Coalition for Migrants' Rights (CMR)\* Federasi Serikat Pekerja Metal Indonesia (FSPMI)\* Federation of Free Workers (FFW)\* General Federation Of Nepalese Trade Unions (GEFONT)-Nepal Global Network-Asia\* Hong Kong Confederation of Trade Unions (HKCTU)\* Hong Kong Federation of Asian\* Domestic Workers Union (FADWU)\* Hope Workers' Center (HWC)\* Humanitarian Organization for Migration Economics (HOME)\* Indian Academy Self Employed Women Association (SEWA)\* International Domestic Workers Network (IDWN)\* Indonesian Family Network (IFN)\* International Trade Unions Confederation (ITUC) - Asia Pacific \* International Trade Unions Confederation (ITUC)\* Indonesian Migrant Workers' Union (IMWU)\* Indonesia National Network for Domestic Workers' Advocacy (JALA PRT)\* Konfederasi Serikat Pekerja Indonesia (KSPI)\* Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI)\* Korean Confederation of Trade Unions (KCTU)\* Labor Education and Research Network (LEARN) Legal Support for Children and Women (LSCW)\* Migrant Care\* Migrant Empowerment Network Taiwan (MENT) \* Migrant Forum in Asia (MFA)\* Malaysian Trades Union Congress (MTUC)\* Serikat Buruh Migran Indonesia (SBMI)\* Samahan at Ugnayan ng Manggagawang Pantahanan sa Pilipinas (SUMAPI)\* Task Force on ASEAN Migrant Workers Think Center-Singapore Working Group on Migrant Workers\* Transient Workers Count Too (TWC2)\* Trade Union Congress of the Philippines (TUCP)\* UNI-Asia and Pacific Region\* Visayan Forum Foundation Inc.*

# Contact Us

**Migrant Forum in Asia (MFA)**

**Asian Migrant Domestic Workers Alliance (ADWA) c/o MFA**

**MFA** believes that migrants' rights are human rights. Documented or undocumented, irrespective of race, gender, class, age and religious belief, migrant workers' rights are guaranteed by the UN Declaration of Human Rights, the UN Convention on the Protection of Rights of All Migrant Workers and Members of their Families and other international conventions.

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