

2011 Asia Regional Conference

**“Realizing Decent Work for Domestic Workers,
Towards Ratification of C189 in Asia”**

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Manila, Philippines

Organized by:

Global Network* International Domestic Workers Network (IDWN)* International Labour
Organization (ILO)* International Trade Unions Confederation-Asia Pacific (ITUC-AP)*
Migrant Forum in Asia (MFA)

2011 Asia Regional Conference

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Bahia Room, Hotel InterContinental Manila
Makati City, Philippines
24,-26 October 2011



Summary

On June 16, 2011, the International Labor Organization made another historical juncture with the adoption of ILO Convention 189 and Recommendation 201 on Decent Work for Domestic Workers during its 100th Session of the International Labour Conference (ILC). The historic adoption of this new Convention culminated the long struggle and sacrifice of various civil society groups, domestic workers groups and trade unions that have relentlessly campaigned for the protection and recognition of domestic workers.

After the adoption of C189 and R201, the next difficult battle is ratification. Cognizant of the enormous challenges of promoting ratification of C189, trade unions, civil society organizations, domestic workers and social movements, came together in Manila on 24-26 October to collectively discuss on how to drive the ratification campaign in the region. The Conference was the first regional convening that was organized following the June ILC. The Conference was made possible through the orchestrated efforts of Global Network, the International Domestic Workers Network, International Trade Unions Confederation (ITUC), International Trade Unions Confederation-Asia Pacific (ITUC-AP), International Labour Organization, and Migrant Forum in Asia.

More than 140 participants from over 20 countries across Asia and the Pacific, the Arab States and Europe participated in the Conference. Also in attendance were representatives from the Philippine government who came to express their solidarity and to share the government's initiatives to ratify C189. The Philippines has already certified the ratification of C189 as an urgent legislative action for the Senate, the main legislative body that is in charge of the ratification.

In the course of the 2 ½ days convening, participants reflected on what happened at the June ILC, familiarized themselves with both the ILO's and country-level technical ratification processes, examined existing legislations and good practices of some countries that have initiated policy reforms to protect domestic workers, shared international experiences on ratification, and developed and adopted a common action plan laying the foundation for joint advocacy at the national and regional levels. Understanding of the technical and political dimensions of the ratification process was emphasized during the discussion.

Collection of data and information-sharing, strong collaboration and organizing domestic workers were the salient areas that were heavily discussed in the Conference.

Day One

Session 1: Keynote Messages

Day 1 was formally opened by keynote messages from Thetis Mangahas of ILO Bangkok, Bro. Noriyuki Suzuki of ITUC-Asia Pacific and Philippines' Secretary of Labor and Employment, Rosalinda Baldoz.

Thetis Mangahas

Deputy Regional Director, ILO

Ms. Mangahas affirmed the role of all the stakeholders involved in the campaign. Special recognition was also given to Sec. Baldoz for her firm personal commitment for the campaign for the recognition and protection of the rights of domestic workers both as national workers and also as international migrants.

Looking back at the ILC

The adoption of C189 and Recommendation 201 received a very strong mandate. Over 80 percent of all Asian delegates voted for the convention. There were only 16 hold outs: 4 voting against and 12 abstaining from the vote. All but three Asian governments voted for the convention. All the worker representatives showed their support. All but six employer representatives held out. But what was considerably impressive during the ILC was that there were serious discussions, serious deliberations, give and take, and the desire to actually get this convention approved and on going.

What do the new standards mean?

The new standards are major steps forward for gender equality, and an imperative to give economic value to women's work at the home. The adoption of the convention and its recommendation is a result of many years of advocacy and campaigning for the recognition and the protection of the rights at work of domestic workers. The achievement is huge because three years ago, there was a doubt that a Convention will be adopted.

Moving Forward

There is a need to further intensify the advocacy and ensure that the Convention comes into force and more importantly that the principles it embodies is translated into national law and practice. Action at the national, regional and international levels is needed. It is essential to keep the pressure at the local and international levels for national ratification and implementation. Collaboration of all stakeholders - worker organizations, trade unions, domestic worker organizations, migrant organizations, and governments are needed to drive this campaign. A well designed strategy and a commitment to cooperation, collaboration and coordination is important. The active participation and learning of domestic workers was stressed and should be put at the core of the all actions.

ILO's Role

In November this year, the governing body will be considering a global action plan on domestic work that will guide ILO's future activities in this area: defining global priorities in advocacy and promotion and ratification, support and technical assessment across countries and developing working arrangements with all of you as well as with international organizations and bodies to promote decent work for domestic workers.

Noriyuki Suzuki

International Trade Union Confederation

C189, a victory born out of solidarity movement across the region and ITUC's active leadership

Mr. Suzuki affirmed the role of solidarity movement across the region and ITUC's active leadership in the adoption of C189. ITUC has been instrumental in influencing the ILO governing body to table domestic work as a standard setting agenda item. The Committee on Decent Work has been guided and led by the ITUC team and the leaders of the ITUC affiliates with the strong support of the civil society organizations. In particular, he recognized the active involvement of Bro.Thampan Thomas of HMS, Marieke Koning and Sister Halimah Jacob.

The Way Forward

Ratification of the parliament, passage of legislation and organizing of domestic workers were suggested to ensure that the Convention is translated into reality. For ITUC, it means the '12 by 12' campaign which was adopted by the ITUC General Council in October in Brussels. (*Details can be found on Marieke Koning's presentation*).

ITUC and its affiliates are committed to work with all the groups present in the Conference to support domestic workers.

ITUC-AP shall submit the Conference statement and the action to their General Council to be held in November. The office will also request to the General Council to launch a regional campaign for domestic workers in support of the '12 by 12' campaign.

Ms. Rosalinda Baldoz

Secretary, Department of Labor and Employment

Domestic workers need recognition and adequate mantle of protection

Ms. Baldoz affirmed that domestic workers' contribution to the society should be recognized. In the Philippines, overseas Filipino domestic workers contribute so much to the country's economy but at the expense of a very high social cost. As such, it is important to provide them with enough protection.

In 2006, the Philippines responded through the introduction of HSW (Household Service Workers) reform packages. These reforms include requiring HSW to undergo skills training and submit skills certification before

leaving the country, attend mandatory culture and language training, imposed stricter regulations for recruitment agencies were also imposed – no placement fee rule and a minimum wage of USD400 among others. Signed employment contracts are also validated. In the contract, the employer and the recruitment agency are jointly liable for any liabilities.

Cognizant of the fact that tightening regulations opens window for illegal recruitment and trafficking whose victims are mostly domestic workers, the government established an inter-agency council where the combined mandates and resources are put together to combat trafficking.

The government has also allotted budget for reintegration services for those overseas domestic workers who have been victimized by illegal recruiters and traffickers and those who have been displaced because of unforeseen circumstances in the region. Overseas Filipino domestic workers are forced to leave the country because of lack of job opportunities and also the issue of poverty in many places in the countryside here in our country. Provision of alternative livelihood and entrepreneurship business is one way to protect their rights, their benefits and their interests.

Sec. Baldoz also shared the Philippine Development Plan 2011-2014 where one of its thrusts and goals is the inclusive growth through job generation and poverty reduction. The road ahead is still long but there is a need for the government to provide them real option which means addressing the high social cost of migration. She further stressed that the possession of skills is still the best protection and security for workers. Hence, this present administration aspires for its workers to have the necessary skills that will make them employable and competitive, to attract more investors in order to create employment opportunities.

The need for an internationally-recognized standard for domestic workers

Abuse and ill-treatment still happens despite the comprehensive package of protection. When they are on site, the challenge is whether the receiving countries would also have such adequate recognition of their rights to be able to protect them when they are on-shore or in their countries of destination.

When the talks of C189 started, the Philippine government seized this opportunity and spearheaded the campaign as early as 2009 in collaboration with different civil society groups. Efforts were directed to support the adoption of C189 while at the same time working to pass the pending bill for domestic workers. Having an internationally-recognized standard would put pressure to destination countries to protect migrant domestic workers.

The Way Forward

After the adoption of C189, the difficult job starts. Many governments would remain ambivalent about ratifying the Convention. This ambivalence could be caused of absence of national laws or existing mechanisms that will make them compliant to C189. In the Philippines, while the issue of compliance and applicability of the Convention has been a constant debate, Sec. Baldoz expressed that the leadership is committed to the protection of domestic workers and therefore, on the basis of that, can hurdle any obstacle or any barriers to ratification. She also took note of the political will of different groups to move this campaign forward beginning in 2009.

In the Philippines, efforts have been gaining a lot of support especially from the labor sector. Sec. Baldoz recognized the significant role of the labor sector especially in convincing the Congress, the Office of the President and the Senate as the ratifying body to give priority to the legislation.

Sec. Baldoz is hopeful that before the anniversary of the adoption of the Convention in June 2012, Philippine ratification and the passage of the domestic work law will be completed for a number of reasons:

- The President during his State of the Nation address in July endorsed the passage of the pending domestic work bill
- The Senate has already approved the domestic work bill .

The process of ratification of C189 will have the same process – advocacy, lobbying and tripartite consultations and social dialogue. Ms. Baldoz then outlined the process of ratification in the Philippines which involves the following processes and legislative bodies:

- Consensus by the different groups endorsing ratification of C189 that will be submitted by the DOLE to the Office of the President
- Prepare instrument of ratification to be done by the Department of Foreign Affairs (DFA)
- DFA submits the instrument for ratification to the Office of President
- Concurrence of the Senate Foreign Affairs Committee

Session 2: Report on the processes, highlights and follow-up to the ILC 2011 Conference discussions

To share what happened at the ILC and to provide context of the discussion, two videos were presented capturing the highlights of the 2011 ILC. This was followed by testimonies and reflections from the representatives of the International Domestic Work Network (IDWN), Migrant Forum in Asia (MFA), Malaysian Trade Union Council (MTUC) and SUMAPI who were present at the ILC. To synthesize what transpired at the ILC, Marieke Koning of the International Trade Unions Confederation (ITUC) provided a political analysis of the ILC deliberations. Below were the highlights of the witnessing session of ILC delegates.

Lilibeth Masamloc speaking for SUMAPI found the experience very encouraging and she looked forward to Sec. Baldoz's statement on the ratification of C189 before the anniversary of the ILC next year.

Parimala Devi speaking on behalf of MTUC shared that the union has been lobbying with the Malaysian government. Malaysia opposed initially the adoption of C189. The MTUC lobbied the government and intervened highlighting the importance of the Convention. On the voting day, the Malaysian government abstained rather than opposing the Convention which was better than the government saying NO. In Malaysia, due to abuses on Indonesian domestic workers, Indonesia has banned sending a freeze on sending workers to Malaysia. Then the country opened its market to Cambodians but ill-treatment continued which prompted the Cambodian government to stop sending its domestic workers to Malaysia which MTUC views as a positive step to enforce labor rights for domestic workers in Malaysia. MTUC has been lobbying for domestic workers to be included in the employment Act. On December 2010, the Malaysian government is reviewing their regulations and policies. However, wages have not been reviewed except that it will not go below 600 Ringgit. Revise national rules of sending countries so Malaysia can also develop its treatment for domestic workers.

Nalini Nayak representing IDWN and SEWA was perplexed with the air of excitement during the ILC in Geneva was because of the presence of domestic workers in the deliberation and adoption of the Convention. There is a

need for the involvement of domestic workers themselves in the advocacy for C189. It is important that domestic workers will speak for themselves and defend their rights in Geneva. In the ILC there was a lot going on who will speak, lobby and the venues of deliberations. But it was special that domestic workers were comfortable to be engaging in an international debate. During the process itself, the domestic workers worked very hard and getting involved in lobbying their governments. The young domestic workers talked directly to the government of India and lobbied with a sense of urgency of achieving the adoption of the Convention. They were determined not to go home without a Convention. They also participated in the side events in Geneva such as domestic workers going out into the streets and informing the Swiss people of the Convention for domestic workers.

Ristante Ningrum, an Indonesian migrant domestic worker in Singapore, speaking on behalf of MFA was very grateful and honoured to deliver the MFA statement in Geneva in 2011. She was thankful for the hard work of everyone; for being the instrument for domestic workers to be recognized as worker, to enjoy the benefits that other workers receive and to speak up which were not recognized before the Convention was adopted. The Convention means that domestic workers will have the same rights as other workers and would free them from the stigma of the society. Ristanti recognized that while there was an enormous support on the Convention, the next challenge is to get the convention ratified by each country. Indonesia for example, does not have regulation to protect domestic workers, migrants or local. The convention is really important for Indonesia and for all countries.

Political Analysis of the 2011 ILC

Marieke Koning of ITUC who provided the political analysis of the ILC shared that there is a lot of lessons to be learned in this process which can be used in planning. Strengthening forces at the national and international levels is important. Integral to this process should be the organization and building of domestic workers unions.

Ms. Koning affirmed that the adoption of C189 in June was indeed a historical moment after several years of networking with several people's organizations. Three things account for this success: first is the effective team work fostered by all the advocates, the network of trade unions, and civil society organizations; second, the domestic workers themselves are at the core of this movement; and third, the key to the success of the advocacy is political will. Putting domestic workers at the forefront of the movement enabled us to get the attention of governments. She also took cognizant of the ways trade unions, domestic workers, CSOs and social movements worked as a team.

Looking back at the ILC

The convention focuses on the formation of unions by domestic workers, education for minor domestic workers, setting of minimum wage, grievance machinery, and domestic workers' day-off per week. The ILO convention required tremendous amount of lobbying. During the ILC deliberations, nothing is really certain. Everybody were actually holding their breath. The employers were using delaying tactics and tried to push addendum to the text of the convention. The governments' and the employers' arguments were focused on the ratification and hence, were very careful in adopting any provisions without careful analysis of the issue. Anticipating the possibility of deleting some important provisions in the text, the workers group provided many examples to support the texts of the convention which should be taken into account when lobbying for ratification.

Another area that she emphasized is on the working hours. Governments and employers claimed that computing the time is an impossible task which was refuted by the workers by sharing existing practices. The other issue that had lengthy debate was about the recruitment agency which the employers groups viewed dehumanizing the recruitment agencies. Convention 181 was used as a reference to the existing text of the provision to strike a balance.

On the right of a domestic worker to decide whether to reside in the household or not, it was very difficult to talk about this issue with them. By using examples, the workers were able to convince both the governments and employers to agree on this area.

Contrary to what was expected, there was not much debate on the minimum wage. The only argument raised was it become too expensive for the employers if there will be a minimum wage for domestic workers. Meanwhile, the deliberations on the payment-in-kind took considerable time which was eventually resolved to be allowed but on a limited extent.

On health and safety provisions, it was very difficult to engage the government. The government says that it is very difficult to implement this due to inherent constraint on inspections. But in the text, the government can implement this progressively. They have time to implement this at a reasonable time frame. They have flexibility on the implementation of this provision.

On the issue of ratification

As for the ratification, she explained that two ratifications are needed so that the convention becomes effective. She invited everyone to make a plan to launch a campaign in December to make 12 ratifications by 2012 which she knows some would think would be impossible, but ITUC believes that it is just a matter of political will.

She also stressed that it is also important that the network of organizations advocating for the ratification of this convention be kept strong. The role of the Filipino government is very important in this campaign. It is very important that the first ratification be made in this region because it will spearhead the ratification in other countries in the region. Australia, which has expressed support to the Convention, can also play a role in the ratification in this region.

To sum up, the main lessons are the following: the use of examples is very important especially during negotiations. This is the current strategy which needs to be continued when lobbying with policy makers at the national level. Facts are very useful in advocacy. We need to show to the governments that there are good practices that could be built on and could be applied taking into account the specificity of one's context. She emphasized the need to collect good examples to remind the governments that in the end it is all about political will. She also emphasized to work collectively as a group so we can be proud of the final results of what we have achieved.

Open Forum

Below were the issues and concerns raised during the open forum.

- The need to sustain the presence and involvement of domestic workers in all stages of the campaign
Rex Varona (AMC) appreciated the leverage brought by the cooperation among the advocates as well as the clarity of agenda. But one lesson that is important also is that the presence of domestic workers must be sustained. Trade unions should organize domestic workers. The need to continue the collective thinking on how to support domestic workers financially and politically and how to organized them was emphasized. The role of trade unions in organizing is crucial.
- The need for greater collaboration between unions and CSOs and to encourage governments to legislate national laws
Thampan Thomas shared their experience in the region (South Asia). Accordingly, there is a constant threat against the campaign. Employers have a stiff resistance against the convention. Although there are governments that support the campaign, there are others that oppose. Thus there is a process of “killing” the convention. Unless the trade unions, civil society organizations work together to influence the government, past efforts will go nowhere.
- The need to organize, organize and organize domestic workers
Organizing domestic workers is very important in the campaign. It was again emphasized that organizing domestic workers should be integral in the campaign. Organizing domestic workers is one way to empower them and represent themselves on matters that concerned them.

Session 3: The Way Forward: Ratification and Implementation of the Convention

Luc Demaret
ILO ACTRAV

Mr. Demaret shared that initially there were scepticism even within the ILO as to the possibility of having a domestic work convention. What made it possible was the strong alliance that exists among trade unions and domestic workers and civil society organizations and the mobilization of trade unions in Geneva. In November 2007, the ILO Governing Body had discussions on the other items in the agenda of ILO. It was only in March 2008 when the body decided to place in its agenda the adoption of the domestic work convention. Between November 2007 and March 2008 there were a lot of actions done by the unions to convince governments who are members of governing body to vote for the standard setting for domestic workers. There were also a lot of awareness campaigns by domestic worker networks and associations and trade unions and those were extremely helpful. One of the results of these actions was the alliance between trade unions and civil society organizations representing domestic workers and migrants.

He stressed the importance of alliance building. The convention was a useful tool. It provides trade unions and organizers a tool to show that each workers care for their rights.

With regard to the ratification process, Luc reminded the participants that focus is needed. Participants need to know the targets. In this case, there are two targets: who will make the decision concerning ratification, and the process of ratification (to be discussed in the next presentation). This refers to the governments. The campaign will start through the submission of proposals to government. Countries that ratified convention 144 (tripartite consultation) are obliged to engage in tripartite consultations on the proposal that they will make with regard to the submission of the convention to their parliaments. This means that the ratification is not some sort of a favour that they give to the stakeholders but an obligation under the existing ILO convention. Trade unions, as part of the tripartite body, are in a position to influence the type of proposals to be submitted. Parliaments will have the final word so this necessitates lobbying. The submissions will have to take place within a year after the closing of the conference.

There is a need to strategize. The ILO bureau for worker activities, that has been active since the beginning and has developed a plan in conjunction with ITUC, IUF and IDWN. This plan, which is still under development, is based on four points:

- Identify countries for campaign. There is a need to focus on a number of countries that have showed sympathy and readiness to consider the instrument for ratification such as Brazil, Namibia, Uruguay and Philippines.
- Encourage national trade unions with their national partners to develop national action plans which may include the creation of task forces (which has been done in South Africa); identification of focal point to organize the meetings and coordinate the operation of the campaign; consider capacity building programs for trade unions and those who will engage in organizing domestic workers; production of publicity materials.
- Implement national plans. This involves organizing campaigns to reach out to domestic workers. It is important to highlight that even before the convention was adopted, was a major tool to reach out to domestic workers and there are organizations that care for them. The convention is both a means and a tool for itself. Freedom of association must be at the center of the national campaign. Coordination with the government, employers and other social partners is also important.
- Evaluation of the actions will be done to guide future plans and actions. This allows the identification of the weaknesses of the campaign that need redress. Workshops will be very useful.

Mr. Demaret stressed the need to make plans to avoid duplication. A lot of activities have already started. There are a number of meetings to be held to build the capacities of the stakeholders and to discuss strategies at the regional level. The ILO governing body will convene to discuss strategies at the global level. The ILO understands that in many countries, governments and the stakeholders might have difficulty in the technicalities involved in the campaign. In these cases, the ILO is very ready to extend assistance to its partners. The presence of regional and international organizations is important. We are in the offensive to promote the ratification of the convention.

Ms. Lotte Kejser

ILO Jakarta – The ILO Ratification Process and Plan of C189 Implementation

Ms. Kejser congratulated everybody for all the hardwork and for being instrumental on the adoption of C189. This is the result of decades of hard work which started since the 1930s. The Convention has to move for it to be effective. Lotte encouraged everybody to create a groundswell and enthusiasm to generate attention for the

convention and pressure countries to ratify it. Ms. Kejser affirmed the need to create a strong alliance of trade unions and civil society organizations as well as put domestic workers at the heart of the campaign for the adoption.

Before proceeding to the ratification process, Lotte reminded the group the difference between a Convention and a Recommendation to establish why it is important to ratify the Convention. Conventions are international treaties that are binding to countries that ratified them, while recommendations are non-binding. Recommendations provide guidelines which may orient policies and practices in states.

When ILO adopts these instruments, every member state must submit them to competent national authorities, usually the parliament, for action, and this must be done within a year. It is important that the government consults the other tripartite partners, namely the employers and trade unions prior to suggesting actions. Trade unions and civil society organizations can work together to check whether the government has done the submission of the convention to the appropriate ratifying body. If the government has done the submission, it is important to find out what are the proposals and recommendations made, and if ever the consultations were already done. States must report to the ILO how the convention was brought to the competent national authority; what is the competent national authority; and what actions were taken by this authority.

The process in the legislature must also be checked to ensure that there is development. Lobbying on the pertinent body of the legislature (sometimes the labor committee, legal committee, etc) is very essential.

Ratification also obliges states to submit to ILO's supervisory mechanisms and they enter 12 months following the ratification. A member state is obligated to report at regular intervals about the progress of the implementation of the convention, and ILO Committee of Experts on Application of Conventions and Recommendations will comment on that report. Tripartite partners and civil society organizations may also provide input to the report.

As with regard to the ratification process at the national level, Lotte provided some helpful tips:

- Check if the government will be able to submit a ratification proposal in the competent national authority.
- Monitor the status of the government's submission to the competent authority. Be sure that the submission does not just sit in the office
- Early ratification is necessary so that the convention will come into force after the ratification of two states within the next two years. The Convention comes into force within the next 12 months after two states have ratified it.
- Monitor state's implementation and compliance of the Convention once it has been ratified.

Ms. Kejser also took note that the campaign for decent work domestic workers has been going on even before the talks of the C189 started. At the regional level, domestic workers advocates have been campaigning for the recognition of domestic work as work. Therefore, the campaign should go beyond ratification which is to recognize domestic work as decent work and implementation of the labor rights of domestic workers and effective regulation in licensing recruitment agencies for migrant domestic workers. ILO identified three basic tenets of the campaign:

- Recognition of domestic work
- Protection of domestic workers
- Reaching out and organizing of domestic workers

Recognition of domestic work involves the promotion of international labour standards on domestic work; extending support to national laws and legislations that recognize domestic work as work, establish labor rights and social protection coverage, and benefits both domestic workers and their employers. It is necessary to have effective regulations and mechanisms for licensing and monitoring recruitment and placement agencies, training centers, health screening clinics and other agencies, and the establishment of complaints reporting procedure for domestic workers. When it comes to migrant workers, there is a need for minimum standards for migrant domestic workers. Bilateral MOUs sometimes are inadequate. Bilateral MOUs must integrate the rights of domestic workers in C189 and R201 and ensure comprehensive protection of domestic workers at home and in destination countries. Data collection must also be in place. This will improve monitoring of working conditions of domestic workers. The sharing of best practices, for instance in regulation, is also helpful in the campaign, thus there is a need for documentation of these best practices.

Protection of domestic workers involves the development of institutionalized programs and services for domestic workers by all stakeholders for effective implementation and enforcement of labor and human rights standards for domestic workers. These programs must also be supported. Domestic workers should have access to information, mediation, complaints reporting and justice. Independent mechanisms must be established and domestic workers be given easy access to them. There is a need to continuously educate domestic workers (and the public as well) so as to raise their awareness of their rights.

It is not easy to organize domestic workers. Organizing requires extra efforts to reach out to domestic workers through services and information. Alliances and affiliations between domestic workers unions and trade unions and confederations from other sectors as well as civil society organizations must be built and mobilized for effective campaigning and organizing. It is also important to build and expand these networks and alliances. The key to this is cooperation among the actors. ILO is always willing to extend assistance to this campaign.

See Annex 1 for Ms. Kejser' presentation.

Open Forum

- Governments' apprehension towards ratification because of the issue of compliance

William Gois highlighted that the focus of the campaign is the ratification by member states. Some governments might say they are not yet in one hundred percent compliance with the convention, thus justifying their non-ratification. He stressed that 100% compliance is not necessary for ratification as states can implement the convention progressively.

Ratifying the Convention does not mean having a mechanism/a national legislation for domestic workers. Ratification would be an advantage because these countries will qualify for the technical assistance from the ILO. Governments change after a certain period. When the government change, legislations may change but if the convention is ratified, the country is bound to implement it even if governments change.

- Significance of governments' consultation with social partners

A question was raised whether it is necessary for governments to consult social partners first before submitting the convention and proposals to their parliaments? It was emphasized that countries that have



Ratified C144 expected to consult social partners before the submission of the Convention to the Parliament. Social partners, meanwhile, should make sure that their position is clear. In countries that have not ratified this convention, it has become a tradition among these countries to do consultations with social partners, but these consultations are not obligatory.

- ILO's efforts to promote ratification of ILO Core Conventions

This question was raised on the context that some ILO Core Conventions are not ratified by some states because ILO does not seem to be providing sufficient attention to their promotion as compared to the attention that they are giving to C189

- Dealing with countries who are not inclined to ratify C189 because they have better laws

A question was raised on how to deal with governments who think that they have better laws, therefore, ratification is not necessary. In response to this it was stressed that having better laws is not an excuse for not ratifying the Convention. Ratifying a Convention is

tantamount to affirming international standards on matters pertaining to global conditions.

- Ensuring participation of domestic workers groups in national consultations

How do we ensure that domestic workers groups who have been active in international campaigns are recognized by local trade unions? This was raised on the context that some local trade unions refuse to talk to them.

- Absence of related legislations that might hinder ratification of C189

An argument against the C189 is the requirement for a national legislation for example in the Philippines. The Philippines has not ratified C87 and C98, what tactical approach that countries need to ratify the convention. Why do countries adopt convention and then have problems in ratification? If you do not have the right to organize and bargain, it would be difficult to negotiate for the ratification of this convention.

Mr. Demaret responded that had the countries been required to immediately ratify conventions, there would only be few conventions now. The ILO constitution posits that the states' obligation is to submit the convention to the parliament, and this is the process. This process allows the ILO to adopt the convention and then to campaign for the ratification.

There are few conventions that have been ratified. There are two good reasons for this convention. First, this is a human rights convention. And second, the other ILO conventions permit exclusion and usually there are two workers excluded and one of them is domestic worker. The convention hence serves as a remedy to a series of exclusions domestic workers face.

- ILO's specific strategy for the Middle East where restrictions on trade unions' activities are strictly imposed

The first challenge that the campaign may face in the Middle East is the restrictions on trade union activities. The treatment of Middle East case however does not necessarily require specialized strategy. Restrictions on trade union activities are also present in other countries. ILO's response to this is extension of support to the trade union movement. ILO has been in close coordination with trade union in countries of origin and destination. This is something that should be developed because it enhances protection of domestic workers. Another measure that ILO promotes is the regulation of recruitment agencies in those countries.

Finally, there was a suggestion of using the terms "countries of origin and destination" instead of the conventional "sending countries and receiving countries" because the latter connotes commodification of domestic workers.

Workshop 1: Country Ratification Process and Stumbling Blocks

After setting the context of the 2-1/2 days programme, participants were grouped together per country to share the technical process of ratification in their respective countries and discuss perceived challenges in the ratification process. The workshop is a preliminary requirement for Workshop 2 on Strategy Session where participants will be asked to draw up its country plans taking into account the technicalities involved as well as the challenges or stumbling blocks in the process of lobbying with their governments. Countries represented in the Conference were the following:

- East Asia – China/Hongkong, Mongolia, South Korea and Taiwan
- South Asia- Bangladesh, India, Nepal, Pakistan and Sri Lanka
- South East – Cambodia, Indonesia, Malaysia, Philippines, Singapore and Thailand
- West Asia- Bahrain, Israel, Jordan, Kuwait and Oman,
- Asia Pacific- Australia
- Europe – Italy, Switzerland

After the presentation of the workshop results, Elizabeth Tang, provided a summary of the stumbling blocks identified by the participants. Elizabeth reminded the participants that no matter how big the stumbling blocks are, they can be overcome when there is firm belief.

There are a lot of problems about governments' apathy toward the plight of domestic workers. Governments make excuses on their inactions on these concerns because they are not interested. There is a positive side to this, however, because when governments make excuses, they most certainly feel pressure. This is therefore a very good opportunity. In some areas, stumbling blocks take the form of political instabilities.

The other big block concerns the refusal of employers and recruitment agencies to support the convention. And to some extent, this is inevitable.



There is problem also among trade unions that do not take a strong stance to face these challenges. Some trade unions lack the awareness of the issues of domestic workers, and even the convention. On one hand, while there are strong trade unions, domestic workers unions and organizations and civil society organizations, they do not work in coordination with each other. As a result, the impact of their actions is small.

In many cases, there exists a communication problem between advocates and the government. Lastly, the public in general is not aware of the issue. They are very much affected by traditional attitude toward domestic workers.

The good news among these stumbling blocks is that they are in-house, hence, advocates know a lot about them. Regarding public opinion, if the general public do not get the message from advocates, the only information they will receive is from the government and mainstream media which are mostly controlled by employers. This therefore poses serious challenge to advocates.

All of these are a matter of strategies. In some cases, the focus is given to domestic laws from which ratification will follow. In other cases, ratification is done first before the legislation of laws. There is a need for advocate to be very realistic. Careful analysis to determine which problem needs prioritizing is a key to facing these problems. There is no one strategy that fits all. Strategy should be country specific. All these stumbling blocks are possible to overcome if there is firm belief.

Day Two, 25 October

Session 4: Dialogue Philippine Government officials on the ILO Convention 189

This session was initially thought to be a dialogue in a talk show format but because none of the invited Philippine legislators was available for the programme, the government officials present were asked to share about the Philippines plans for ratification. In attendance were Undersecretary of Labor and Employment, Mr. Leo Hans Cacdac and Philippine Commission on Women's representative, Lorenza A. Umali. A Press Conference followed after.

USEC Hans Cacdac

Department of Labor and Employment

USEC Cacdac presented the legislative environment for domestic workers in the Philippines, the gaps and analysis on the existing legislations, the government's ratification plan as well as the scenario after the adoption of the C189.

Before further proceeding with his presentation, USEC Cacdac briefly shared his own analysis and reflection of the 2011 ILC. He said that while the convention garnered majority of support from ASEAN members states, the abstention by three ASEAN states represent a significant 30 percent of ASEAN. This means that there is a lot of work that needs to be done in the region to promote decent work for domestic workers.

Political and legislative environment of domestic work in the Philippines

The adoption of the convention created a momentum for furthering the advocacy toward protection of both local and migrant domestic workers. The other thing that needs emphasizing is the political and technical set up of domestic work. This pertains to concerns regarding wage setting, working hours, as well as benefits such as social security and health and safety. Taking off from this, he shared to the participants that the Philippine government has declared strong support for the passage of the proposed bill on seeking recognition, protection and decent work for domestic workers.

In the Philippines, there are around 1.9 million domestic workers in the Philippines. Thirty point four percent or 585 thousand are live in domestic workers and about 1/3 of domestic workers belong to the 15-24 age brackets, around 178 thousand are aged 15 and below 18. The other significant statistics- live-in DW are predominantly single, 76.6 percent, and more than half, around 60 percent, have completed or reached high school education. And lastly, in terms of geographical extent, most domestic workers are located in regions with significant urban population.

In terms of protection for local domestic workers, he mentioned that as early as 1950, domestic workers are already recognized in the Philippine law through the Civil Code of 1950 which provides provision for reasonable

compensation, suitable and sanitary quarters, adequate food and medical attendance, elementary education (costs part of househelper's compensation), 2 yr. renewable contracts, acquire suitable clothing, treatment in a just and humane manner, 10-hour workday, 4 days' vacation per month, funeral expenses, contract termination, certification).

In 1974, the Philippine labor code was signed into law and this law had a definition of DW which is broad enough to encompass those, which the law says "minister to the personal comfort of the household".

In 1993, a law that fixed minimum wages with social security provisions was passed and it is still in effect up to date. The minimum wage was set at 800.00 pesos and although this wage level has been eroded by inflation, the current terms of employment for domestic workers runs around 300.00 to 400.00 pesos more than the minimum. The market has pretty gone past the minimum wage so one of the reasons why the Kasambahay Bill is being pushed is to have an amended floor wage. In the labor code we had a guarantee of payment of cash wages.

Gap analysis of the existing law versus the convention reveals that Philippine legislation pertaining to domestic work fare well albeit obvious gaps. Among some of them are provisions on hours of work, rest days, overtime and stand by work hours which are present in the convention. There is no clear stipulation in the Philippine laws on the rights of domestic workers to organize but there is a domestic worker association in the country (the SUMAPI).

There are also no specific occupational health and safety standards for domestic workers. There are training standards, however, and training is administered by the Technical Education and Skills Development Administration. While the laws guarantee social security for domestic workers, the actual coverage is rather small.

Another gap identified was on private employment agencies. There is an elaborate set of laws with respect to recruiters for migrant workers including household service workers. But with respect to private employment agencies, while there are rules and regulations pertaining to local recruitment, there is still need to fine tune and align them with the provisions in the convention that guarantee better protection to domestic workers.

Enforcement is another issue. The convention gives enough flexibility to set up particular enforcement administrative system, but the question is that is the current complaint based mechanism enough? There is a proposal from the senate which says there will be conciliation mechanism before the barangays (local community which is the smallest unit of government) that will provide conciliation services to disputes involving domestic workers. But still, the question whether this would suffice still lingers.

Ratification and its Challenges

On the issue of ratification, USEC Cacdac shared the following issues that the government and advocates need to face:

- The "middle class argument" and formalization of domestic work. Since the discussions on the protection for domestic workers started, one prominent issue that comes up is the ability of the middle class families to provide the prescribed wages and other social protection schemes for domestic workers. In the Philippines, middle class families who are the biggest employers of domestic workers. The middle class argument basically means that there are certain voices in the Philippine Congress that say that a law that will be too prescriptive will affect middle class families or employers whose pockets are just enough to pay for current wages or benefits of their current domestic workers. The issue of the middle class mainly centers on freedom

of association and collective bargaining. DOLE plans to embark on a series of consultations with homeowners association to understand more their side on domestic worker concern.

- The other argument is the formalization of DW and this has been a traditional argument. The matter on formalizing the employment relationship that may have been better of without the formalization, meaning may have been better of with an informal member of the family kind of a treatment, and therefore should actually be over and above the realm of regulation. Of course DOLE completely disagrees with this argument DOLE has engaged with legislators who will put forward this argument and argue that with the formalization actually adhere to a frame where employers are guided about how they may treat their DWs in a decent manner in clear terms which may even in fact enhance the relationship.
- Wages is also an issue, how much review mechanisms and the criteria for review. DOLE ponders on determining a wage level that is balanced enough to cover the high cost of living in our country, but at the same time, not an overly prescriptive amount that may lead to unemployment or loss of employment or disapproval of the legislation.
- Current laws allow child domestic work. The convention says there can be child domestic work that is grounded on basic parameters, ex. compulsory education, prohibitions on night work. Again this is an issue that we need to take up.
- Written employment contract and whether there will be a prescribed form is still an issue that needs further discussion.
- Implementation remains an ever persistent issue.

While cognizant of these challenges, USEC Cacdac believes that the strength of the “tripartite plus” would be a good opportunity to work towards ratification. The Department of Labor and Employment (DOLE has been engaging and consulting not only the employers’ and workers’ groups but civil society organizations as well. DOLE held a number of dialogues and consultations with participation from civil society organizations. Sustaining the advocacy is also very important especially that ratification by ILO members is now the concern of advocates.

USEC Cacdac also stressed that when lobby for ratification, we need to both not only the political side of the issue but the same consideration should be given to the technical aspect of the process or the so called political and technical approach. It is also important to dialogue with senators who is the main legislative branch that is in-charged of the ratification process.

See Annex 2 for USEC Cacdac’s presentation.

Ms. Lorenza A. Umali

Philippine Commission on Women

Ms. Umali talked about the gender perspective of the campaign. Almost Eighty-six percent of the 1.9 million domestic workers in the Philippines are women. Ninety-two percent of the 585 thousand live-in domestic workers are women, and a large number of these workers have ages 15-17, and they comprise 93 percent of women live-in domestic workers. Women domestic workers spend slightly longer hours compared to men. Live-in women workers spend 5.2 more hours than their male counterparts. For women migrant workers, the Philippines deployed 975 thousand, comprising 47.7 percent of overseas Filipino workers in 2009. Ninety-eight

percent of the 96,580 household service workers deployed in 2010 were women. Indeed, domestic workers problems are mainly women and gender issues.

Women domestic workers and migrant household workers face the following issues:

- Low pay, sometimes delayed, and in other cases unpaid
- Women workers are more prone to physical, psychological and sexual abuse
- Women are exposed to harmful and hazardous working conditions
- Women are vulnerable to trafficking and debt bondage
- Excessive working hours and no day-off
- Women perform multiple tasks
- They lack social security and health benefits
- They do dirty, dangerous and demeaning work
- They often work in isolation without network and support groups
- They are restricted in freedom of movement
- They face labor market discrimination
- Limited upward social mobility due to the lack of opportunities for education

These exactly are the reasons for the legislation of the domestic work law.

The presentation shows the output of the workshop conducted by the Human Development Cluster, which is composed of 33 government agencies, to equip public servants the needed skills and strategies for lobbying especially in the house o representatives.

Ms. Umali also touched on the Kasambahay Bill that seeks to provide additional benefits and protection to domestic workers in the Philippines. She said that there are already laws on domestic work but these laws may already be considered outdated relative to the current economic and social environment. Thus, the law attempts to introduce provisions that will amend Presidential Decree 442, the Labor Code of the Philippines. The bill already passed the third reading of the senate. It is now under scrutiny in the Committee on Labor and Employment of the House of Representatives.

The Kasambahay Bill is basically rights based. The bill has been pending since the 10th congress (the current is 15th congress). Advocates have taken so much time and exerted efforts for the passage of the law. The efforts have paid however, as the President signified the bill as urgent following the adoption of the convention on domestic work.

Ms. Umali also gave her only analysis of the Kasambahay bill and proposed the following:

- Enforcement problems. These problems can be addressed through several mechanisms that can be stipulated in the bill's implementing rules and regulations (IRR).
- Organization of Kasambahay. There are currently two versions of the law (one in senate and another in the House of Representatives). The immediate goal is to ensure that a clause pertaining to organizing domestic workers is included in both the versions. Civil society groups are integral in organizing of domestic workers. The organizing may be more effective if the CSOs and trade unions meet with recruitment agencies and even homeowner associations.
- Identify keys stakeholders – government line agencies and non-state actors such as recruitment agencies, homeowners associations, trade unions and NGOs.

Echoing the concerns raised by USEC Cacdac on the passage of the Kasambahay Bill, Ms. Umali stressed on the need for the LGUs to secure a registry of employers and domestic workers to ensure that implementation of the law. She also stressed that exploitation will still be there especially for young domestic worker and therefore protection must be afforded to them. Lastly, the legislation may face certain delays due to national budget hearing.

In terms of lobbying strategies and activities within the ASEAN, Ms. Umali identified the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on Women and Children's Rights.

All the ASEAN member states have representatives in these two bodies. Lobbying may be done through the representatives of ASEAN countries in these committees, and this is particularly applicable to the three ASEAN member states that abstained in the ILO conference.

Open Forum

- Philippines' programs to protect its migrant workers

The Philippine government, even before the departure of any migrant worker already imposes certain regulations on both the worker and recruitment agencies. For instance, there is a minimum age allowable for migrant domestic workers. There are requirements such as skills verification certificate, salary cap, and these requirements are strictly verified by labor attaches abroad. The government also implements a no-placement-fee policy. Just like India, the Philippines enters into bilateral relations framework to protect migrant workers. The new laws require country certification and the Department of Foreign Affairs looks into the laws and policies of countries of destination so as to ensure that migrant workers will not face harsh treatment abroad. As to whether the government extends such protection to undocumented migrants, the Philippines, as much as possible, would try to protect both documented and non-documented migrants. There is no discrimination based on this.

- How the Philippines obtains statistics of migrant workers

The Philippines does not have a registry of domestic workers. The data are based on labor force surveys conducted by the National Statistics office. On social security extended to domestic workers, the law states that all workers earning more than 1000.00 pesos are covered by social security and therefore must pay their contributions. There is a problem, however, in the implementation of this policy. Domestic workers' membership to the Social Security System is currently on a voluntary basis. On sexual harassment, India's not cover domestic workers in its law but the Philippines does cover them.

- Proposed Kasambahay Bill- an impediment to the ratification process?

The bill does not impede the process at all. The bill can be viewed as an internal strategy toward the recognition of domestic workers' rights. The ratification, meanwhile, is a great strategy to urge other countries to ratify the convention also. These two actions therefore go together.

- Implementation of the minimum wage in the country

The Philippine government is studying the possibility of a region-based minimum wage setting. As to whether the minimum wage is intended also for part time workers, the government has not yet decided on this.

- Inclusion of C189 in the pre-departure orientation seminars

There was an inquiry as to the possibility of incorporating a discussion of the domestic work convention in pre-departure orientation seminars. The government will include such topic in seminar module, but currently, the priority of the government is the ratification of the convention. The Philippine Commission on Women is open to incorporate topics on gender and violence against women in pre-departure seminars.

- Question on the use of the term “kasambahay” (meaning housemaid to have feudal meaning)
USEC Cacdac assured that the term was not used in such sense.

- Strategy on how CSOs should convince their governments to cooperate with other sectors as in the case of the Philippines.

In the Philippines the law prescribes consultation with stakeholders in all aspects of governance. The laws therefore are effective instruments for better engagements with the government.

- Maternity leave for domestic workers

Philippine laws do not discriminate and there is no prohibition on domestic workers from getting married. On maternity benefits, however, the matter will still need to be discussed with Social Security System.

- DOLE’s coordination with recruitment agencies in job fairs

There are regulations imposed in the conduct of job fairs. Employers listed in job fairs must be legitimate and licensed first. There are however illegal recruiters in job fairs and this has to be acted upon through sound policies.

There was a suggestion of placing income requirements on householders before they can hire domestic workers. This policy has been in effect in Hong Kong.



Photo Op after the Press Conference

Session 5: Presentation and analysis of existing legislations on domestic workers across the Asian region

Session 5 sought to familiarize participants with the existence of legislations in Asia specifically crafted for the protection of domestic workers. This session also provided first hand information on how trade unions in India campaigned for C189. Speaking on the panel were Agnes Matienzo of Migrant Forum in Asia and Bro. T. Thomas of HMS.

Ms. Matienzo shared that within the Asian region, there are countries that have introduced policy reforms to protect domestic workers which advocates could use as a strategy to promote ratification. These could be used as entry points to lobby with governments as these signal interest and a demonstration of political will to protect the rights of domestic workers. These countries include Hongkong, India, Jordan, Lebanon, Nepal, Philippines and Singapore. Domestic workers advocates could use these legislations as a strategy to promote ratification. Advocates from other countries could also use or refer to these existing legislations and good practices as examples when lobbying with their governments.

Among these seven countries, Hongkong provides a good example as it is the only country in Asia which recognize migrant workers including migrant domestic workers as equals with its locals. Migrant domestic workers are covered by HK's Employment Ordinance, Chapter 7 which is the main labour law for all workers in HK. This ordinance provides for basic labour rights and conditions of work. The only critique to this law is the New Conditions of Stay (NCS) which prohibits MDWs from changing jobs, employers and in gaining residency. Migrant domestic workers are also included in the Occupational Safety and Health Ordinance, Chapter 509, which provides for the safety and health protection of employees in all workplaces, both industrial and non-industrial.

The HK government also has a standard employment contract for all foreign domestic workers known as the "Foreign Domestic Workers Employment Contract (Immigration Form 1D 407) that stipulates conditions that both employers and migrant domestic workers need to comply, the legal actions that can be taken by both parties/government if any party violates the employment ordinances/conditions listed in the contract.

Migrant domestic workers are also included in the Minimum Allowable Wage (MAW) policy which sets minimum wage for live-in MDWs because they are excluded from the Statutory Minimum Wage (SMW) which came into force on 1 May 2011. The initial SMW rate is \$28/hour and it covers all workers in HK except for live-in domestic workers who are predominantly migrant domestic workers.

Section 57 of the Employment Ordinance (Chapter 57) provides strong deterrent to employment agencies and while the Employment Agency Regulations administered by the Labor Department regulates them. Only 10% of 1-month wage is allowed to be charged from the MDWs.

In Hong Kong, the Immigration Department may conduct a personal interview of the employer of a migrant domestic worker. In terms of dispute resolution and legal recourse, migrant domestic workers have access to the Legal Aid Department for assistance. The Labor Relations Division of the Labor Department also provides free conciliation service.

In India, the following legislative developments have been noted:

- Health insurance scheme ((RSBY) has been extended to domestic workers (June 2011)
- Minimum Wage Act of 1948 (implemented in 8 states –domestic workers)
- Domestic Workers are Covered by “The Unorganized workers Social Security Act of 2008
- The State of Kerala established Kerala State Unorganized Workers Social Security Board
- Kerala State Domestic Workers Welfare Fund Scheme (2011) which provides pension for domestic workers, treatment during illness and provision of maternity benefit
- The Maharashtra Domestic Workers Welfare Board Act of 2008 was enacted in 2008 that provides for the setting up of a District Domestic Labour Welfare Board with wide range of functions including registration of workers as beneficiaries and make provision for medical expenses for treatment of ailments of a beneficiary or his dependent and for the maternity benefits among others
- The States of Karnataka, Kerala, Andhra Pradesh, Tamil Nadu, Bihar and Rajasthan have set minimum wage rates for domestic workers under the Minimum Wages Act 1948
- Tamil Nadu Manual Workers Act 1982 (Regulation of Employment and Conditions of Work)
- The Government of India came up with ‘Guidelines for Completing the formalities for employing Indian Housemaids in Oman’ following the adoption of C189 in June 2011. Within these guidelines, employers in Oman must submit an ‘Application for Employment of Maid Servant’ as well as sign an ‘Undertaking’ form which describes their responsibilities during the employment period. One of the provisions stipulated in the ‘Undertaking’ is the provision of pre-paid cellphone and direct return flight ticket.
- A ‘Form of Emigration’ signed by the employer, the migrant domestic worker also need to sign an emigration form (Form of Emigration).

Employment agencies in Singapore need to be accredited by authorized private accreditation agencies. In 2006, one of the accreditation agencies adopted a standard employment contract between the employer and the migrant domestic worker for its members. The employment agencies are prohibited from changing the provisions of the standard contract without the approval of the accreditation body, otherwise, the agencies will lose their accreditation. This initiative is a good example of efforts by the private sector to support the protection of migrant domestic workers.

In Singapore, the Ministry of Manpower requires first-time employers of migrant domestic workers to attend a three-hour Employer’s Orientation Program. The Ministry of Manpower interviews personally employers who apply for a sixth domestic worker or more within 12 months before their applications are processed.

In Jordan, the standard employment contract also allows domestic workers to change employers. The domestic worker is also given the right to terminate contract without need of notice in case the employer fails to obtain working and residency permits or fails to abide by the provision on payment of wages.

The Ministry of Labor also established the Directorate for Domestic Workers, which is tasked with monitoring employment agencies during and after their registration. Migrant domestic workers can also avail of free legal aid.

See Annex 3 for Ms. Matienzo’s presentation.

Mr. Thampan Thomas

President, Hind Mazdoor Sabha (HMS)

Mr. Thomas of HMS shared about their experience on the campaign. The Indian government initially did not support the adoption of C189. In fact even just a recommendation was not supported by the government. The government wanted a resolution only, in fact, they even avoided any discussion on the adoption of the convention. Only in 2010 did the government fully support the convention. The Indian Labor Conference has now supported the ratification of the convention.

Change happened because of consolidated efforts for a human rights convention. The ratification of this convention will lead to the legislation of laws that will recognize, protect and uphold the rights of domestic workers. This will lead to an improvement in the treatment domestic workers receive as they become like any other workers.

He underscored the need for trade unions and civil society organizations to work together on this campaign. While recognizing the efforts of the GOI in terms of protecting domestic workers, he stressed these efforts are not enough and do not address the complexity of the situation of domestic workers. Domestic workers need a comprehensive legislation that mirrors the principles of C189. CSOs, trade unions and domestic workers must work together to convince the government to ratify the Convention.

The ratification of C189 is very important. Organizing is very crucial to this campaign because only workers, through trade unions, governments, and employers meet and discuss in a tripartite body. It is therefore imperative that domestic workers are organized.

Open Forum:

- C189 means fair treatment not special treatment for domestic workers

Mr. Demaret emphasized that what the domestic worker convention intends to achieve is not special treatment for domestic workers but fair treatment. The convention, once ratified by countries will give lasting impact even in countries where laws are good.

- Mobilizing trade union support

Trade unions are not the only sector that has a major role in the campaign. What is extremely needed in the campaign is the building of an effective coordination and cooperation between trade unions and CSO. Sri Lanka has witnessed how the gradual building of cooperation between CSOs and trade unions brought positive results. Trade union presence in the campaign, especially in organizing is integral to the success of this campaign because unless trade unions extend efforts in organizing, the convention's provision on domestic workers' freedom to organize will never be realized.

Apart from the above issues, there was also sharing of experiences particularly on problems encountered in ratification and implementation. In Bangladesh, although the country ratified a number of ILO convention, there are still much to be improved in terms of labor law coverage of the work force. In other countries, enforcement remains a problem.

Session 6: ILO's and ITUC's Ratification Campaigns

This session focused on the international experience for the ratification process. Presenters included representatives from the ILO (Geneva and Turin offices) and ITUC. . Speaking for ILO were Amelita King-Dejardin (ILO Geneva) and Miriam Boudara (ILO Turin) who talked about ILO' sCampaign Guide and MariekeKoningon ITUC's'12 by 12' campaign.

Amelita King-Dejardin

ILO Geneva

Ms. Dejardin shared ILO's Proposed Global Strategy Priorities for 2012-2013 which are to ensure the rapid entry force of C189 of at least 2 ratifications and build foundations for widespread ratification and implementation of at least 10 countries.

The ILC adopted a resolution that will follow up actions on the promotion of widespread ratification and implementation of the C189, extension of support to governments, workers' and employers' organizations through knowledge sharing and capacity building, and encouragement of cooperation between ILO and international organization. In November, the ILO will formulate specific action plans and there are particular goals that need to be achieved. First is the rapid entry into force of the convention which needs to be accomplished immediately. This requires at least two ratifications. The second is building of foundations for wide spread ratification and implementation.

There are a number of areas of action for the working strategy. At the center is the ratification of C189 and effective implementation which includes both support and assistance to workers and employers' organizations, legal policy reform through engagement with the government, international cooperation, awareness raising, and building of national capacities. Underneath all of these is information, thus the necessity for research and knowledge sharing.

In order to achieve these goals, ILO identified six areas of action at the global level: legal and policy reform; employers' organizations, workers' organizations, international cooperation, awareness-raising and advocacy and building national capacities and institutions, Underneath all of these is information, thus the necessity for research and knowledge sharing. Advocacy should be supported by empirical data on domestic work. Equally important is to have an assessment of the existing legal and policy frameworks in the country.

Some suggestions for planning strategies

- Recognize that countries are at different situations. In planning, each situation offers opportunities. Even stumbling blocks may still offer opportunities. In prioritizing countries for ratification, Ms. Dejardin shared that there are three possible entry points and opportunities for lobbying. She emphasized three entry points: 1) Countries ready to ratify 2) Countries seriously considering ratification and 3) Countries committed to improve protection of domestic workers
- There are wide range of actors who need either to be mobilized or influenced. On one hand, there are trade unions, domestic worker organization, and civil society organization. On the other hand, the government legislators, employer organizations, employers of domestic workers and recruitment agencies need sustained engagement.

- These processes are technical in nature. Advocacy through data is the best way to do legal policy assessment and destroy myths and conventional wisdom. There is a need to bring in the technical capacities in the process.
- The most important part of advocacy must begin with the advocate themselves: how well do they know the convention itself and how many of them truly appreciate the importance of these standards?

Strengthening the advocacy is brought by the following actions:

- Build a core capacity to sustain the process in terms of the knowledge, skills and tools to be used to make the campaign effective
- The need to have a greater breadth and depth of the country situation especially when it comes to the data on domestic work and assessment of laws, policies and practices.
- The need to mobilize trade unions and workers' organizations for C189
- The need to support/strengthen domestic workers organizations
- The need to build alliances with labour ministries, legislators etc.
- The need to promote a political agenda on the ratification of C189 as well in lobbying for legislative/policy reforms
- The need to broaden dialogue

See Annex 4 for Ms. Dejardin's presentation.

Ms. Miriam Boudraa

ILO Turin

The mandate of ILO Turin, training arm of the ILO is to work for decent work for both men and women by increasing the capacities of advocacy network. The training center is involved in the training component on the protection for domestic workers.

After the adoption of C189, the ITC in cooperation with ACTRAV created a training program to broaden the protection of domestic worker. ITC want to know the needs for assessment to be able to respond on the training that advocates need. Next week, ITC will send an assessment questionnaire whether advocates need trainors training, regional training or face to face training, etc. The questionnaire needs to be answered within a week and the result will be sent back to the respondents.

Ms. Marieke Koning

International Trade Unions Confederation (ITUC)

Ms. Koning shared ITUC's '12 by 12' campaign which is based on actions on the ground. There have been several actions to launch the campaign in certain countries. In Latin America, they have launched a campaign in August including the trade unions and CSOs and this has already paid results. The lesson is to include all the forces in society to be successful. The objectives of the campaign are:

- 12 ratifications in 2012
- Organize 12,000 domestic workers
- Strengthen 12 trade unions of domestic workers

Consultation with the government (that includes exerting pressure on the government) is needed for ratification. Again, the importance of examples during discussions makes advocacy work best.

Organizing starts by identifying which workers, in this case domestic workers, will be organized. Database is very useful in organizing. Trade unions can help best organize domestic workers.

It is very important that the involved trade unions possess the capacity to sustain the campaign. Training on different areas such as rights and leadership among others skills is important in building capacities of trade unions.

The campaign will be launched on 18 December 2011 and ITUC will hold a series of public activities involving lobbying in parliaments, press conference, launching of campaign website, and campaign in all countries.

ITUC led the call with the unveiling of an ambitious action plan “12 by 12” (12 countries to ratify the Convention in 2012). Ms. Koning summed up the sentiment by declaring, “We have moved mountains to get this Convention” and “We will move mountains to get this Convention Ratified”.

See Annex 5 for Ms. Koning’s presentation.

Open forum:

A comment targeted at the ILO, the ILO Cambodia conducted a survey that included drivers, gardeners, and therefore such broad respondents will over estimate the number of domestic workers in the country. According to Amelita King-Dejardin, drivers, gardeners and other jobs that are done in a household are considered domestic work. The survey done in Cambodia therefore does not necessarily misrepresent domestic workers.

There seems to be no communication between the ILO and the government of Cambodia. There is an inquiry into the availability of trainings to CSOs. According to Lotte, ILO Cambodia is more focused on empowerment activities for women. These training programs are open to CSOs as well.

The share of trade unions that have received trainings from ILO is quite small and this caught the attention of a participant. The reason behind this low figure (around 14-15 percent) is that trade unions are not the only recipient of these trainings but also governments, international organizations, and others. The share of employers is only 9 percent.

There was a discussion on some perspectives related to building and expansion of partnerships through trade union-CSO-ILO collaborations. The importance of ground mobilization in the campaign was raised and it was emphasized that unless and until domestic workers organize themselves through the aid of support networks, this campaign will go nowhere. There were also suggestions relating to the use of alternative media, particularly the networking and micro-blogging sites in the internet.

Day Three, 26 October

Workshop 2: Strategic Planning

Day 3 was allotted for Strategic Planning and Action Plan for 2011-2012 at national and regional levels. Participants were groups per country to discuss activities/plans that all groups in each country can work together. After the break out session, a common plan for Asia was also presented and adopted. See Annex 6 for the common action plan. The common action plan, revolved along the following areas:

- *Building the core capacity advocates and domestic workers in understanding C189.* There is a need to build the core capacity of the domestic workers and advocates in order to sustain the process. Advocates should have a common understanding of the legal interpretation of the elements provided in the Convention. Running a ratification campaign requires understanding of the breadth and depth of the issue, as governments need to be convinced that they should commit their countries to become State Parties to the Convention. Advocates need to help governments understand why it is in their best interests to ratify the new Convention. If advocates have constantly been involved in the campaign, we need to reinvent ourselves and develop new strategies for lobbying. It is important that advocates and domestic workers continually engage in various activities to hone their skills in doing lobby work with all target sectors.
- *Use of research and promotion of knowledge-sharing.* Advocates must be conscious of using evidence-based data on their advocacy. It is important that advocates are aware of the situation of the country, and aware of the facts concerning domestic workers. Advocates should keep a domestic workers' database. Best practices among countries that have legislations for domestic workers and difficulties of countries to address issues of domestic workers should be shared.
- *Awareness of the legal and policy environment to guide advocates for advocating policy reforms and to send a message that ratification is possible.* Even before the talks on C189 took place, a number of destination countries had already introduced policy reforms to protect domestic workers. Advocates should be aware of these countries, as they could be used as entry points for lobbying. The existence of these legislations signals the political will to affirm and implement the standards stipulated in the Convention. It also opens an opportunity for advocates to continue to lobby for effective enforcement of existing national laws that have provisions for domestic workers. This also means awareness of if there are contradicting laws that governments need to align with the provisions of C189.
- *Building and strengthening cross-constituency alliances.* Participants recognized that the landmark adoption of C189 was a result of cooperation of various sectors advocating for the rights of domestic workers. It is therefore imperative to continue the synergies that have been developed in the campaign in order to sustain the international momentum that was achieved leading up to the Convention. Alliances among trade unions, domestic workers, and civil society organizations were emphasized



- *Promote international cooperation to maximize lobbying efforts and to create an international bandwagon.* While intensive work needs to be done at the national level, participants recognized the need to do parallel advocacy at the international level and that the best way to do this is to promote international cooperation among groups across the globe.
- *Awareness of the technical as well as the political processes involved in the ratification.* This includes identifying the political actors and the key decision-makers. These key actors include: domestic workers and organizations, trade unions, civil society organizations, employers organizations, employers of domestic workers, and government legislators.
- *Dissemination of C189 and raising people's consciousness about the issue.* In order to amass support, the need to popularize C189 was emphasized. This could be done through production of advocacy materials and organizing public actions. Advocacy materials provide the necessary visibility for the campaign. These materials may include production and dissemination of solidarity statements, advocates were encouraged to come up with advocacy materials such as logo, flyers, posters, and use of social networking sites. Public actions could be in the form of press conferences, rallies, forums and signature campaign.
- *Monitor and assess results of the campaign necessary to make improvements of the plan.* Monitoring and assessing the results of the campaign would enable advocates to identify what worked and what did not, identify gaps and how these will be addressed in order to improve campaign.

After the adoption of the common action plan, the draft Conference manifesto was presented for inputs and clarifications from the participants which the drafting team will finalize before it is circulated. See Annex 7 for final Conference Statement.

End

