The Road to Decent Work by Domestic Workers

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Introduction

This report offers a summary of the number of domestic workers worldwide, the share of domestic workers in informal employment, and the extent to which domestic workers are covered by labour and social protection in law and practice. It identifies drivers of informal employment, presents recent trends and suggests practices to formalise domestic work.

Key Highlights

Part One- Domestic work: Where do we stand now?

- Domestic workers are those workers who work in or for a household or households on an occupational basis. **They account for 4.5% of all employees worldwide and are overrepresented in upper-middle-income countries**, mostly due to this income group containing the largest employers of domestic workers and greater levels of inequality. **The world's largest employers of domestic workers are in Asia, the Pacific and the Americas.** The percentage of domestic workers in total employment is the highest in the Arab States and lowest in Europe and Central Asia.

- Domestic work is **female-dominated**, with women accounting for 76.2% of domestic workers. Globally, 8.8% of women employees are domestic workers whereas this figure stands at 1.7% for men. Women domestic workers mostly work as domestic cleaners and caregivers, whereas men domestic workers tend to work as drivers and security guards.

- It's believed that domestic work will continue to be in high demand, especially in light of demographic changes and the workforce is likely to be sustained due to continued income inequalities.

- The Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011, recognize the economic and social value of domestic work and are a call for action to address decent work deficits in the sector. It seeks to achieve equality of treatment between domestic workers and other workers, calling on ILO Member States to ensure labour and social protection for domestic workers.

Part 2- Decent work for domestic workers today?

- The main measure to estimate access to decent work is informality. It can stem from

    a. Exclusion from labour and social security laws and/or inadequate levels of legal protection.

    b. Lack of implementation and compliance with laws.

- **Data shows that 8 out of 10 domestic workers are informally employed**. Moreover, female domestic workers are more exposed to informality than their male counterparts. Globally, 95 of 108 countries reviewed recognize domestic work in their labour laws. Countries that provide legal recognition of some kind have done so through general labour laws, specific labour laws or subordinate regulations, or a combination of the two. However, 36.1% of domestic workers remain wholly excluded from labour laws.

- Domestic workers who are recognized by the labour law generally may still be excluded from specific legal provisions, or the level of protection provided to domestic workers may not be adequate. Some regions are more likely to have legal exclusions for domestic workers than others. For example, around 60% of domestic workers are wholly excluded from labour laws in Asia and the Pacific.

- The ILO found that 60.7% of the 168 countries reviewed provide some legal coverage to domestic workers for at least one branch of social security (Most common branch- pension coverage, least common- unemployment benefits). **The lack of maternity protection for domestic workers deserves special attention** given that the vast majority of domestic workers globally are women. In law, a large proportion of women domestic workers are excluded from maternity leave provisions and entitlements to maternity cash benefits.

- Despite legal provisions for social protection, many domestic workers lack effective coverage due to poor implementation and non-compliance with laws. They are among the lowest earners, often due to the absence of applicable minimum wage regulations and non-adherence to them. A significant **64% of domestic workers globally operate beyond regular working hours**, leading to unstable income and work-life imbalances. Lengthy work hours often result from meagre hourly wages, causing adverse health effects. Informal employment and working time and wage disparities are interconnected: those with the shortest and longest hours, as well as the lowest wages, tend to be informally employed. Conversely, informally employed domestic workers endure more extreme hours and lower earnings compared to their formally employed counterparts.

- **Domestic workers encounter challenges in occupational safety and health (OSH), leading to deficits in decent work.** Their susceptibility to OSH risks stems from the nature of their job and workplaces, exposing them to chemical, physical, and biological hazards. Legal safeguards for OSH are typically lacking in this sector. Some domestic workers are excluded due to their absence from labour laws, while others are explicitly left out of OSH regulations. Additionally, psychosocial hazards, notably violence and harassment encompassing economic, psychological, physical, and sexual abuse, pose risks. Limited complaint avenues and organising opportunities further increase their vulnerability. Exclusion from labour and social protection laws, coupled with informal employment, worsens their dependence and lack of recourse in cases of mistreatment.

Part 3- Formalization of domestic work

- Formalising domestic work requires a clear analysis of the sources of informality, which can be the result of one or more of the following two conditions:

  1. Gaps in legal protection, including exclusion from labour and social security laws and inadequate levels of protection.

  2. Gaps in implementation, including lack of compliance with laws.

- Ensuring adequate protection for domestic workers involves utilising social dialogue. Organising domestic workers faces hurdles like high turnover rates, time constraints due to long work hours, difficulty reaching them at their workplaces, and their limited leadership experience. Despite these obstacles, domestic worker organisations exist in many countries. When representative groups for domestic workers and employers are present, it paves the way for tripartite or bipartite agreements, including collective bargaining. These agreements often lead to improved wages, working conditions, and benefits for domestic workers, while also promoting the formalisation of employment practices.

- Closing implementation gaps: Efforts to improve the enforcement of domestic work laws involve collaboration among all stakeholders. Simplification of processes, encouraging formal employment, and increasing awareness of rights and responsibilities for both workers and employers are key. Information campaigns play a crucial role in initiating better employment conditions in various policy areas. Effective implementation hinges on a compliance-focused institutional structure. Labour inspectors within governments typically handle this, using preventive and punitive actions. However, household inspections in domestic work raise concerns. Many countries address this by regulating home entry, employing alternative inspection methods, and strengthening inspection capacity.

- High informality in domestic work, even in countries with clear labour and social security laws, indicates a harmful social norm of non-compliance. To build compliance, institutions must improve accountability and transparency, use behavioural science insights, and research psychological and contextual determinants of behaviour. Employers may not break from social norms due to fear of reprisal, while domestic workers may resist formalisation if they see their peers in informal employment. Thus, social norm interventions are equally important.

Part 4- The way forward: Five Steps to decent work

Before beginning the Five Steps, it is important to establish a technical working group that will serve as the main consultation body for each step. It should be composed of representatives of any pertinent government ministry and the most representative workers' and employers' organisations.

- In the **diagnostic phase**, the first step is to estimate the number of domestic workers and the share of domestic workers in informal employment. Data collection should include the number of domestic workers and the share of domestic workers in informal employment. Demographic data on the characteristics of domestic workers – including their gender; age; education; employment-related information, in particular on their working conditions (including the form and level of remuneration and working time); or other factors – helps to inform the next four steps.

- The second step in the same phase is to **analyse gaps in labour and social security laws** and a closer look at the legal framework to assess which laws cover domestic workers and whether the level of protection provided to domestic workers by these laws is adequate.

- The third step is to **identify other drivers of informal employment practices and non-compliance**. It is important to look beyond gaps in legal coverage and inadequate levels of legal protection to consider other factors, including the behavioural drivers that may be influencing informality in domestic work. A diagnostic of these additional drivers of informality using a mix of quantitative and qualitative research tools can help identify these factors so that targeted strategies can be developed to address them.

- The fourth step which comes under the **Discussion & Design Phase** includes discussing the results of Steps 1–3 and developing a strategy through social dialogue. The data and analyses resulting from the Diagnostic Phase can be presented to the working group and a discussion could be held among the parties to achieve a shared understanding of the findings and to validate the reports. Once validated, data from Phase 1 can be used to develop road maps towards formalising domestic work.

- The fifth step under the last phase i.e. **Monitoring & Implementation Phase** includes implementing the action plan and monitoring progress towards its objectives. Throughout implementation, progress made could be monitored and evaluated periodically using the diagnostic findings from Phase 1 as a baseline as well as the monitoring framework and indicators developed as part of Step 4.

Read more: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_883181.pdf

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