



International
Labour
Organization

► Domestic Workers and Decent Work in Sri Lanka



International Labour Organization
Country Office for Sri Lanka and the Maldives

Domestic Workers and Decent Work in Sri Lanka

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Foreword

This study was conducted to examine the living and working conditions of domestic workers and assess the current legal and policy gaps in Sri Lanka with a view to assisting the government of Sri Lanka to ratify the ILO's Decent Work for Domestic Workers Convention (No. 189). Convention 189 was adopted by The International Labour Organization (ILO) at the International Labour Conference on 16th June 2011 to provide decent work for domestic workers by setting out basic rights and principles; and offering specific protection to ensure decent work for domestic workers.

The ILO Country Office for Sri Lanka and the Maldives commissioned this study at the request of The Ministry of Labour to provide an evidence base to regularise domestic work in Sri Lanka.

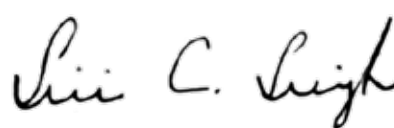
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The ILO Colombo Office would like to thank the Centre for Women's Research (CENWOR) team led by Professor Ramanie Jayatilake and including Dr. Ramani Jayasundere, Dr. Asha L. Abayasekera, Ms. Girty Gamage, Ms. Leelangi Wanasundera

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Simrin Singh
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Maldives



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Executive summary

The status of domestic workers and of legally recognizing them as a part of the labour force have been in the rights discourse in Sri Lanka for over two decades. This discourse has included the study of the status of domestic workers, recommendations for regularising domestic work, and establishing representative organisations of domestic workers. These issues are currently being discussed in light of Sri Lanka's need to ratify ILO Convention No. 189.

In Sri Lanka, women and men have worked in households as domestic workers since colonial times. The recent Labour Force Survey (unpublished) recorded about 80,000 people working as domestic workers in the country. Over 60,000 of these workers are women. The domestic workers are broadly categorised as live-in workers and live-out workers and perform a wide range of work.

Despite their wide presence and extensive contribution to the work force, domestic workers have not had legal recognition as being a part of the formal labour force, other than in limited circumstances through laws which are obsolete now. Thus, in terms of being recognized as a part of the formal labour force in Sri Lanka, domestic workers remain within a virtually invisible form of employment in the informal sector.

In the past two years, some efforts have been taken towards regularising domestic work. In March 2018, the Cabinet gave its approval for a 'Sri Lanka National Action Plan' for the promotion and protection of human rights that included the rights of domestic workers. The Cabinet also approved the inclusion of 'domestic worker' in the definition of a 'worker' in the Industrial Disputes Act and the Employees' Provident Fund and Employees' Trust Fund Acts recognizing 'domestic workers' as a 'worker' category.

In order to contribute to the growing discourse and advocacy on legally recognizing domestic work and domestic workers in Sri Lanka, and on ratifying ILO Convention No. 189, this study examines the living and working conditions of domestic workers and assesses the current legal and policy gaps in Sri Lanka with a view to assisting the government to ratify the ILO Decent Work for Domestic Workers Convention No. 189. The study brings together findings from extensive desk research, a survey of domestic workers in three districts of Sri Lanka, and a series of interviews.

In terms of understanding domestic work and the situation of domestic workers in Sri Lanka, the study provides in-depth information and analysis on the profile of domestic workers (age, ethnicity, marital status, education, economic status and work history), employers and recruitment agencies.

The study arrives at several key conclusions related to domestic work, including the following:

- Terms of work: wages, duties, hours of work, leave, and also benefits paid or received, primarily point to long working hours, a multitude of duties, and indefinite working times that live-in domestic workers endure in their places of work.
- Salaries and wages: range from Sri Lanka Rupees (LKR) 5,000 to over LKR 30,000 for both live-in and live-out workers demonstrating that no minimum wage has been stipulated.
- Hours of work: live-in domestic workers work long hours; a significant proportion do not have definite start or end times, but working hours for live-out workers appear to be confined to eight hours. There was no gender difference among live-in workers

in the number of hours worked.

- Duties performed: housemaids had the widest range of duties allocated to them. Care givers were expected to clean the house and do marketing. Drivers and gardeners had the least range of duties, but in addition to their main tasks, helped with marketing and in maintaining the security of the house
- Mobility: a majority of live-in domestic workers was permitted to leave the house for short periods of time for various reasons. This was not counted as paid leave.
- Additional benefits: There is a popular perception that live-in domestic workers enjoy various monetary benefits in addition to their wages. However, less than half reported that they received additional financial support.
- Occupational health and safety: There is little focus on occupational health and safety.
- Grievances: Even though a multitude of grievances were reported, formal grievance mechanisms appear to be absent.
- Discrimination and harassment: While domestic workers reported that they had faced problems while working, most have not made complaints about such problems.
- Career development and job security: When asked if domestic workers wished to receive any training for their work, a little more than half had no idea, while a quarter interviewed said that they would like to receive training.

The study also explored the profile of employers and recruitment agencies and has provided a profile of employers and the role of recruitment agencies.

In terms of formally organizing domestic workers, the study identified one dedicated worker union, the Domestic Workers Union, established by the Red Flag Women's Movement.

Looking at legal issues, the study finds the following:

- Work agreements: A very small percentage

reported signing a written agreement with employers; therefore, the common form of contract is a verbal one.

- Opinions on agreements between workers and employers: A little over half of the domestic workers preferred verbal contracts over written contracts because they feel that written contracts are inflexible and hard to comprehend, giving them little room for negotiation. This points to the need for educating domestic workers on the terms and conditions of contracts and improving literacy in reading and understanding a contract before agreeing to the terms and conditions.

In terms of the legal status, the study identified gaps in legislation clearly pointing out that there is no specific law in Sri Lanka that deals with domestic workers. Enabling provisions in existing employment laws require extensive interpretation on the inclusion of domestic workers in their purview, thus making it difficult to accept that domestic workers are expressly included in Sri Lanka's labour force.

In terms of regularising domestic workers and ratifying Convention No. 189, the study highlights the importance of legislation on domestic workers to be guided heavily by the provisions in, and commitments to Convention No. 189.

In terms of ensuring the legal recognition of domestic workers in Sri Lanka, several instruments and mechanisms identified by the respondents to the study are elaborated in the study. These suggested mechanisms include the adoption of a separate law; adoption of a policy; three registration mechanisms; and the integration of domestic worker rights in the existing labour law framework in the country.

The study recommends a two-step process to regularising domestic workers in Sri Lanka: (1) to create a Road Map for regularising domestic work, and (2) based on the Road Map and its conclusions, to adopt a comprehensive mechanism for regularising domestic work.

The study identifies the acute need for a Road Map to create a model to lead towards legal

recognition of domestic workers under any of the options given above, and provides guidelines for the formulation of a Road Map. These recommendations include identifying a lead agency, classifying domestic workers, ensuring competency, raising awareness, ensuring an accountability mechanism, documentation, and ratifying the ILO Convention No. 189. The study further highlights essential issues for consideration in preparing the Road Map including the inclusion of workers based on age, mechanisms for social security, a sound monitoring framework, a grievance redressal system, reporting and documentation systems, provisions to regulate employers and recruitment agencies, training of domestic workers, and the creation of different layers of domestic workers.

The study provides four options for regularising: (1) Enact a separate and distinct law governing domestic workers in Sri Lanka; (2) Ensure legal recognition by integrating domestic workers into existing labour laws. This should consider current proposals to amending key labour legislation; (3) Introduce a Standard Agreement between employers

and employees. This should be drafted in a consultative manner involving all stakeholders, primarily representatives of domestic workers; and (4) Create a State-led formal system of registration of domestic workers and ensure, by Circular, the terms and conditions governing such domestic workers.

The key recommendation in the study is to enact a separate and distinct law to govern domestic workers in Sri Lanka. The special law should include explicit recognition of rights, scope and exclusions, general obligations, provisions for recruitment of domestic workers and registration, acceptance of a minimum age, provisions for contracts and agreements, specifying minimum wages and protection of wages, social security, health insurance coverage and other benefits, rest periods, and leave and termination of the employment relationship, rescue of abused domestic workers, complaint mechanisms, access to legal counsel and legal aid, and the right to association.

Finally, the study brings together all its recommendations to pave the way for ratifying and implementing all obligations stemming from ILO Convention No. 189.

List of abbreviations

C189	ILO Convention No.189: Decent Work for Domestic Workers
CENWOR	Centre for Women's Research
CSOs	Civil Society Organisations
EPF	Employees' Provident Fund
ETF	Employees' Trust Fund
GCE A Level	General Certificate of Education Advanced Level
GCE O Level	General Certificate of Education Ordinary Level
GNP	Gross National Product
IDWN	International Domestic Workers Network
ILO	International Labour Organization
ISCO	International Standard Classification of Occupations
LKR	Sri Lanka Rupee
MFA	Ministry of Foreign Affairs
NVQ	National Vocational Qualification
SPSS	Statistical Package for the Social Sciences
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNCEDAW	United Nations Convention on the Elimination of All Forms of Discrimination against Women
WIEGO	Women in Informal Employment: Globalizing and Organizing



▶ 01

▶ Introduction

This chapter provides the background, overall objective, research questions and methodology of the study.



01 Introduction

1.1 Background

Women and men in Sri Lanka, have worked as domestic workers in households since colonial times. The Labour Force Survey of 2016¹, recorded a total of 80,771 domestic workers, 66,195 women and 14,575 men. The present demand for domestic workers lies with the rapid socio-economic changes in the country with an ageing population that requires elderly care, and the employment of both parents necessitating domestic workers for child care in addition to household work. However, their contribution to the labour force has never had legal recognition other than by the two pre-independence laws—the Registration of Domestic Servants Ordinance No. 28 of 1871 (Amended in 1936) and the Chauffeur Regulation Ordinance No. 23 of 1912—which are considered obsolete, as socio-economic conditions have changed drastically, as mentioned above. Domestic work remains virtually an invisible form of employment in the informal sector, is performed mainly by women from disadvantaged families and continues to be undervalued. In the recent past, certain efforts have been taken by the state to work towards regularising domestic work. In March 2018, the Cabinet gave its approval for a ‘Sri Lanka National Action Plan’ for the promotion and protection of human rights that included the rights of domestic workers. The Cabinet also approved the inclusion of ‘domestic worker’ in the definition of a ‘worker’ in the Industrial Disputes Act and the Employees’ Provident Fund and Employees’ Trust Fund Acts recognizing ‘domestic workers’ as a ‘worker’ category (Jayasekera, 2018). However, there is much to be done to regularise domestic work in Sri Lanka.

The International Labour Organization (ILO) adopted the Decent Work for Domestic Workers Convention (No. 189) at the International Labour Conference on 16th June 2011. The Convention offers specific protection and

lays down basic rights and principles with a view to ensuring decent work for domestic workers. Convention No. 189 is supplemented by the Domestic Workers Recommendation (No. 201), which was also adopted at the International Labour Conference in 2011. The Recommendation provides practical guidance on legal and other measures to implement the rights and principles stated in the Convention. However, Sri Lanka is yet to ratify Convention No. 189 and regularised domestic work.

Although promoting decent work for migrant domestic workers through research and advocacy is on the agenda of many civil society actors, it is not so for domestic workers employed within the country. However, for the first time in Sri Lanka, the Red Flag Women’s Movement succeeded in organising domestic workers and establishing the Domestic Workers Union in March 2012. Evidence based research on living and working conditions of domestic workers, and an analysis of the legal and policy framework that identifies knowledge gaps are required to support the process of ratifying Convention No. 189 and improving decent work in domestic work. It is within this context that the ILO commissioned the Centre for Women’s Research (CENWOR) to conduct a research study on domestic workers in Sri Lanka.

Definition of a domestic worker

Article one of the ILO Convention No. 189, defines domestic work as “work performed in or for a household or households”, and a domestic worker as “any person engaged in domestic work within an employment relationship” (ILO 2011). A domestic worker may work on a full-time or part-time basis and may be employed by a single household or by multiple employers. A domestic worker may reside in the household of the employer (live-in-

¹ Unpublished data from the Department of Census and Statistics provided by the ILO.

worker) or may live in her or his own residence (live-out worker) (ibid). Domestic work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly, or sick members of the family, gardening, guarding the house, driving for the family, and taking care of pets (ibid).

Definition of an employer of a domestic worker

The employer of a domestic worker may be a member of the household for which the work is performed or an agency or enterprise that employs domestic workers and make them available to households (ibid).

1.2 Study objectives

Overall objective

The overall objective of the study was to examine the living and working conditions of domestic workers and assess the current legal and policy gaps in Sri Lanka with a view to assisting the government in the process of ratifying the Decent Work for Domestic Workers Convention (No. 189).

Specific objectives

The specific objectives of the study were to identify merits, demerits and risks associated with domestic work as a form of employment; to examine the extent of formality or informality associated with domestic work; to examine living and working conditions of domestic workers; identify any differences in the experiences between live-in and live-out domestic workers; to determine causes and factors that prompt persons to choose domestic work as a form of employment; to examine the extent to which domestic workers are aware of their rights and have access to domestic worker organizations and networks; to examine employer perspectives on domestic work, which includes attitudes towards contractual practices, preferences for live-in or live-out workers, perceptions on formal and informal employment and the use of employment agencies for recruitment of domestic workers;

and to identify key stakeholders and understand their perspectives towards the ratification of the Convention and assess the current legal and policy gaps related to domestic work as a form of employment in Sri Lanka.

1.3 Research questions

The study focused on the following research questions that were formulated based on the objectives specified in the Terms of Reference. They are as follows:

- What are the demographic characteristics of domestic workers?
- To what extent is the employer-worker relationship regularised?
- What are the differences between live-in and live-out domestic workers and employer-worker relationships between these categories?
- What is the typical workday of a domestic worker?
- What are the merits, demerits and risks associated with domestic work (as a form of employment) for live-in and live-out domestic workers?
- What are the reasons and factors that prompt persons to choose domestic work as a form of employment?
- To what extent are domestic workers aware of their rights and have access to domestic worker organizations and networks?
- What is the employer perspective on domestic work - attitudes towards contractual practices, preferences for live-in or live-out workers, perceptions on formal and informal employment and the use of employment agencies for recruitment of domestic workers?
- What are the current legal and policy gaps related to domestic work as a form of employment in Sri Lanka?
- Who are the key stakeholders and what are their perspectives for promoting decent work for domestic workers?

- What are the concerns of each stakeholder category about the ratification of the Convention and how can such concerns be addressed?

1.4 Research methodology

The methodology comprised the following components: (a) an analysis of relevant policies, laws and international instruments; (b) a desk review of both national and international literature; (c) a survey on domestic workers and employers.

(a) The legal and policy gap review was done to understand (1) the existing legal framework and policy commitments to accepting domestic workers within the labour and other relevant laws of Sri Lanka thereby enabling Sri Lanka to ratify Convention No. 189, and (2) the gaps that need to be addressed to align national laws with Convention No. 189 thereby clarifying action areas required for its ratification.

(b) The literature review was undertaken to inform the study, which included both national and international research studies on local domestic workers.

(c) Survey on domestic workers and employers: A mixed research methodology was used to collect both quantitative and qualitative data. Even though the study may not be able to generalise due to the limited sample and geographical coverage, it was expected that the present study, based on primary data collection and legal and policy analysis will provide useful and valuable insights for policy advocacy for regularising domestic work in Sri Lanka. The field study was undertaken in the months of June and first half of July 2019

Sample

The survey covered 242 women and 58 men, 138 live-in and 162 live-out² totaling 300 domestic workers from the selected three districts³, Colombo, Gampaha and Kandy, which had the highest number of domestic workers. Fifteen domestic workers (five from each district) were interviewed using an in-depth interview guideline. In addition, a

time use questionnaire was used to collect information on a typical workday of a domestic worker. The second important stakeholder, the employers, comprised 60 employers - 57 individual employers and three recruitment agencies from the three selected districts⁴.

The convenience sampling method was used to select the sample. Snowballing sampling and different contacts were used in the absence of domestic worker population lists in identifying domestic workers and employers. Three different structured questionnaires for live-in, live-out domestic workers, and employers were used. All questionnaires were pilot tested. An interview guide was used to collect information from recruitment agencies. Seventeen research assistants, 15 Sinhala speaking and two Tamil speaking were engaged for data collection. They were given two days of training on the objectives, research questions, sample, data collection tools, and research ethics.

Key informant interviews were conducted at national and district levels with related government officers; Joint Presidents, Domestic Workers Union, and Civil Society Organisations (CSOs). An interview guide was used where informants were allowed to express their views freely on domestic work and measures for regularising domestic work.

-
- 2 The initial intention was to interview an equal number of live-in and live-out domestic workers, but this was not possible as identifying and getting access to live-in domestic workers was difficult. This may be due to the present trend in the preference for live-out domestic workers. However, by increasing the live-out domestic workers the total sample of 300 domestic workers was retained.
 - 3 Districts were selected in consultation with the ILO based on unpublished data in the Labour Force Survey 2016.
 - 4 Fifteen recruitment agencies and 45 individual employers were to be interviewed. However, reaching 15 employment agencies posed a problem. Other than the three recruitment agencies interviewed, others contacted over the telephone, either rejected or avoided giving appointments for interviews. Some recruitment agencies were not in operation at the time of data collection. To keep the given sample of 60 employers the number of individual employers was increased to 57.

Data analysis

All quantitative data were analysed using SPSS and tables were generated on the prevalence, distribution and significance of issues. Content analysis was used to review internal documents and pertinent literature on domestic work. Qualitative data was analysed by using the thematic analysis.

1.5 Research ethics

Research ethics were adhered to throughout the research process. Informed verbal consent was obtained from informants prior to the collection of data by explaining the objectives and scope of the research. Confidentiality and anonymity were ensured throughout the research process by adhering to the principle of 'non-harm' to protect informants.

1.6 Structure of the report

The report is structured under eight chapters in line with the objectives and research questions of the study. The first chapter provides the background, overall objective, research

questions and methodology of the study. The second chapter focuses on the pertinent literature both international and local, followed by the third chapter, which provides an analysis of legal and policy gaps on domestic work in Sri Lanka with the aim of regularising domestic work. The fourth chapter focuses on the profile of domestic workers as a distinct category in Sri Lanka's labour force and the profile of employers of domestic workers. In the next two chapters, formal and informal aspects of work arrangements and working conditions of domestic work are analysed bringing out issues related to domestic work and implications for regularising domestic work. Chapter seven discusses the opportunities available and challenges for regularising and regularising domestic work based on the findings from previous chapters. The concluding chapter provides relevant recommendations for regularising domestic work and ratifying Convention No. 189, summarises the key findings focusing on the key issues that have to be taken into consideration when ratifying Convention No. 189, and provides relevant recommendations.



▶ 02

▶ Desk review Domestic work and domestic workers

This literature review is aimed at developing a knowledge base on paid domestic work and domestic workers, and providing information to the Government of Sri Lanka to facilitate the ratification of Convention No. 189.



► 02 Desk review – Domestic work and domestic workers

2.1 Introduction

Sri Lanka has made several commitments⁵ to recognize domestic workers as a part of the labour force and to provide them legal protection. In 2009, Sri Lanka responded positively to the ILO on the question “Should the Labour Conference adopt an instrument or instruments on decent work for domestic workers?” (ILO 2010) and became a party to its adoption in 2011. In March 2018, the Cabinet of Ministers approved in principle the enactment of legislation required to protect the rights of domestic workers. However, despite these policy commitments and the large number of workers in domestic work in Sri Lanka and over a fifth of the migrant workers comprising the housemaid (domestic worker) category (Sri Lanka Bureau of Foreign Employment 2017), to date, Sri Lanka has not ratified the ILO’s Decent Work for Domestic Workers Convention (No. 189) or enacted specific legislation to safeguard the rights of domestic workers.

This literature review is aimed at developing a knowledge base to support the research that CENWOR is undertaking on paid domestic work and domestic workers, and providing information to the Government of Sri Lanka to facilitate the ratification of Convention No. 189.

Domestic work that is “... rooted in the global history of slavery, colonialism, and other forms of servitude” (International Labour Office 2010, p.1) has become the largest sector of female employment world-wide (Johnstone 2013), with an estimated 67 million accounting for 3.6 per cent of the global workforce, a work force that is increasingly becoming important in the global economy (Singh 2007). One in 25 workers is a domestic worker while 80 per cent are women (WIEGO n.d.). There are also an estimated 17.2 million children in paid or unpaid domestic work globally (ILO n.d.). The number of domestic workers will increase with changing demographic trends—falling

birth rates, ageing populations combined with women’s increasing participation in the labour force. Domestic workers, generally have not enjoyed decent working conditions and are among the most vulnerable and exploited workers at the lowest end of the distribution, working the longest hours often under difficult conditions, and unprotected by labour law (Johnstone 2013; Anti-Slavery 2019; ILO 2013).

Domestic work has not drawn the attention of researchers—sociologists, feminist scholars, or in industrial relations until the run up to the Domestic Workers Convention, and after its adoption (Johnstone 2013). Literature on Sri Lankan local domestic work and domestic workers is sparse in contrast to a substantial body of empirical research on Sri Lankan migrant women domestic workers.

This review includes literature on Convention No. 189, international perspectives on its ratification and non-ratification, implementation challenges, and current information on Sri Lankan domestic workers within the country.

The Decent Work for Domestic Workers Convention 2011 (No. 189)

The ILO’s Decent Work for Domestic Workers Convention (No. 189) and the accompanying Recommendation No. 201 of 2011, set standards that provide domestic workers the same basic rights as those available to formal sector workers. These standards are the minimum and not the maximum (Schwenken 2013).

5 Ministry of Labour Relations and Foreign Employment 2006. National Employment Policy and National Policy for Decent Work in Sri Lanka; Ministry of Foreign Affairs Inter-Ministerial Committee on Human Rights. National Action Plan for the Protection and Promotion of Human Rights 2017-2021. Labour Rights, Goal 7, p. 208 <https://www.mfa.gov.lk/ta/6587-the-national-action-plan-for-the-protection-and-promotion-of-human-rights-2017-2021/>

The Convention recognizes the economic contribution of domestic workers (Preamble, para 3), states that it is subject to the Universal Declaration of Human Rights 1948 and other conventions such as the elimination of all forms of discrimination, prevention and punishment of trafficking in people, and on the Rights of the Child Convention 1989 (Preamble, para 9). Further, unless provided otherwise, all existing labour conventions and recommendations apply to domestic workers (Preamble, para 7).

Convention No. 189 recognizes equality within one category of domestic workers, and equality of treatment with other workers, incorporating social security provisions, that “may be applied progressively”, into the national system; fundamental principles and rights at work, a minimum wage not lower than the national minimum wage, the regulation of working time, the mechanism of wage determination and also reinforcing the 1970 ILO Minimum Wage Fixing Convention (No. 131) on access to social security and the ability for domestic workers to organize themselves in unions, a minimum age not lower than the national minimum age, effective protection against all forms of abuse, harassment and violence, non-discrimination and decent working conditions (safe, healthy, maternity protection), and access to courts/dispute settlement. It also includes the right to organise. The significance of Convention No. 189 is that these minimum standards are applied to a formerly excluded group of precarious women (Schwenken 2013).

Convention No. 189 was adopted by a vote of 396 to 16, and 63 abstentions, and Recommendation 201 was adopted by a vote of 434 to eight, with 42 abstentions. Only 29 member states had ratified it up to November 2019 (WIEGO 2019), but the diffusion of norms was seen even before the adoption of Convention No. 189. Many countries have changed laws or initiated such processes indicating the influence the tripartite consultation process had in the two years before its adoption (Schwenken 2012). Some other countries such as India have not ratified the Convention but passed laws relating to the registration, social security and welfare of domestic workers⁶. The prospect of a Convention also had a mobilizing effect on

domestic workers' and they were represented in Workers Groups (Johnstone 2013).

Once ratified, the Convention may be implemented by extending or adapting existing laws and regulations or by introducing new and specific laws for domestic workers. Ratification obligates the government to report periodically on the measures it has taken to implement the Convention. Governments are also required to consult relevant stakeholders especially on identifying categories of workers who would be excluded from the scope of the Convention, occupational safety and health, social security, and measures to protect workers from abusive practices specified by employers (Articles 2, 13 & 15).

Among the measures that equate the position of domestic workers to that of other workers are: the regulation of working time, the mechanism of wage determination, also reinforcing the 1970 ILO Convention No. 131 on Minimum Wage Fixing; access to social security by incorporating them into the national system; and the ability for domestic workers to organize themselves in unions. Among the measures that take into account the peculiarity of this activity are the regulation of the situation of many migrant domestic workers; protection of children engaged in this activity; and protection in the workplace. Minimum standards that have been set to cover basic rights of the workers, the right of the worker to have information on terms and conditions of employment, hours of work, remuneration, occupational health and safety, social security, standards for live-in workers, and dispute settlement.

The domestic worker, employer, the workplace and relationship between the parties

ILO Convention No. 189, taking the private workplace as a common denominator, defines domestic work

1. as work performed in or for a household or households (Article 1) by

6 Domestic Workers Registration, Social Security and Welfare Act, 2008, and an expanded bill was presented to Lok Sabha in India in 2017.

2. "... any person engaged in domestic work within an employment relationship"; regardless of whether the employer is a natural person, the household or an agency. The Convention excludes any person who performs domestic work only occasionally or sporadically and not on an occupational basis from being treated as a domestic worker. It focuses on characteristics that are common for all domestic workers and leaves the job description to be specified by member states within the definition of a domestic worker. It is therefore important to refer to the International Standard Classification of Occupations (ISCO)⁷ to determine the associated tasks and the corresponding skill levels (Mezgebo 2016 p.43; ILO 2010, p.30).

An employer may be a member of a household for which the work is performed or an enterprise that employs domestic workers and makes them available to households (ILO 2011).

Domestic workers carry out a range of activities such as cooking, cleaning, looking after children, and pets, even if they are recruited for a specific task such as child care or cooking. Male domestic workers are usually recruited as chauffeurs or gardeners, but generally do not engage in care work (Poblete 2015; Nidhi 2017; Sargeant 2016).

Many domestic workers live-in and are almost permanently on call in that household (ILO 2009); others live elsewhere and may work for several employers, perhaps only working for a few hours per week for each and are often effectively own account workers. However, India recognized two types of live-out workers- live-out full time and live-out part time, the former working in different households for a specified number of hours or doing a specific task, and the latter working full time for a single household daily (KPMG Advisory Services 2015). Yet others are organized in workers' cooperatives that provide services to private households on fixed terms (ILO 2014).

2.2 Reasons for ratification and non-ratification of Convention No.189

To date (2019) 29 member states have ratified the Convention. Ratification within only seven years is regarded as a strong sign of acceptance of the significance of the new instrument that enables domestic workers to go beyond past historical frameworks as 'servants', or loaded assumptions that they were 'like one of the family', and receive international validation of their status as workers, similar to other workers. The Convention builds on the understanding that domestic workers "face de facto exclusions from regulatory frameworks that offer de jure inclusion" (Blackett 2017). It aims to address the invisibility of a labour market informality that includes entrenched subordination.

The major reasons identified as to why ILO Convention No. 189 should be ratified are; the large number of domestic workers in the global economy, lack of recognition for domestic workers as workers that enables employers and the state to justify "unjust, discriminatory, disrespectful, undignified, inhumane, violent, or illegal treatment of domestic workers". The recognition of domestic work as work legitimizes dignity in the workplace, respects the labour rights of domestic workers, and makes them visible to authorities tasked with ensuring that labour standards are enforced, and codifies the paradigm shift of the way societies view domestic work. It challenges gender stereotypes and advances gender equality in the world of work and provides

7 The International Standard Industrial Classification (Revision 3.1) (Division P 95-9500) identifies "Activities of private households as employers of domestic staff". This class includes the activities of households as employers of domestic personnel such as maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable-lads, chauffeurs, caretakers, governesses, babysitters, tutors, secretaries, etc. It allows the domestic personnel employed to state the activity of their employer in censuses or studies, even though the employer is an individual. The product, which is self-consumed, is considered non-market and assessed according to the cost of the personnel in the national accounts. These services cannot be provided by companies. United Nations Statistical Commission 2002. International Standard Industrial Classification of All Economic Activities. ISIC Revision 3.1. 20 02 <https://unstats.un.org/unsd/statcom/doc02/isic.pdf>

women equal rights and protection of the law. It gives recognition to informal sector work and addresses the vulnerability of domestic workers to forced labour. Convention No. 189 includes migrant domestic workers who contribute to the development of origin and destination countries, promotes fair recruitment, and is a step towards the prevention of trafficking. The Convention also gives a voice to domestic workers who do not have the right to organize and bargain collectively as they are not covered by labour law (Migrant Forum Asia 2012).

Reasons for non-ratification of the Convention:

- the non-conformity of national laws and practices with the provisions of Convention No. 189 (India, the Netherlands, Poland),
- because domestic work is not a significant phenomenon (Lithuania, Czech Republic, Slovak Republic)
- implementing the Convention would require changes to national legislation in favour of domestic workers, which would lead to unequal treatment of other groups of workers (Czech Republic),
- they have the same legal rights and duties as any other employee (Latvia) and already benefit from collective bargaining negotiated with social partners and they would lose the balance negotiated with them (France),
- it would not strengthen the protection that already exists and that extending the Health and Safety at Work Act to private households employing domestic workers undermines the Government's policy to support independent living (UK) (European Migration Network 2015).

Several countries have cited Article 6 (ensuring decent working conditions and respect for privacy), Article 9 (accommodation and stay in a household), Article 10 (ensuring equal treatment between domestic workers and other workers generally in relation to working time and periods of rest) and Article 17 (labour inspection performance in households), as being problematic (European Migration Network 2015).

However, Convention No. 189 and Recommendation No. 201 have had a positive impact. By 2017, 70 member states had undertaken law and policy reforms. Of these, 24 states had ratified the Convention, and at least another 18 are engaged in extending protections to domestic workers (ILO 2017). Convention No. 189 has given an impetus to migrant worker organizations, helped highlight abuses against domestic workers, and led to a public debate on whether or not it should be ratified (ibid).

2.3 Implementation challenges

The Convention requires states that ratify it to take legal, policy and other measures to protect domestic workers⁸. Challenges to implementing an atypical form of employment in labour law include the employer, the house as the workplace, and the relationship between the parties. People or households that employ domestic workers regularly do not see themselves as employers. There are questions on the ability of the employer to be responsible for social security contributions and how labour law can harmonise the positions of an "atypical employer" with a "typical employer" (Johnstone 2013).

Secondly, since the employment relationship is considered as a relationship between the woman of the household and a domestic worker, who is typically a woman, the domestic worker is considered a substitute for the woman of the household, and the employment relationship is regarded to be between two women. Since females typically earn less than males, it is assumed that females lack sufficient resources to fulfill an employer's responsibilities. Another challenge is that of the workplace. The home as a workplace places a clear limit to all labour regulations, and particularly for labour inspections with limits on the capacity of the

⁸ These include normalizing hours of work, ensuring minimum wage protection, statutory benefits including maternity benefits, workplace safety, health and social protection, protection against discrimination and forced labour. States must take into consideration the special characteristics under which paid domestic work is carried out when tailoring interventions.

state to ascertain compliance with labour regulations (Poblete 2015).

Adapting national regulatory frameworks to the Convention's provisions or introducing new laws has two main challenges. First drafting legislation considering the specific nature of domestic work while guaranteeing these workers the same rights granted to employees. Second, introducing enforcement mechanisms to ensure compliance with new laws when domestic work has been generally perceived as a relationship based on affection and trust and regulated by customary practices (Poblete 2015).

All aspects of the employment relationship are presented as the result of an arrangement between the employer and the domestic worker (Anderson 2001; Calleman 2011; Chen 2011) and informality characterises this relationship where they see each other as a part of the family (Johnstone 2013; Poblete 2015). This relationship is recognized by law in the United Kingdom where domestic workers can be exempted from the minimum wage requirements, if treated as a member of the family⁹.

Countries that ratified the Convention have faced several challenges. Germany ratified the Convention stating that no additional laws were required as much of the labour laws apply to domestic workers as they are on an equal footing with other workers. However, closer scrutiny found that the Government had to take measures under almost every article of the instrument to give effect in full to the Convention (Trebilcock 2017). For example, domestic workers are excluded from health and safety laws, and the government's interpretation of the Act on Working Time does not apply to live-in domestic workers including migrant workers who care for the elderly providing 24-hour care (ibid), and the existence of undeclared workers (ibid)¹⁰.

Being a tripartite agreement, trade unions and employers also have a role in the implementation of Convention No. 189. Trade unions have to take up the challenge of creating awareness among domestic workers

and building their capacity, changing general perceptions within their membership and communities, and creating awareness about the new standards to make the government and the broader public aware of the standards that it sets. Since employers have participated in the negotiations on Convention No. 189 they have a role in follow up and to ascertain government plans give effect to instruments adopted by the International Labour Conference (ILO 1987).

2.4 Sri Lanka

Literature identifies two categories of domestic workers—those working in Sri Lanka and those who migrate overseas for employment as domestic workers. The former is invisible as they do not contribute to the GNP, while the latter has high visibility due to their contribution to foreign exchange earnings and vulnerability (Sriskandarajah 2002; Munasinghe et al. 2004; Withers 2019).

No accurate data is available on the number and type of domestic workers in Sri Lanka. Commencing in 2006, the Department of Census and Statistics has been collecting information on informal sector activities within which domestic work is embedded.

Three criteria were used for data collection: institutions that are not registered for contributions to the Employment Provident Fund or with the Department of Inland Revenue; institutions that do not maintain formal accounts, and those that have less than 10 regular employees (Department of Census and Statistics 2007). Thus, it includes the category of households as “employers

9 Namabala v. Taher & Anor (National Minimum Wage Regulation 1999), (2011) Appeal No. UKEAT/0553/10/DM.

10 Labour Protection Act (ArbSchG) (BGBl. IS. 1246). Section 1 provides for an Occupational Safety Act, covering all employees except domestic workers and seafarers. It requires the employer to eliminate safety hazards, to document risk assessment and measures taken to reduce hazards, and to provide safety and first aid equipment. Employees shall have the right to make suggestions regarding safety at the workplace. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=44880.

producing undifferentiated goods and services for own use” (Department of Census and Statistics 2012; 2018). Taking these criteria into account in 2013, 164,450 persons were employed in households (Department of Census and Statistics 2013)¹¹. However, there are data gaps as the data disaggregated by worker category or age is not included.

Micro studies have found that domestic workers are mainly women, within the age range 25- 55, have low levels of education and are drawn from low income households and communities (Gunaratnam 2013; Jayasundere & Kandasamy 2007), primarily from historically disadvantaged communities in the plantations, and urban slums (Verite Research 2015; Jayasuriya & Jayasuriya 2015; Kandasamy 2014; de Silva 2019). Lack of employment pushes them to the domestic work sector.

Sri Lankan domestic workers, as those across the world, perform typical domestic chores but their work obligations often extend to a range of other tasks such as elderly care, looking after pets, helping in family businesses, washing cars (Palaniappan 2010; Verite Research 2015; Jayasundere & Kandasamy 2007; Jayasekera 2016; de Silva 2019) and are susceptible to occupational and health hazards (Department of Community Medicine, Faculty of Medicine 2016). From the time of colonial rule, they have been and are vulnerable to abuse and exploitation and have had to endure “... unlimited hours of work, drudgery...” (Wickramasinghe, 1935, cited in Kandasamy p. 5). In 1967 Sinnadurai (1967, p.11) recommended the introduction of measures to ensure registration of domestic ‘servants’, especially children and young persons, so that “exploitation in payment of wages, hours of work and other forms of exploitation could be reduced” (ibid p. 11). Although the working conditions of domestic workers have improved over the years, social and gender inequalities and feudal attitudes still persist and “... our attitudes may be the hardest to change ...” (The Island 2013).

Governments have made reference to the protection of domestic workers from the period of colonial rule. In 1935, the Ceylon State Council made recommendations for the prevention of

the exploitation of women (and children) ... and for the introduction of legislation to control and supervise ‘servants’ agencies (Ceylon State Council 1935) and to amend the 1871 Domestic Servants Ordinance (Ceylon State Council 1935). In contemporary times, governments have included domestic workers in national policies and action plans to ensure their rights, and as stated earlier, adopted Convention No. 189, and approved the introduction of legislation to safeguard their rights.

At the same time, domestic workers in Sri Lanka have been organizing themselves since the mid-2000s to overcome the discrimination and disadvantages faced by them (Gunaratnam, 2013). The first such organization, the Domestic Workers Union was set up by the Red Flag Women's Movement Sri Lanka, the women's wing of the Ceylon Plantation Workers' Union. Its mandate is to advocate for the rights of domestic workers and leadership training. Its advocacy has contributed to changing the public's negative reference to them as “servants” to a more positive “domestic workers,” as legitimate members of the labour force with fundamental human rights (Global Fund for Women 2015). It also conducts awareness raising programmes for domestic workers to educate them on labour and human rights, their duties and responsibilities; empower them; inform domestic workers of the benefits of joining a trade union or an association and to recruit workers for membership. The objectives are to create public awareness on domestic workers' rights, promote the recognition of domestic work as work, erase stigma that domestic work is a form of slavery, to discuss the contributions of domestic workers to the economy, and to convince governments to ratify and enact into law ILO Convention No. 189 on Domestic Work (Migrant Forum Asia 2017).

However, despite these developments, progress on safeguarding the rights of domestic workers has been slow. Changing social realities and

11 The Department of Census and Statistics' 2016 Labour Force Survey has data on domestic workers but the report has not been published as yet.

an “imminent care crisis” requires social and political will and a legal framework and urgent attention to domestic workers (de Silva 2019) and the domestic work sector, as well as the

ratification of Convention No. 189 that provides a framework for safeguarding the rights of domestic workers and bringing them in as labour force participants.



▶ 03

▶ The legal and policy gaps on domestic work in Sri Lanka

The analysis in this section of the study explores the issue of legal recognition of domestic workers within Sri Lanka's legal framework .



► 03 The legal and policy gaps on domestic work in Sri Lanka

3.1 Introduction

The analysis in this section of the study explores the issue of legal recognition of domestic workers within Sri Lanka's legal framework with the aim of recognizing domestic workers as workers within the legal and policy framework of Sri Lanka. The exploration aims to provide an analytical understanding of the following:

- the existing legal framework and policy commitments, and the gaps therein;
- measures to address gaps identified;
- actors and stakeholders essential to the process of addressing the gaps identified above and their respective roles and responsibilities.

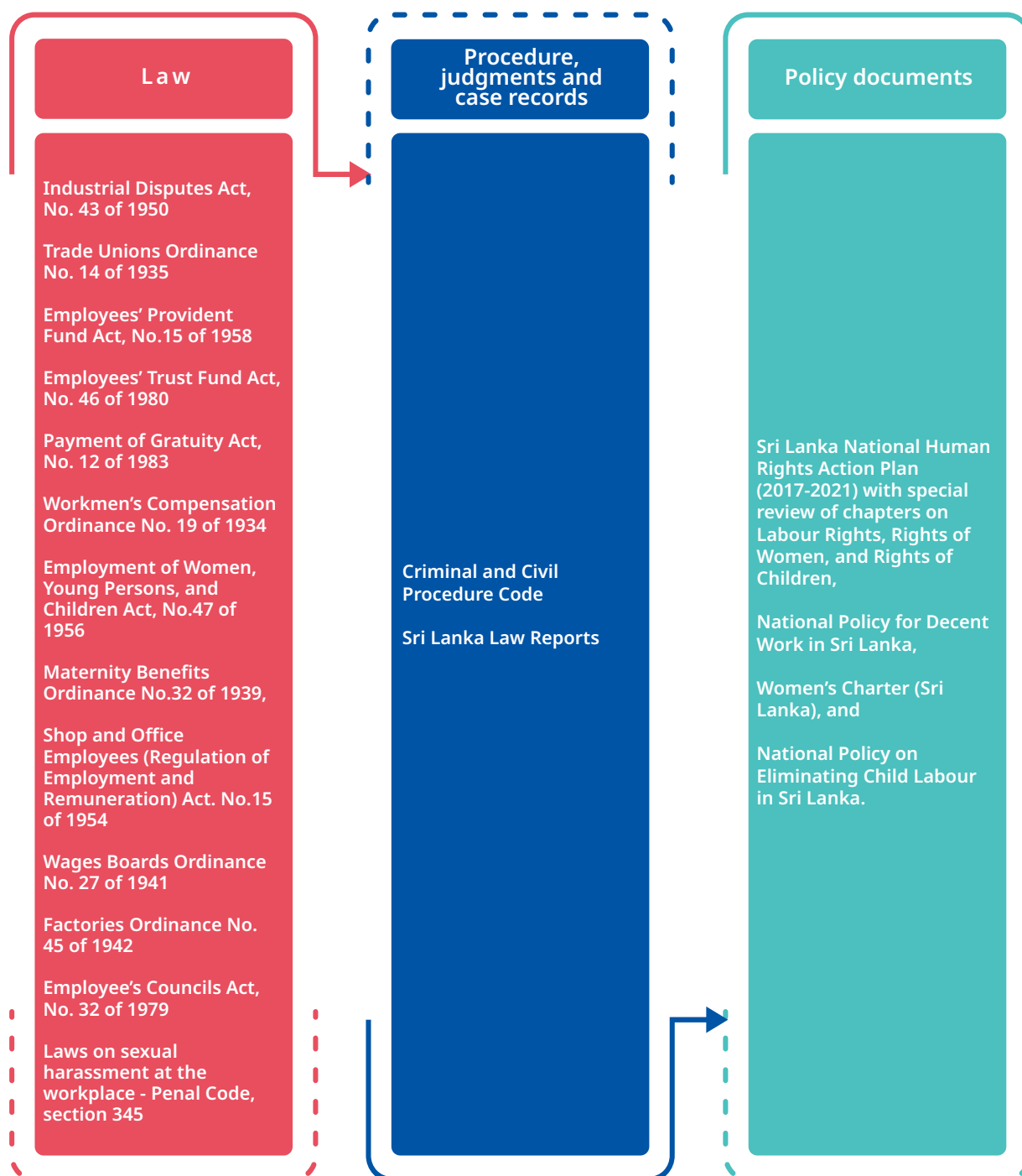
Article one of the ILO Convention No. 189, defines domestic work as “work performed in or for a household or households”, and a domestic worker as “any person engaged in domestic work within an employment relationship”

The analysis explores the legal procedures as part of a road-map for ratification of Convention No. 189 by the Government of Sri Lanka to understand the legal process required to include domestic workers within the purview of labour laws in Sri Lanka; the practical legal process that will enable access to justice for domestic workers including for grievance and redress mechanisms, legal counsel and legal aid; and the legal and procedural process to ratify Convention No. 189 within the recognition and safeguards explored above.

In order to review policy and legislation to enable recognition of domestic workers as part of the labour force, the following areas have been explored:

- definition of domestic workers and its inclusion into the labour laws of Sri Lanka;
- issues pertaining to wages, benefits including maternity and paternity benefits, social security, living arrangements and conditions, personal security including prevention of sexual and other forms of harassment, and dispute resolution and access to justice;
- policy commitments and the practical steps to ensure recognition of domestic workers in Sri Lanka;
- exploration of the practical steps envisaged for the proposed National Action Plan to set minimum standards for domestic workers and introduction of a Charter on Domestic Workers, and
- organization of domestic workers—a worker collective movement, worker rights and trade union perspective.

In exploring the relevant laws, procedures and policies pertaining to domestic workers, the following have been studied:



The concept of domestic work

Article 1 of ILO Convention No. 189 defines domestic work as “work performed in or for a household or households”, and a domestic worker as “any person engaged in domestic work within an employment relationship” (International Labour Organization 2011). A domestic worker may work on a full-time or part-time basis and may be employed by a single household or by multiple employers. A domestic worker may reside in the household of the employer (live-in-worker) or may live in her or his own residence (live-out). Domestic work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly, or sick members of the family, gardening, guarding the house, driving for the family and taking care of pets (ibid). An employer of a domestic worker includes a member of the household for which the work is performed or an agency or enterprise that employs domestic workers and makes them available to households (ibid).

3.2 Laws, policies and regulations on domestic workers in Sri Lanka

The perusal of labour and employment related legislation and case law in Sri Lanka points to some recognition of domestic workers. This recognition however is scattered over different pieces of legislation and limited case law which does not provide for a concrete identification of domestic workers within the legal system. As such, the current legal framework does not cover rights of domestic workers on working hours, terms of employment such as wages, benefits, leave and payments, employment conditions including physical conditions, safety and health, and freedom from discrimination and abuse, or the right to organize.

The Constitution of Sri Lanka

In Article 14 (1), the Constitution of Sri Lanka recognizes the right of all citizens to engage in any lawful occupation, profession, trade, business or enterprise. In principle, this covers the right to equality of all domestic workers. However, in practice, the lack of specific recognition of domestic workers as a part of

a legally recognized “occupation, profession, trade, business or enterprise” makes it possible to interpret that domestic workers may not fully enjoy recognition of this right.

The Domestic Servants Ordinance of 1871 (Amended in 1936)

The Domestic Servants Ordinance includes a specific reference to domestic workers in that the Ordinance provides for the registration of domestic servants, and recognizes a number of offences along with liabilities to be suffered in case such an offense has been committed.

In section 24, the Ordinance as a whole refers to the term “domestic servants” and defines “servant” to mean workers hired by the month or receiving monthly wages, including head and under servants, female servants, cooks, coachmen, horse-keepers, and house and garden servants.

The Chauffeur’s Ordinance of 1912

The Chauffeur’s Ordinance defines a segment of domestic workers as ‘workers hired for transport’ and ‘communication workers’. Section 2 of the Ordinance provides that the registration of a domestic servant under the Domestic Servants Ordinance will apply to chauffeurs as if they were domestic servants, thereby categorizing chauffeurs as domestic servants.

Industrial Disputes Act, No. 43 of 1950

The Industrial Disputes Act includes a specific reference to domestic workers. The Act provides for the prevention, investigation and settlement of industrial disputes and matters connected to such instances. Section 33 subsection 3 refers to an award given by a Labour Tribunal in a situation where employment is in the capacity of personal secretary, personal clerk, personal attendant or chauffeur to the employer, or of domestic servant, or any other prescribed capacity of description similar to those mentioned, thereby recognizing domestic workers as a category of workers entitled to institute action in a Labour Tribunal for disputes arising out of an employment agreement. The

Act recognizes that the Labour Tribunal award in such a dispute shall contain a decision as to the payment of compensation to domestic workers as an alternative to reinstatement.

As the Industrial Disputes Act includes individuals working 'in any capacity', whether the contract is 'implied or expressed', a domestic worker is entitled to make a claim under the Industrial Disputes Act.

Trade Unions Ordinance No. 14 of 1935

The Trade Unions Ordinance provides for the registration, control and functioning of trade unions. However, the law does not include any specific reference to domestic workers or the organizing of such workers as trade unions. This means that domestic workers could use the provisions of this Ordinance to register a trade union.

Employees' Provident Fund Act, No.15 of 1958

The Employees' Provident Fund Act provides for the establishment of a fund for certain classes of employees and to deal with matters relating to it as well as to define its scope and boundaries. This law does not include a specific reference to domestic workers.

Employees' Trust Fund Act, No. 46 of 1980

This law deals with the establishment of a fund called the Employee's Trust Fund and makes provisions to deal with matters relating to it as well as in appointing its board and defining the scope related to the fund. The law does not include a specific reference to domestic workers, but its provisions could be extended to domestic workers when domestic workers are legally recognized as a worker category.

Payment of Gratuity Act, No. 12 of 1983

This Act provides for the payment of gratuity by employers to their workmen, and for matters connected therein. The law includes a specific reference to domestic workers. This, however, is an exclusion clause which specifically removes domestic workers from its purview.

In sections 5 and 7, the law specifically states that the provisions of the Act will not apply to or in relation to a workman employed as a domestic servant or as a personal chauffeur in a private household. This includes the law's provisions on an employer's liability to pay gratuity to employees on termination.

Workmen's Compensation Ordinance No. 19 of 1934

This Ordinance deals with the payment of compensation to workmen who are injured in the course of their employment. The law does not include a specific reference to domestic workers. To apply its provisions to domestic workers, domestic workers have to be recognized as workers through legal acceptance of such workers as a category of legally recognized workers.

Employment of Women, Young Persons, and Children Act, No. 47 of 1956

This Act regulates the employment of women, young persons, and children on night work, employment in industrial undertakings, employment at sea, employment of children by parents or guardians, children in entertainment, and hazardous occupations. The Act does not include a specific reference to domestic workers and cannot be interpreted to apply to women domestic workers.

Maternity Benefits Ordinance No. 32 of 1939

The Maternity Benefits Ordinance makes provisions for the payment of maternity benefits to women workers and for other matters incidental to the employment of such women before and after childbirth. The law does not define workers and therefore does not include a specific reference to domestic workers, as women domestic workers are not a legally recognized category of workers. If recognized, women domestic workers can avail themselves to all the provisions of this Act.

The application of the Maternity Benefits Ordinance is restricted to those workers employed in a 'trade'. Unfortunately, the definition of 'trade' under the Ordinance is

identical to that of the Wages Boards Ordinance and does not explicitly include domestic work as a trade. However, as the term 'trade' does not necessarily justify the exclusion of domestic workers; the term could potentially accommodate a domestic worker on the basis that she/he engages in an 'occupation' or an 'undertaking'.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 15 of 1954

This Act provides for the regulation of employment, hours of work and remuneration of persons in shops and offices, and for matters connected therewith or incidental thereto. The law does not include a specific reference to domestic workers and thus does not apply to domestic workers, as domestic workers are not identified as workers within the sphere of the shop and office environment.

Wages Boards Ordinance No. 27 of 1941

This is a law that deals with the regulation of the wages and other emoluments of persons employed in trades, for the establishment and constitution of wages boards, and for other purposes connected with or incidental to the matters aforesaid. The law does not include a specific reference to domestic workers. At present, in the absence of a specific law that deals with domestic workers or the inclusion of domestic work as a trade, those in employment in households as domestic workers are not entitled to receive any legal protection with respect to the payment of wages, including a minimum wage.

Factories Ordinance No. 45 of 1942

The Factories Ordinance makes provisions for the safety and welfare of workers in factories and thus does not include a specific reference to domestic workers.

Laws on sexual harassment at the workplace - Penal Code section 345

The penal laws pertaining to sexual harassment includes sexual harassment in a place of work

(and in public places). Section 345 of the Penal Code states "whoever, by assault or use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person commits the offence of sexual harassment". The offence carries penalties of imprisonment or fine or with both and the offender can be ordered to pay compensation to the aggrieved party. The section further defines the actions as "unwelcome sexual advances by words or action used by a person in authority" and defines the place as "a working place or any other place". This definition could include sexual harassment against a domestic worker employed in a household.

Box 3.1:

"This Act shall apply to all employment contracts or agreements in Sri Lanka, other than employment (a) under the Government of Sri Lanka; or (b) under any local authority; or (c) any registered society within the meaning of the Co-operative Societies Law, No. 5 of 1972 or any religious institution or any charitable institution within the meaning of the Inland Revenue Act, No. 10 of 2006 (2). It shall apply to citizens of Sri Lanka and to other persons who have the legal right to work in Sri Lanka. (3) This Act sets forth minimal requirements for Employment Contracts and Agreements."¹²

Proposed Employment Act of 2019

In July 2019, the Ministry of Labour presented a draft Employment Act consolidating four current laws; Wages Board Ordinance No 27 of 1941, the Shop and Office Employees Act No. 15 of 1954, the Employment of Women, Young Persons and Children Act No. 47 of 1954, and the Maternity Benefits Ordinance No 32 of 1941.

The proposed law includes extensive provisions on non-discrimination and provides a wide interpretation of workers and employees where it is possible to include domestic workers in its purview. It however, does not expressly mention that domestic workers working in domestic and thereby private working spaces are included in the Act.

The proposed Act specifies to whom the Act will apply and it is possible to include domestic workers within this definition. The proposed Act states as follows:

The inclusion of “citizens of Sri Lanka and to other persons who have the legal right to work in Sri Lanka” includes domestic workers.

In terms of defining an employee, the Act defines an employee as “any person who has entered into or works under a contract with an employer in any capacity, whether the contract is expressed or implied, or oral or in writing, and whether it is a contract of service or of apprenticeship or a contract personally to execute any work of labour” thereby including domestic workers in its definition.

Further, the Act recognizes “unwritten (oral) employment contracts” and accepts such oral contracts at the same level as written contracts. Here, however, there is a clause that could be used to exclude oral contracts with domestic workers as the Act states that oral contracts will be recognized [*“on the basis of patterns and practices in the workplace as well as from the terms and conditions of any other (written) contracts in the same workplace”*]¹³.

3.3 Policies and policy commitments

There are several commitments enshrined in policies and action plans that have been approved by the Cabinet of Ministers that recognize the need to legally recognize domestic workers as a part of Sri Lanka’s labour force.

Sri Lanka National Human Rights Action Plan (2017-2021)

The Sri Lanka National Action Plan for the Protection and Promotion of Human Rights 2017-2021 (pmoffice.gov.lk/, 2019) in the section on Labour Rights (ibid, p. 208) identifies the need to regulate domestic workers to ensure the protection of domestic workers and to bring about minimum standards; to introduce standards for domestic workers. This recognition and inclusion in the National Action Plan for the Protection and Promotion of Human Rights resulted in a March 2018 Cabinet decision (detailed later) approving the enacting of legislation on domestic workers, and to draft a National Action Plan to bring domestic workers into the purview of labour laws.

The National Policy for Decent Work in Sri Lanka accepted in 2006 by the then Ministry of Labour and Foreign Employment makes a special reference to domestic workers. The National Policy on Decent Work commits to “improving legal coverage and enforcement” of domestic workers within Sri Lanka who are not entitled to many rights and conditions of employment such as leave, hours of work, or social security payments.

Women’s Charter (Sri Lanka)

The Sri Lanka Women’s Charter drafted by the Ministry of Women’s Affairs on behalf of the Government in 1993 recognizes the right of employment of women. The provisions are as follows:

Right to economic activity and benefits

The State shall take all appropriate steps to ensure benefits to all women and men in the formal and informal sectors of the economy:

- The same right to engage in economic activities for financial benefits.

- Equal access to same opportunities for vocational training and re-training, in-service training and apprenticeship.
 - (a) Equal access to ownership of and other rights to land, including land in settlement schemes and equal treatment in land and agrarian reforms.
 - (b) Equal access to resources such as agricultural credit and loans, other forms of credit, marketing facilities and extension services.
- Equal access to appropriate technology including access to improved technology
 - (a) to enhance avenues of improving incomes of women;
 - (b) to reduce the time and labour involved in economic and non-economic activities so that men and women share equally their responsibilities in the home, work place and in the community.
- The right to receive equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as in the evaluation of the quality of work.
- The same right to social security, particularly in cases of retirement, unemployment, sickness, and old age and other incapacity to work.
- The right to leave and re-entry after a period of leave taken for child-care and fulfillment of family responsibilities or any other reasons recognized by law.
- The same right to protection of health and to safety in working conditions devoid of all health hazards, including the provision of safe and protective equipment in work places; and
- Equal access to a healthy working environment including safe drinking water, adequate sanitary facilities and basic medical and welfare facilities.

The Charter does not specify categories of employment and thus does not make a special reference to women domestic workers. However, the mention of workers in the

informal sector provides space for the Charter to be applicable to women domestic workers also.

National Policy on Eliminating Child Labour

The National Policy on Eliminating Child Labour in Sri Lanka aimed at working towards ending all forms of child labour includes a specific reference to domestic workers. Under provisions on “legal and policy frameworks”, it refers to exclusion of children under 14 years of age from child labour which includes child domestic workers.

Cabinet Decisions

In addition to the above laws and policies, there is a key Cabinet decision that approved the enactment of legislation on domestic workers¹⁴ (Cabinetoffice.gov.lk 2018).

A Cabinet decision was taken on 6th March 2018 approving the enacting of legislation to protect the rights of domestic workers. The Minister Hon. W.D.J. Seneviratne, the Minister of Labour, Trade Union Relations and Sabaragamuwa Development making the application stated that “... *even though there are no statistics available pertaining to the domestic workers employed in Sri Lanka, it is clear that a large group of such workers are so employed. Since the prevailing labour laws are insufficient for the protection of the rights of such domestic workers, it is found that the worker community is faced with disadvantageous situations like employment for lower salaries, inability to obtain leave and the non-availability of social security. Since the domestic workers are excluded from the application of the Industrial Disputes Act, the Employees' Provident Fund Act and the other Labour Acts, the Department of Labour is unable to intervene to protect the rights of such workers*”.¹⁵

¹⁴ The Department of Census and Statistics 2016 Labour Force Survey has data on domestic workers but the report has not been published as yet.

¹⁵ 'Amending the Labour Laws for the protection of the rights of domestic workers', Cabinet Decision on 6th March 2018

Speaking further, the Minister made submissions based on the National Action Plan for the Protection and Promotion of Human Rights of 2017–21, which recognizes the need for the protection of the rights of the domestic workers and approval to enact this legislation was thus granted¹⁶.

Case law

Reflecting the few ambiguities in legislation and the fact that domestic workers are largely missing from labour and employment related legislation in Sri Lanka, case law is difficult to come by where legal precedents can be inferred on recognizing domestic workers as a part of the labour force in Sri Lanka. While there is a handful of cases where domestic workers are mentioned, they are largely about ‘drivers’ working for formal establishments but without formal contracts. These cases do not directly fit into recognizing a domestic worker employed in the strictly private domestic space. There is one case, however, decided in appeal in 1973, that deals with a domestic worker’s right to wages. This is one instance that the precedent setting case recognized the rights of a domestic worker.

In the case of *Wijedeera v. Babyhamy*¹⁷ a ‘domestic servant’ applied to the Labour Tribunal for relief with regard to the termination of her services (without pay), and the court recognized the right of the domestic worker to wages. The court held that “it will neither be just nor equitable to preclude the tribunal from awarding proved arrears of wages where an employee comes to the Tribunal crying for relief and redress”. This case clearly confirms the ability of a domestic worker to sue her/his employer for wrongful termination. In recognizing the worker’s right to wages, the case indirectly recognizes domestic workers as legal workers.

The judgment thus states:

“I hold that proved arrears of wages can be part of a just and equitable order which a tribunal is entitled under the Industrial Disputes Act to make. I have expressed this view in a previous judgement of mine. It will

neither be just nor equitable to preclude the tribunal from awarding arrears of wages where an employee comes to the tribunal crying for relief and redress on the termination of his services. Presidents can have regard to unpaid wages when they grant equitable relief to the applicants. There is no necessity to look for any provisions of the law to consider whether the tribunal has jurisdiction to award proved arrears of wages as a part of a just and equitable order. I do not, however, propose to enhance the award made by the President in this case. On the non-contradicted evidence of the applicant she has been a domestic servant besides being the mistress of the respondent who is a landed proprietor.”

This fact does not prevent her from the relief that she is entitled to from the tribunal as an employee¹⁸.

Subsequently, it appears that a few cases have come before the Labour Tribunals filed on behalf of domestic workers.

3.4 Critical review of current laws, policies and pegulations

It is clear that domestic workers do not fall clearly within the purview of the legislative framework in Sri Lanka. The laws which provide the legal framework for the recognition and protection of workers in the private employment sector do not recognize domestic workers as part of the formal work force, thereby not providing for any framework of protection and rights specifically for domestic workers. Stemming from this lack of a legislative framework for domestic workers, there are no reported court cases or judgements that deal with the recognition of domestic workers except in the earlier cited case of *Wijedeera v. Babyhamy*. As such, the legal literature is empty in recognizing domestic workers as legal entities in the country.

¹⁶ *ibid*

¹⁷ *Wijedeera v. Babyhamy*, S.C. 234170— L. T. 204/Matara (1973) 79(1) NLR 88

¹⁸ Full judgment, page 89 <https://www.lawnet.gov.lk/1977/12/31/s-s-wijedeera-appellant-and-s-k-babyhamy-respondent/>

As a result, domestic workers are not protected by labour laws, by legally binding contracts, equal wage regulations, decent working conditions, and are not afforded safety and protection from exploitation and abuse.

Studies have explored the provisions of labour legislation to seek how domestic workers can be included in the interpretations of specific laws.

Sarveswaran (2012) analysing the space for interpretation states that “domestic workers are not protected by labour legislation, while other workers are protected”. He further states the possibilities of including domestic workers within Sri Lanka’s legislation through interpretation of the letter of the law, as follows:

The Industrial Disputes Act is applicable to domestic workers as interpretation to the words ‘workman’, ‘industry’ and ‘industrial dispute’ in the Act, despite not carrying a definition with it, as it would include a domestic worker as well. The Act also provides that relief for unjustified termination of services of a domestic worker is not reinstatement, but compensation. Hence, this provision in the Act also recognizes that domestic workers are covered by the Act.

Sarveswaran further quotes supportive and opposing case law highlighting that the question arises whether a domestic worker can make an application to a labour tribunal to recover balance wages or arrears of wages. He states that in *Karunaratne v. Appuhmay*¹⁹ it was held that a workman cannot make an application to recover balance wages in arrears unconditionally. However, this was differently held in *Sirisena v. Samson Silva* where the court had held that unpaid wages can be awarded by a labour tribunal when the tribunal makes a just and equitable order for termination of services. Sarvesan finally quotes *Wijedeera v. Babyhamy* where it was stated that a domestic servant was awarded arrears of wages.

According to Sarveswaran (2012), in the Trade Unions Ordinance which provides for the registration of trade unions, the word ‘workman’ is broad enough to include domestic workers as well. He further mentions

the Industrial Disputes Act which provides, among other provisions, for trade union rights of the workmen is also applicable to domestic workers. In the Ordinance, “workman” means any person who has entered into or works under a contract with an employer in any capacity, whether the contract is express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship, or a contract personally to execute any work or labour and includes any person ordinarily employed under any such contract, whether such person is or is not in employment at any particular time.

These provisions on interpretation of the law may provide space for domestic workers to organize, but in practice, there are no specific provisions on trade unions and domestic workers.

Sarveswaran further points to legislation on employment where a domestic worker does not come within the purview of the law. The Wages Boards established under the Wages Boards Ordinance determine terms and conditions of employment in the trades covered by the Ordinance. As the word ‘trade’ has commercial connotations it cannot be interpreted to include ‘domestic service’.

He further states that “the Workmen Compensation Ordinance provides for payment of compensation for accidents in employment and occupational diseases. But, the interpretation to the word ‘workman’ provides ‘any person who ...works under a contract with an employer for the purposes of his trade or business...’. The words ‘trade’ or ‘business’ in the Ordinance also cannot be interpreted to include ‘domestic service’ within their scope”.

Further the Maternity Benefits Ordinance is applicable to woman workers employed in any ‘trade’. Thus, the Maternity Benefits Ordinance is also not applicable to domestic workers. “Domestic workers are expressly excluded from the application of the Payment of Gratuity Act. However, it is possible for them

19 *Karunaratne v. Appuhmay*, (1970) 74 NLR 46

18 *Sirisena v. Samson Silva*, (1972) 75 NLR 549

to claim gratuity from a labour tribunal after termination of their services as they are covered by the Industrial Disputes Act. The Employees' Provident Fund Act is applicable only to the employees in covered employments. However, an Order published by the Minister under the Act expressly excludes domestic service from covered employment for the purpose of the Act. The Employees' Trust Fund Act provides that the liability of an employer to pay contributions under the Act shall commence after the day fixed in relation to employment by the Minister by order published in the Gazette. However, an Order published by the Minister under the Act expressly excludes domestic service in any household from the application of the Act".

Domestic workers are not protected by labour laws, by legally binding contracts, equal wage regulations, decent working conditions, and are not afforded safety and protection from exploitation and abuse.

In addition to the above, there is no legislation in Sri Lanka to provide for working hours, minimum wages, overtime payment, daily and weekly rest, paid annual leave, social security, maternity protection and safe and healthy working environment for domestic workers.

These gaps in legislation are further explored and endorsed by extensive research and analysis conducted by Verite Research (2015) on the existing legal and policy framework regarding Sri Lanka's domestic workers, which mentions that there is a significant gap between international standards for domestic work, and existing laws in Sri Lanka. Due to the outdated nature of the laws, Verite observes that domestic workers are prevented from accessing protection with respect to certain fundamental conditions of work such as minimum wage, living conditions, rest, and annual leave. Weliamuna (2008) states that these laws essentially require all domestic servants who get employment in households to register with the police, not to protect the domestic servants but to make it possible to arrest them if they flee from the households where they are employed²¹.

3.5 Conclusion

The desk review of gaps in legislation clearly points out that there is no specific law in Sri Lanka that deals with domestic workers. Enabling provisions in existing employment laws requires extensive interpretation on the inclusion of domestic workers in their purview, thus making it difficult to accept that domestic workers are expressly included in Sri Lanka's labour force.

²¹ Weliamuna, C. J. 2008. DW in local households push for their rights. Keynote address. World Day for Decent Work, National Workers Congress <http://www.sundaytimes.lk/081026/FinancialTimes/ft3014.html>



▶ 04

▶ Profile of Sri Lankan domestic workers and their employers

This chapter presents a profile of domestic workers in order to identify them as a distinct category in Sri Lanka's labour force. The chapter also presents a profile of the employers of domestic workers and recruitment agencies.



► 04 Profile of Sri Lankan domestic workers and their employers

The purpose of this chapter is to present a profile of domestic workers in order to identify them as a distinct category in Sri Lanka's labour force. The chapter also presents a profile of the employers of domestic workers and recruitment agencies. Domestic workers and their employers are the primary stakeholders who will be subject to regulations when policies and laws are introduced to regularise domestic work in Sri Lanka. Existing research firmly establishes that women comprise a significant majority of domestic workers in Sri Lanka (de Silva 2019; Verité Research 2015). It is important, therefore, to develop a comprehensive demographic profile of those engaged in domestic work to ensure policies are gender sensitive and gender equitable.

In Sri Lanka, the labour force participation rate of 36.6 per cent for women, compared with 74.5 per cent for men, is widely regarded as being significantly low when compared with the high educational attainment of girls and women (Department of Census and Statistics 2017). Sri Lanka, however, has a large informal sector that contributes 58.0 per cent to total employment (ibid). In contrast to women's presence in the formal labour force, women's participation in informal sector employment is 53.1 per cent when compared with men's contribution of 60.8 per cent. Domestic work, although categorised as informal work, is not identified as a distinct sub-category in Sri Lanka's Labour Force Survey. Informal sector employment is, in fact, only categorised into 'agriculture' and 'non-agriculture' work. Hence, official data does not indicate the contribution domestic work makes to informal sector employment. However, given the demographic and socio-economic changes that have been taking place in Sri Lanka—specifically a growing ageing population and an expanding middle-class—we can make an informed assumption that domestic work represents a significant proportion of informal sector employment. Sri Lanka's elderly currently comprises 12.4 per cent of the total population

and is one of the most rapidly growing ageing populations in the world (Maduwage 2019). The evidence of a growing middle-class in Sri Lanka (Arunatilake and Omar 2013), when combined with significantly greater rates of labour force participation of women with higher levels of education (Department of Census and Statistics 2017), points to a significant need for domestic workers in middle-class homes for the care of children, the elderly, as well as assistance in the day-to-day management of the household.

4.1 Demographic profile

Domestic workers

As mentioned in chapter one, 138 live-in domestic workers 162 live-out domestic workers totalling 300 domestic workers from the districts of Colombo, Gampaha and Kandy were covered in the survey.

The demographic profile of domestic workers surveyed in this study confirms what is often conjectured, as well as established through existing research into domestic workers (de Silva 2019; Verité Research 2015): the age, education, and socio-economic status of domestic workers firmly establish them as a vulnerable group in the labour force. This is further confirmed by why they chose domestic work as a form of employment: 28.4 per cent of live-in and 24.4 per cent of live-out domestic workers cited poverty as a reason; 24.7 per cent of live-in and 26.1 per cent of live-out domestic workers said they could not find any other work; and 16.1 per cent of live-in and 15.9 per cent of live-out workers felt they lacked the educational qualifications to engage in any other type of work (see Tables 4.1 and 4.2 in Annex I).

A notable gender difference was observed when examining the motivations for choosing domestic work. While poverty was the most

Figure 4.1 Reasons that led female domestic workers to choose domestic work

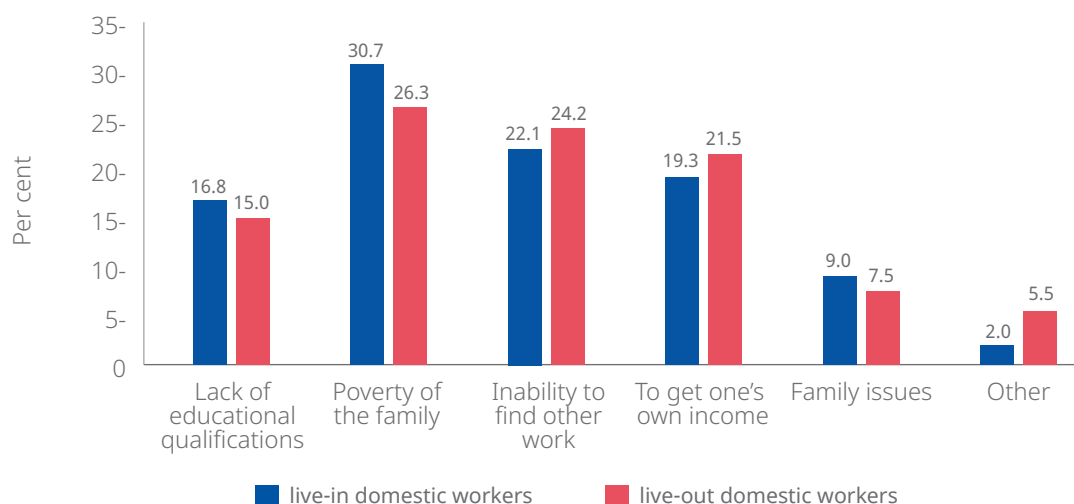
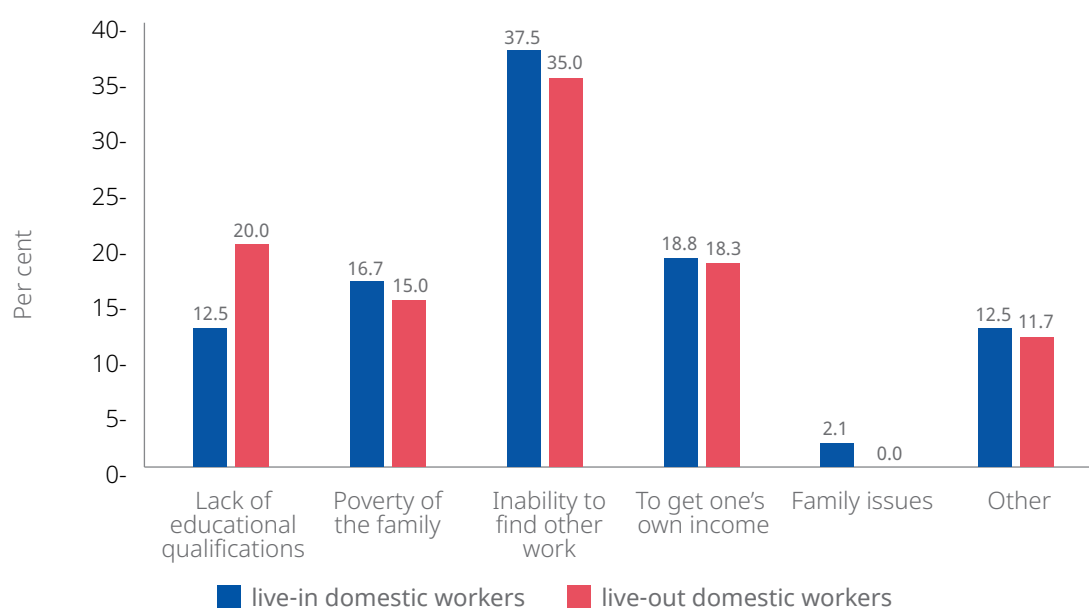


Figure 4.2 Reasons that led male domestic workers to choose domestic work



important reason cited by women for choosing domestic work, the inability to find employment was the main reason cited by men. It is also noteworthy that women mentioned 'family issues' as a reason for choosing domestic work, whereas men did not mention family in their responses.

Age

A key finding of the study is the age profile. A majority of the domestic workers, both live-

in and live-out, are above the age of 50. Sixty per cent of live-in and 54.3 per cent of live-out domestic workers are above the age of 50. In fact, 28.3 per cent of live-in and 24.1 per cent of live-out domestic workers are above the age of 60. Only 22.5 per cent of live-in domestic workers are under the age of 40. Our study found no live-out domestic workers less than 30 years of age. Among the live-in domestic workers eight per cent were under 30 years of age. There were only 16 per cent of live-out domestic workers and 14.5 per cent live-in

domestic workers between 30-40 years of age (see Tables 4.3 and 4.4 in Annex I). However, there is hardly any gender difference among live-in and live-out domestic workers in the age group of 60 and above.

The age profile may have several explanations. Sri Lanka has been recording a steady increase in educational attainment, especially amongst girls. This has possibly resulted in women, and also men, not choosing domestic work, but preferring to work in other sectors. There is also a possibility that younger people prefer to migrate overseas for domestic work. At the same time, due to new regulations introduced

by the Sri Lanka Bureau of Foreign Employment that stipulate an upper age limit for migrant workers, older workers cannot migrate overseas (Abeyasekera, Jayasundere and Idemegama 2015). In addition, advanced age is usually a significant barrier of entry to the service sector and much of the jobs available in the informal sector.

While younger people do not seem to be entering domestic work, 2.2 per cent of live-in domestic workers had started domestic work when they were below 10 years, and 3.7 per cent of live-out domestic workers started work below 14 years. It is significant that they were all women.

Figure 4.3 Age structure of live-in domestic workers by sex

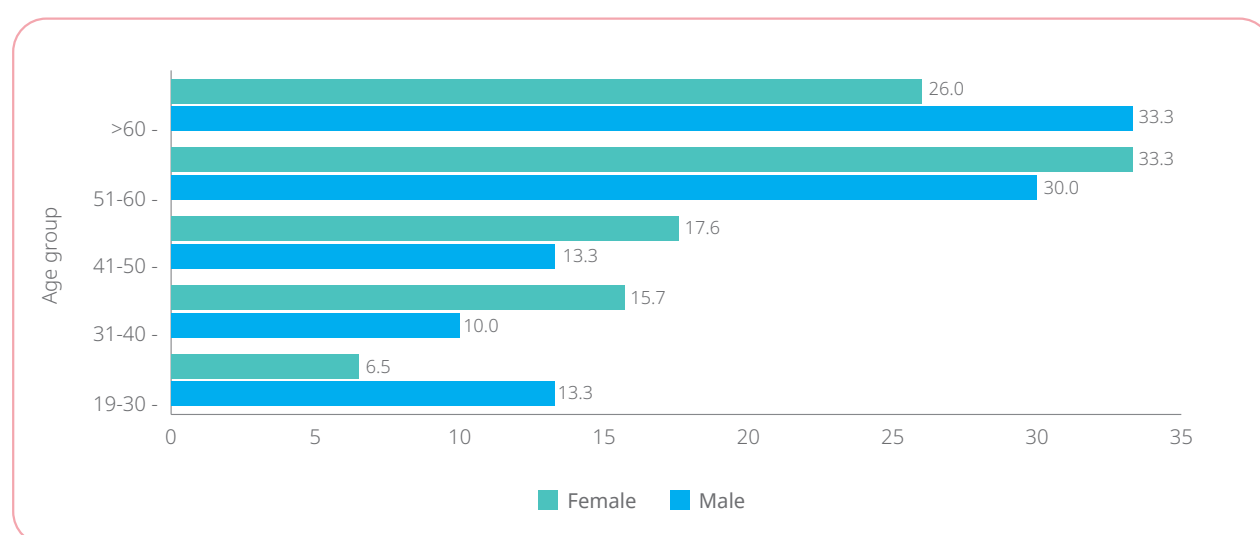


Figure 4.4 Age structure of live-out domestic workers by sex

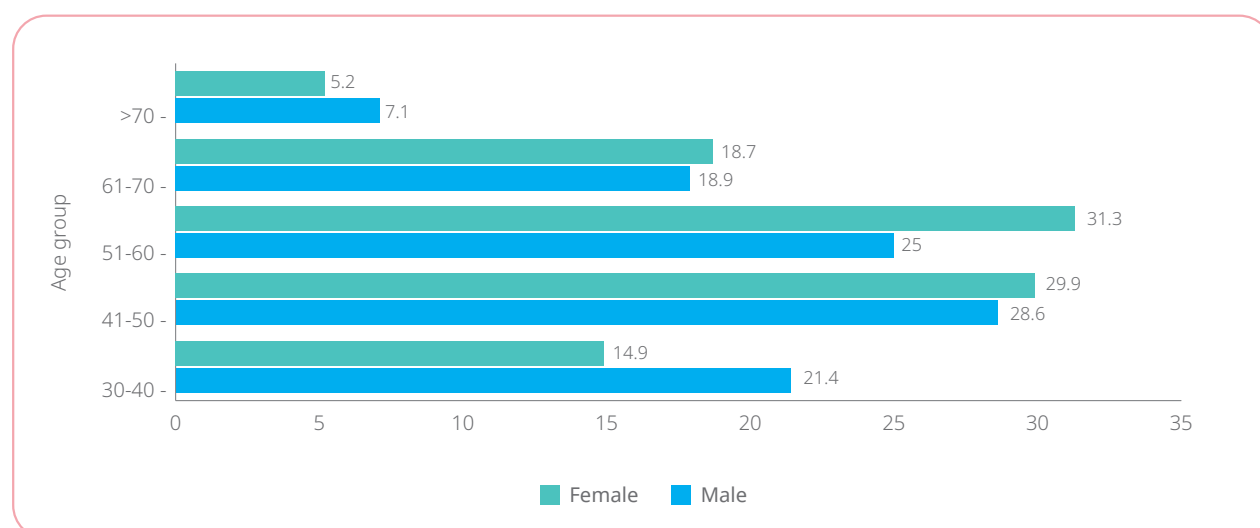


Table 4.5 Live-in domestic workers' age when first starting to work as a domestic worker by sex

Age group (Years)	Male		Female		Total	
	No.	%	No.	%	No.	%
<10	-	-	3	2.8	3	2.2
10-14	-	-	-	-	-	-
15-18	1	3.3	8	7.4	9	6.5
19-35	17	56.7	38	35.2	55	39.9
36-60	8	26.7	55	50.9	63	45.7
>60	4	13.3	4	3.7	8	5.8
Total	30	100.0	108	100.0	138	100.0

Table 4.6 Live-out domestic workers' age when first starting to work as a domestic worker by sex

Age group (Years)	Male		Female		Total	
	No.	%	No.	%	No.	%
< 10	-	-	2	1.5	2	1.2
10-14	-	-	4	3.0	4	2.5
15-18	2	7.1	7	5.2	9	5.6
19-35	12	42.9	32	23.9	44	27.2
36- 60	12	42.9	77	57.5	89	54.9
60>	2	7.1	12	9.0	14	8.6
Total	28	100.0	134	100.0	162	100.0

Table 4.7 Live-in domestic workers' age when first starting any type of work by sex

Age group (Years)	Male		Female		Total	
	No.	%	No.	%	No.	%
< 10	-	-	4	3.7	4	2.9
10-14	-	-	4	3.7	4	2.9
15-18	9	30.0	24	22.2	33	23.9
19-35	21	70.0	59	54.6	80	58.0
36-60	-	-	16	14.8	16	11.6
>60	-	-	1	0.9	1	0.7
Total	30	100.0	108	100	138	100.0

In addition, 5.8 per cent of live-in and 5.0 per cent of live-out domestic workers had entered the labour force to engage in work other than domestic work before they reached 14 years of age.

The qualitative interviews show that women, and also men, were compelled to enter the workforce before they turned 14 years of age due to extreme poverty that was often exacerbated by the death or serious illness of

Table 4.8 Live-out domestic workers' age when first starting any type of work by sex

Age group (Years)	Male		Female		Total	
	No.	%.	No.	%	No.	%
< 10	-	-	3	2.2	3	1.9
10-14	1	3.6	4	3.0	5	3.1
15-18	8	28.6	21	15.7	29	17.9
19-35	19	67.9	68	50.7	87	53.7
36- 60	-	-	37	27.6	37	22.8
60>	-	-	1	0.7	1	0.6

a parent or after one parent abandoned the family. The qualitative interviews illuminate that these situations were not unique to a specific ethnic group, but experienced by poor rural families engaged in informal work.

However, in keeping with the low educational attainment of women in the plantation sector whose employment options are limited to working on plantations or working as domestic help in urban areas, the survey revealed that a

majority of the 23.9 per cent of live-in and 17.9 per cent of live-out domestic workers who had started work between the ages of 15–18 were Tamil women—an historical artefact when girls from the plantations were sent to work at a young age (Jegathesan 2019).

Box 4.1

Mala, a 64 year old Sinhala-Buddhist woman from the district of Kandy, was only six years old when her mother took her out of school. Her father was a casual labourer and her mother worked as a domestic worker. Due to their extreme poverty, neither could stay home to take care of Mala who remembers being alone until one of her parents returned home from work. Her mother, therefore, had spoken to one of her employer's friends who had agreed to keep Mala as a playmate for her eight children. Mala remembers her employer as being kind to her. Most of the time she had to play with the children but she also helped with minor household chores such as putting out the laundry and clearing up. When the children started attending school,

Mala was given more responsibility and gradually took on a majority of the household work. By age fifteen Mala was cooking all the meals for the family on her own. Mala's mother used to visit often to check on her wellbeing. Mala did not get any money to her hand. "Whatever was given my mother took it [...] whenever she came and saw me working, she used to say, 'Madam, please teach my daughter to do household work.' The Madam used to say. 'Yes, she is a girl she should learn household work.'" Mala worked in the same household for almost fifteen years.

22 All names have been changed throughout the report to respect confidentiality.

Table 4.9 Live-in domestic workers' age when first starting any type of work by ethnicity

Age group(Years)	Sinhalese		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
< 10	3	2.7	1	4.0	-	-	4	2.9
10 - 14	1	0.9	3	12.0	-	-	4	2.9
15-18	25	22.3	8	32.0	-	-	33	23.9
19-35	66	58.9	13	52.0	1	100	80	58
36-60	16	14.3	-	-	-	-	16	11.6
>60	1	0.9	-	-	-	-	1	0.7
Total	112	100	25	100	1	100	138	100

Table 4.10 Live-out domestic workers' age when first starting any type of work by ethnicity

Age group (Years)	Sinhalese		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
< 10	3	2.1	-	-	-	-	3	1.9
10-14	2	1.4	3	15.0	-	-	5	3.1
15-18	22	15.7	6	30.0	1	50.0	29	17.9
19-35	78	55.7	9	45.0	-	-	87	53.7
36- 60	34	24.3	2	10.0	1	50.0	37	22.8
60>	1	0.7	-	-	-	-	1	0.6
Total	140	100.0	20	100.0	2	100.0	162	100.0

Box 4.2

Shanthi, a 39-year old Tamil woman from Nuwara Eliya, had left school in Grade 4. She says she did not like going to school because her classmates laughed at her because she used to walk with a limp. Her father had also met with an accident around the same time while working in the tea factory and was forced to stay home for a number of years. Her mother had started to work as a live-out domestic worker to make ends meet leaving Shanthi to look after her father and run the household. Shanthi remembers this period "as a time when we had lots of financial problems".

When Shanthi was about fourteen or fifteen her mother had found her a job in the same neighbourhood where she worked in Nuwara Eliya town. Shanthi had to take care of a baby. She spoke of her employers' as being "very kind [...] They did not ask me to do any other work than take care of the baby". Shanthi had no idea about her wages. It was paid to her mother. The two of them used to go to work and return home together in the evening. Shanthi worked with them for three years until they migrated overseas.

Marital status

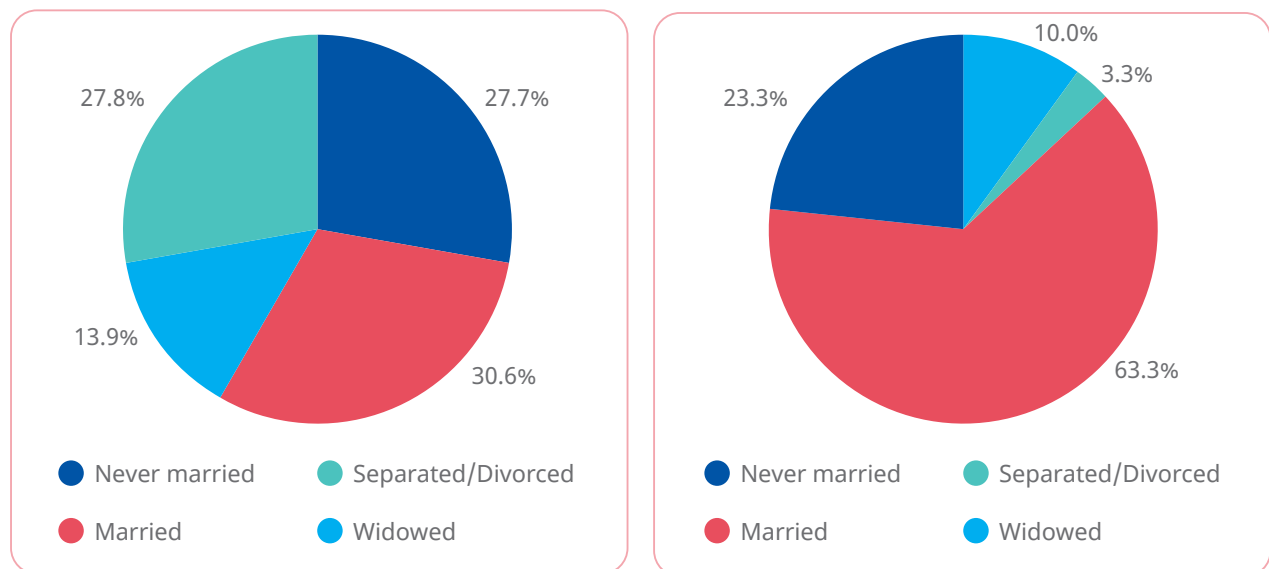
The ageing profile when combined with the marital status of female domestic workers' further illuminates the vulnerability of the group, especially their dependence on the wages earned from domestic work for their survival.

Of the live-in domestic workers, single women accounted for 69.5 per cent of the total sample. The 'single' category includes women who have never been married, and also those who are separated, divorced, or widowed. Of these, 41.7 per cent of women are either separated, divorced, or widowed, and 27.8 per cent are

never married. In comparison, 63.3 per cent of live-in male domestic workers are married. The marital status and related vulnerabilities of female domestic workers that lead them to work as domestic workers is illustrated in the following domestic worker's life story.

The profile changes with live-out domestic workers. Compared with almost 70 per cent of live-ins who are single, only 39.6 per cent of live-out female workers are single, i.e., never-married, separated, divorced, or widowed. Although they do not constitute the majority, 'single women' account for a significant proportion of live-out domestic workers in the survey.

Figure 4.5 Marital status of live-in domestic workers by sex



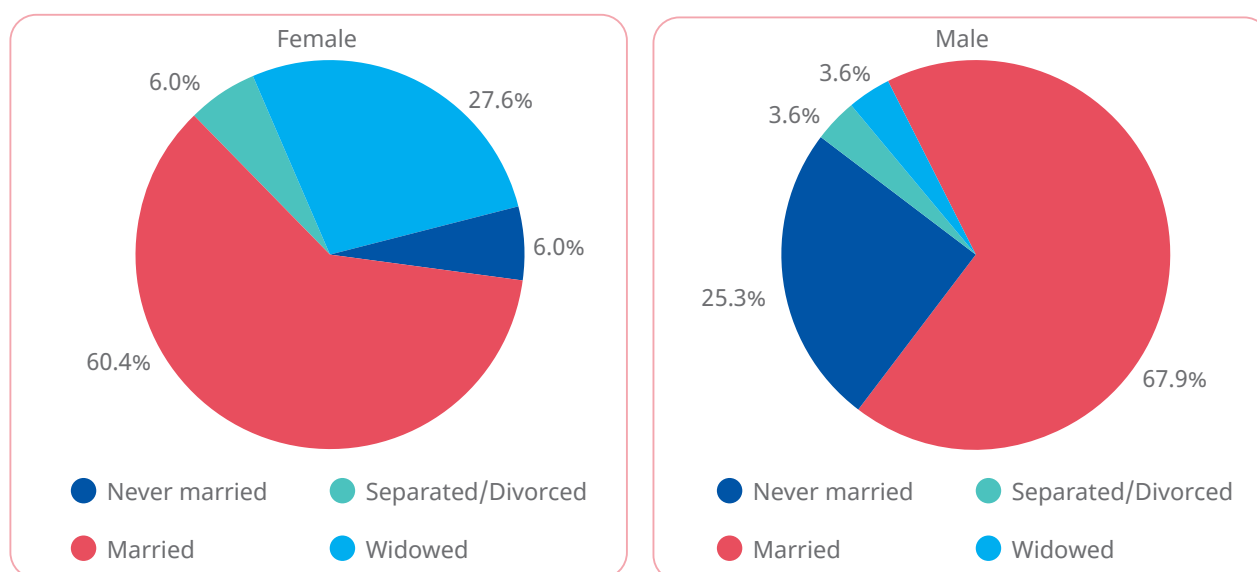
Box 4.3

Seventy-five year old Ranjani was born to a working class family in Kandy. She did not describe her family as poor; all the children had been educated until Grade 8. Ranjani had married when she was eighteen, but her husband had left her when their daughter was five years old. Without an income to support her child, Ranjani had found work as a live-in domestic worker in Colombo. Her older sister had offered to take care of her daughter. Ranjani married again at 32. She described her second husband as a violent man who brewed illicit liquor without earning a regular

income. She continued to work in homes to earn a living, as he did not provide for her. He had committed suicide after an argument with her.

Ranjani's daughter is now married with three children of her own, who are also married. Ranjani cannot live with her daughter and oldest grandchild due to a number of misunderstandings between them. Ranjani continues to live with her older sister while working in Colombo as a carer for the elderly.

Figure 4.6 Marital status of live-out domestic workers by sex



Education

The low level of education amongst domestic workers is a corollary of their socio-economic status and age profile. 34.8 per cent of live-in and 37.7 per cent of live-out domestic workers have attended primary school, but not necessarily completed Grade 5. Forty five per cent of live-in and 47.5 per cent of live-out domestic workers have attended secondary school, but

not necessarily completed secondary school by sitting for the GCE O Level examination.

Of the total sample, 6.5 per cent of live-in and 2.5 per cent of live-out domestic workers had never gone to school (see Tables 4.11 and 4.12 in Annex I). A majority of them were women. In fact, women's educational levels were relatively lower than of their male counterparts. Of the live-in domestic workers, 48 per cent

Figure 4.7 Educational level of male domestic workers

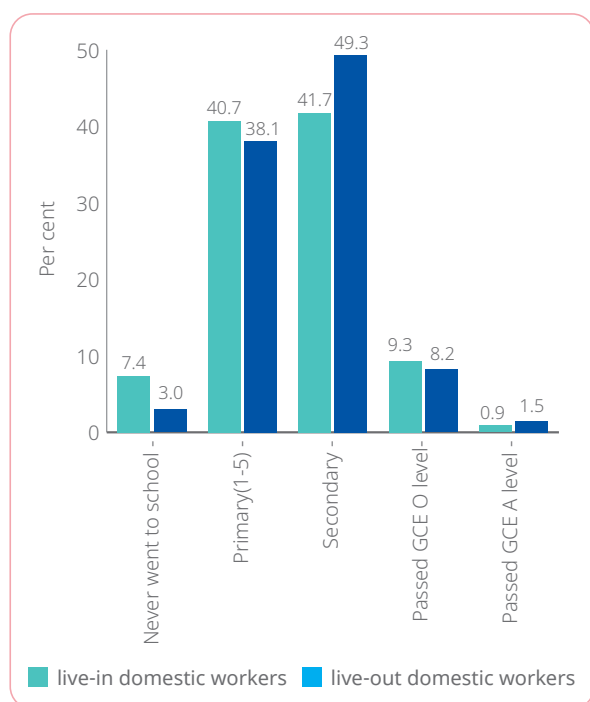
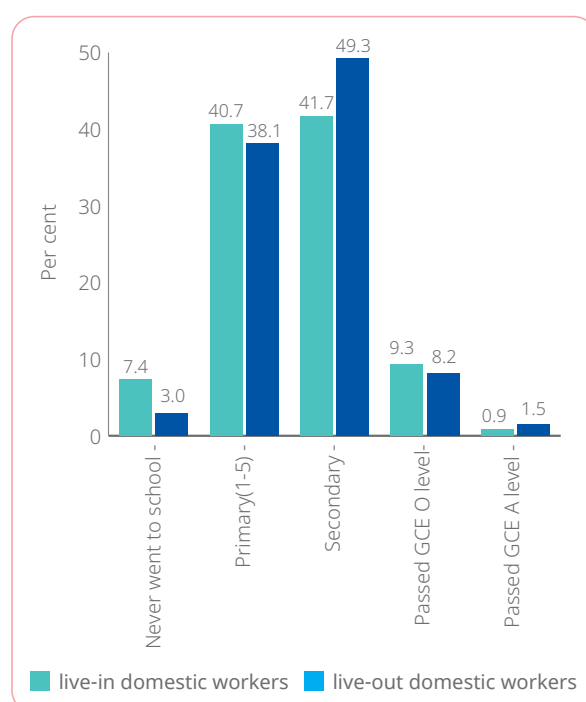


Figure 4.8 Educational level of female domestic workers



of women's educational level was primary and below, whereas it was 16.6 per cent for male workers. 56.7 per cent of male domestic workers have attended secondary school. While 26.7 per cent of male domestic workers had passed the GCE O level examination only 9.3 per cent of women domestic workers had passed the GCE O level examination. The higher educational attainment of male workers possibly has to do with their occupation, which is mainly driving. Of the live-out female domestic workers, three per cent had never gone to school while 38.1 per cent had studied from primary Grades 1-5. In comparison, all males had attended school but 35.7 per cent had only primary level education. Only 9.7 per cent of females had passed the GCE O Level and A Level examinations. Comparatively it was 25 per cent for male live-out domestic workers.

The low levels of education also have implications for regulation as contracts and other documents must be comprehensible to workers if they are to negotiate their terms of employment, and take action when the contract is violated.

Ethnicity

Although there is a perception that a disproportionate percentage of domestic workers are of Tamil ethnicity and originate from the plantations or from low-income

neighbourhoods in Colombo; a significant majority, a little over 80 per cent, of both live-in and live-out domestic workers were Sinhalese. Eighteen (18.1) per cent of the live-in and 12.3 per cent of live-out domestic workers identified as Tamil (see Tables 4.13 and 4.14 in Annex I). There was no significant difference between the districts of Colombo and Kandy. In Gampaha, however, 91.8 per cent of live-in domestic workers were Sinhalese.

These proportions may not be representative of the general ethnic profile of domestic workers in Sri Lanka due to the convenience and snowballing techniques of sampling used. They also cannot be confirmed with existing national statistics as such data does not exist in the census or labour force survey. The ethnic breakdown of domestic workers reflects the ethnic breakdown of Sri Lanka's population and challenges popular perception of domestic workers' ethnicity. This curious phenomenon in the data may need to be further investigated. However, it does not undermine the overall findings as the purpose of the study was to understand domestic workers in general.

Among the live-in domestic workers employed in Colombo, 76 per cent were residents of other districts. Significantly 30 per cent of female workers came from plantation districts of Badulla, Nuwara Eliya, and Kandy. The district of origin of domestic workers in Gampaha and

Figure 4.9 Ethnicity of live-in domestic workers by district

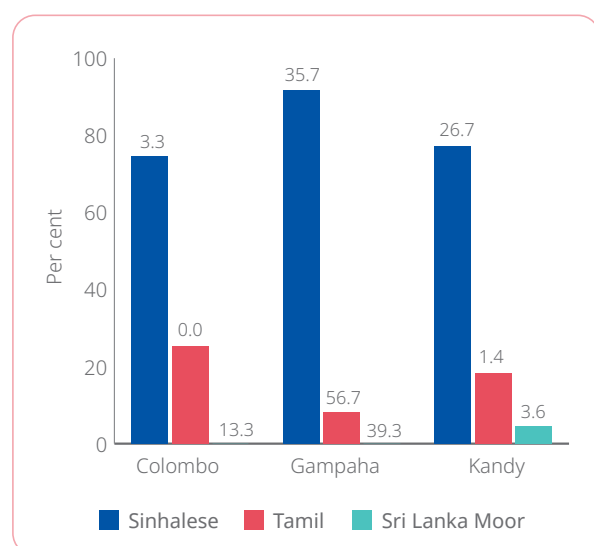
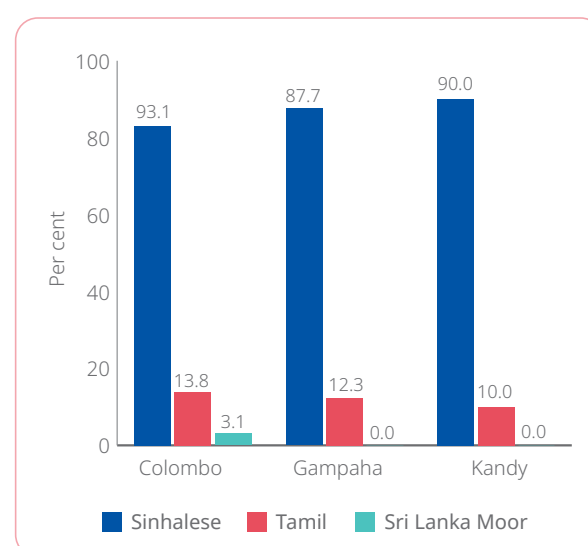


Figure 4.10 Ethnicity of live-out domestic workers by district



Kandy were notably different compared with Colombo. Seventy one per cent of male and 86 per cent of female workers in Gampaha were residents of the same district. Out of the domestic workers in Kandy, 67 per cent of men and 89 per cent of females were residing in the same district (see Table 4.15 in Annex I).

Of the total live-in domestic workers belonging to the Tamil ethnic group, 28 per cent originated from Kandy, 24 per cent were from Nuwara Eliya, and 16 per cent from Badulla. Of the live-in Sinhalese domestic workers, 37.5 per cent came from Gampaha, 16.1 per cent from Kandy, and 14.3 per cent from Colombo (see Table 4.16 in Annex I). Of the Sinhala live-in domestic workers working in Colombo, 32 per cent came from Colombo, and 18 per cent from Kalutara. In Gampaha, 84.4 per cent of Sinhalese live-in domestic workers were from Gampaha, while 82.4 per cent of live-in Sinhalese domestic

workers in Kandy, were from Kandy (see Table 4.17 in Annex I).

Of the Tamil live-in domestic workers working in Colombo, 35.3 per cent came from Nuwara Eliya while 17.6 per cent were from Badulla and 11.8 per cent from the Kandy district. The district of origin indicates that compared with Tamil live-in domestic workers, the majority of Sinhalese workers live relatively close to their workplaces (see Table 4.18 in Annex I).

Economic status and family income

The economic status of domestic workers adds another dimension to their vulnerable status. Fifty eight per cent of live-in domestic workers reported that they were the primary income earners, while 46.9 per cent of live-out domestic workers reported they were the primary income earners, indicating that domestic work is a critical source of income for a significant proportion of domestic workers.

Table 4.19 Domestic worker as primary income earner

Primary income earner	Live-in domestic worker		Live-out domestic worker	
	No.	%	No.	%
Primary income earner	80	58.0	76	46.9
Not a primary income earner	58	42.0	86	53.1

Figure 4.11 Total family income of live-in domestic workers

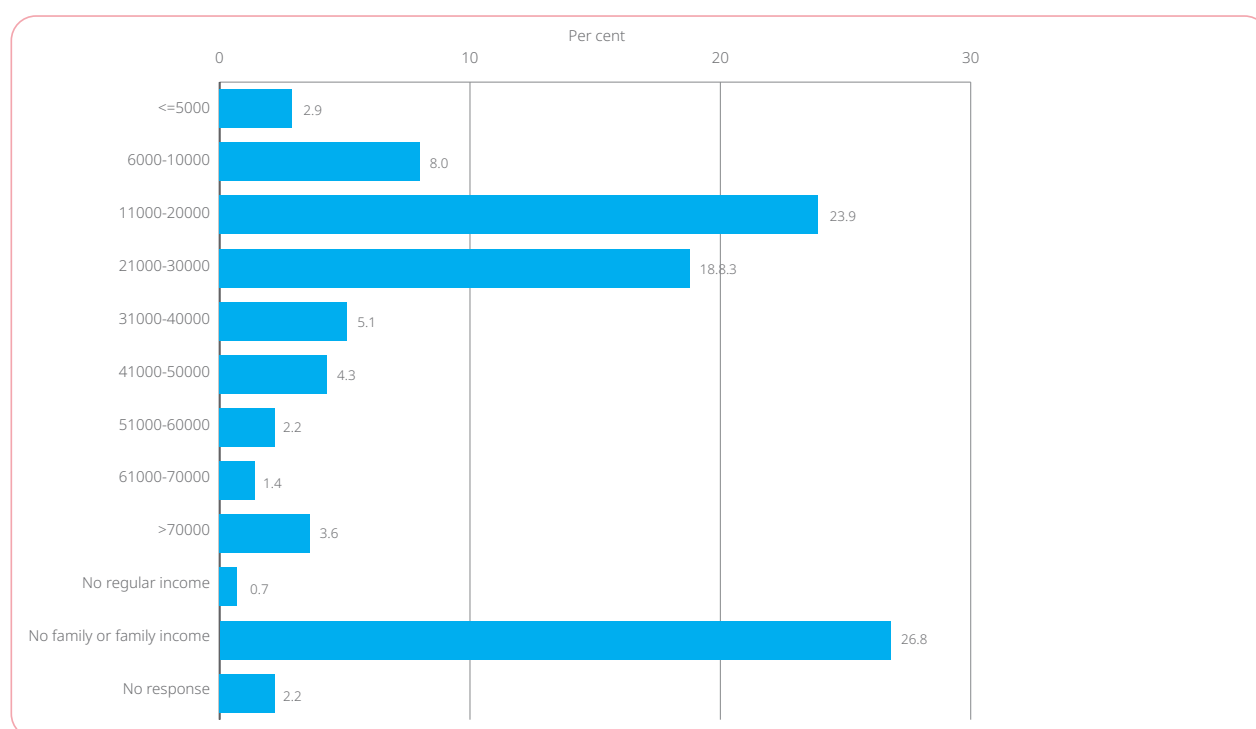
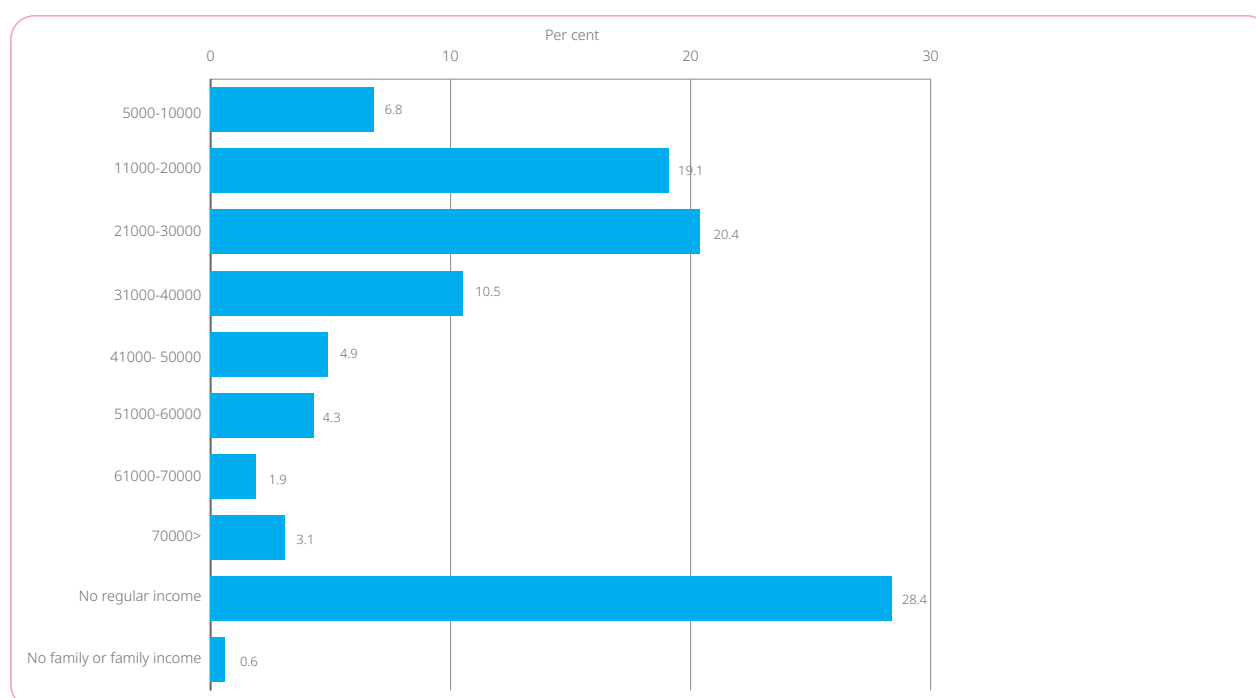


Figure 4.12 Total family income of live-out domestic workers



In addition, 26.8 per cent of live-in and 28.4 per cent of live-out domestic workers reported that they had no other family income, or had no other family.

There was no significant ethnic difference. Thirty five per cent of live-in and 26 per cent of live-out domestic workers reported that their monthly family income was less than LKR 20,000. Here, 40 per cent of live-in Tamil domestic workers reported they have a family income of less than 20,000 per month, compared with 34 per cent of Sinhalese. There was no ethnic difference within the live-out category. Of the live-in domestic workers who reported a family income of more than LKR 50,000 per month, 8.1 per cent were Sinhalese, compared with four per cent of Tamils. However, 7.8 per cent of Sinhala live-out domestic workers compared with 20 per cent of Tamil workers reported a monthly family income of over LKR 50,000. The 20 per cent is made up of four respondents, with three of them reporting an income of over LKR 70,000 (see Tables 4.20 and 4.21 in Annex I).

The utilisation of income illuminates further the importance of the wage for daily survival and future savings. Sending money to their families for their daily needs is the first priority for 57.2 per cent of live-in domestic workers, while 18.1

per cent of live-in workers said their wage helps them save for the future. In the case of live-out workers, 69.1 per cent stated that their first priority is to buy food with their wages. Only 6.8 per cent of live-out domestic workers utilised their wages to save for the future.

When we consider marital status, 40.5 per cent of never married live-in domestic workers reported that their wage was being utilised to save for the future, while 35.1 per cent reported that they send their wages to their families to meet their daily needs. Among live-in widows, 57.6 per cent and 68.8 per cent of divorced women stated their wage is used to meet the needs of their families. Only 12.1 per cent of widows and 12.5 per cent of divorced domestic workers stated that they saved their wages.

Of live-in married women, 69.2 per cent reported that their wages were used to support their families at home, with 5.8 per cent stating their wages were utilised to pay loans, and only 7.7 per cent saying they saved their wages.

It is clear that the income from domestic work is essential for daily survival. Given the age profile, it also points to the lack of savings amongst people above the age of 50 years who have potentially worked for 30 years or more.

Table 4.22 Utilisation of income of live-in domestic workers by marital status (1st priority)

Utilization	Never married		Married		Divorced		Widowed		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Sending money to family for daily needs	13	35.1	36	69.2	11	68.8	19	57.6	79	57.2
Building house (Own or for a relative)	2	5.4	3	5.8	-	-	1	3.0	6	4.3
Sending money for children's expenses (own or for a relative)	1	2.7	2	3.8	-	-	4	12.1	7	5.1
Health requirements of the family	1	2.7	2	3.8	-	-	1	3.0	4	2.9
Clothing for self	1	2.7	1	1.9	1	6.3	-	-	3	2.2
Savings	15	40.5	4	7.7	2	12.5	4	12.1	25	18.1
Religious activities	-	-	1	1.9	-	-	1	3.0	2	1.4
Own food	3	8.1	-	-	1	6.3	-	-	4	2.9
Personal needs	1	2.7	-	-	-	-	-	-	1	0.7
Pay loans	-	-	3	5.8	-	-	1	3.0	4	2.9
Others	-	-	-	-	1	6.3	2	6.0	3	2.1
Total	37	100.0	52	100.0	16	100.0	33	100.0	138	100.0

Table 4.23 Utilisation of income of live-out domestic workers by marital status (1st priority)

Utilization	Never married		Married		Divorced		Widowed		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Food	11	73.3	72	72.0	5	55.6	24	61.5	112	69.1
Accommodation	-	-	1	1.0	1	11.1	1	2.6	3	1.9
Utilities	1	6.7	2	2.0	1	11.1	-	-	4	2.5
Building house	1	6.7	1	1.0	-	-	-	-	2	1.2
Expenses for children	-	-	13	13.0	1	11.1	4	10.3	18	11.1
Health requirements of self/family	15	40.5	4	7.7	2	12.5	4	12.1	25	18.1
Clothing	1	6.7	3	3.0	-	-	3	7.7	6	3.7
Savings	-	-	-	-	-	-	1	2.6	1	0.6
Family events	1	6.7	5	5.0	1	11.1	4	10.3	11	6.8
Religious activities	-	-	1	1.0	-	-	-	-	1	0.6
Religious activities	-	-	2	2.0	-	-	2	5.1	4	2.5
Total	15	100.0	100	100.0	9	100.0	39	100.0	162	100.0

The data from the survey as well as the qualitative interviews clearly indicates that domestic work provides a critical source of income for an ageing population who do not have access to social service benefits such as a pension or savings from EPF/ETF.

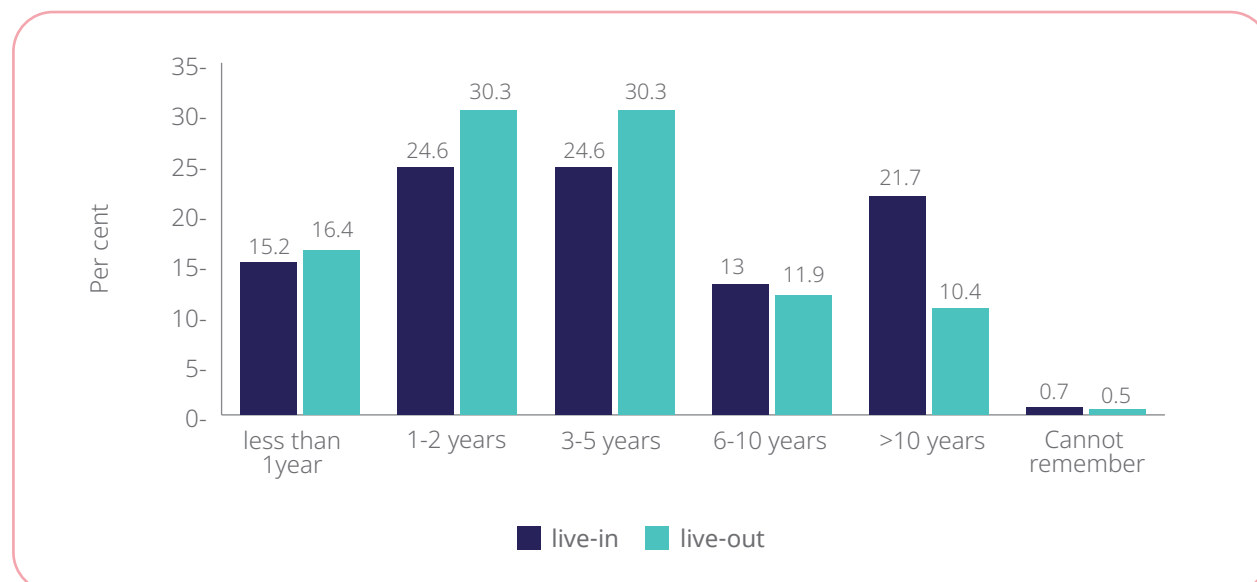
4.2 Work history

Years of service

The transitory and volatile nature of domestic work is demonstrated through the number of

years of service. A majority of live-in domestic workers—49.2 per cent—have worked between 1–5 years in their present workplace while 15.2 per cent have worked for less than a year. Only 13 per cent had worked between 6–10 years, and only 21.7 per cent had worked in the same household for more than ten years. Of the live-out domestic workers surveyed, 60.6 per cent have worked between 1–5 years in their present workplace, while 16.4 per cent have worked for less than a year. Another 12 per cent had worked between 6–10 years, and 10.4 per cent had worked for more than ten years.

Figure 4. 13 Number of years of service at present place of work of live-in and live-out domestic workers



Box 4.4

Sixty-three year old Sumana was born in Pannala and had twelve siblings. She had to stop going to school after Grade four as her parents could not spend on the children's education. She first started working in state-owned paddy fields when she was fourteen years of age. When her husband had abandoned her with a child in her early twenties, Sumana started working as a domestic worker. Sumana first worked in Ratnapura for about three years before migrating to Singapore for four years. On her return, she had worked in a factory close to her home and then moved to the owner's house as a domestic

worker. After a misunderstanding with her employer, Sumana had left after two years and found work in a house in Puttalam. After about two years she had returned to her former employer in Pannala because they had persuaded her to return. After working there for two years, she had left following another misunderstanding. She had then worked as a cleaner in an office before being persuaded to return to her former employer. "This is my third time working here [...] I left when they started telling me all sorts things [...] When they asked me I felt sorry for them and came back."

In addition to the short duration of service, the data also indicates that those engaged in domestic work enter this form of work at a later stage in their work history. Of the total live-in domestic workers surveyed, 17.4 per cent reported that their current workplace was their first job as a domestic worker, while 64.5 per

cent reported that the current household was their second place of work as a domestic worker. Of the total live-out domestic workers, 56.8 per cent reported that the current household was their first workplace as a domestic worker, while only 15.4 per cent reported it was their second.

Table 4.24 Number of houses worked so far by live-in and live-out domestic workers other than the present place of work

Number of houses worked in	Live-in domestic worker		Live-out domestic worker	
	No.	%	No.	%
0	85	17.4	92	56.8
1	25	64.5	25	15.4
2	16	9.4	19	11.7
3	12	8.7	26	16.0
Total	138	100.0	162	100.0

Overseas migration

Only about 20 per cent of the total population of live-in and live-out domestic workers had migrated for foreign employment. Out of the total, 20.3 per cent of live-in domestic workers had migrated overseas for domestic work. Of this, 22.2 per cent were women, and 13.3 were men. There was no significant difference in the

percentage of live-out domestic workers who had migrated. Only 20.4 per cent had migrated. The difference between the percentage of male and female workers who had migrated was similar to the live-in category. (22.2 per cent live-in against 22.4 per cent live-out females, 13.3 per cent live-in against 10.7 per cent live-out male workers).

Table 4.25 Live-in domestic workers who had migrated for employment by sex

Migrated	Male		Female		Total	
	No.	%	No.	%	No.	%
Migrated	4	13.3	24	22.2	28	20.3
Not migrated	26	86.7	84	77.8	110	79.7
Total	30	100.0	108	100.0	138	100.0

Table 4.26 Live-out domestic workers who had migrated for employment by sex

Migrated	Male		Female		Total	
	No.	%	No.	%	No.	%
Migrated	3	10.7	30	22.4	33	20.4
Not migrated	25	89.3	104	77.6	129	79.6
Total	28	100.0	134	100.0	162	100.0

Table 4.27 Live-in domestic workers who had migrated for employment by age

Age group (Years)	Yes		No	
	No.	%	No.	%
19-29	-	-	8	7.3
30-40	3	10.7	20	18.2
41-50	2	7.1	21	19.1
51-60	15	53.6	30	27.3
61-70	6	21.4	25	22.7
>70	2	7.1	6	5.5
Total	28	100.0	110	100.0

Table 4.28 Live-out domestic workers who had migrated for employment by age

Age group (Years)	Yes		No	
	No.	%	No.	%
30-40	3	9.1	23	18
41-50	7	21.2	41	32
51-60	12	36.4	37	29
61-70	10	30.3	20	16
>70	1	3.0	8	6
Total	33	100.0	129	100

The ageing profile of domestic workers is partially explained by their work history. Out of the total domestic workers who have migrated, the majority is over 50 years of age—82.1 per cent of live-in workers and 66.7 per cent of live-out workers. The low number of the total migrated population is partially explained by the age-profile of the workers; a majority of who would have started work in the 1970s and early 1980s just before or soon after the Sri Lankan economy was liberalised and overseas migration was still a new phenomenon.

Other types of employment

However, of the total sample of live-in workers, 64.5 per cent had been employed in jobs other than domestic or overseas work. Of these, 61.1 per cent were women, and 76.6 were men. A similar pattern was observed with the total sample of live-out workers, comprising 68.5 per cent. However, in the sex distribution, with respect to women there was hardly a difference (65.7 per cent), but a higher (82.1 per cent)

was recorded for men (see Tables 4.29 and 4.30 in Annex I). Of the total live-in domestic workers who had engaged in other types of employment, 13.6 per cent had worked as daily-wage labourers, while 20.2 per cent had been engaged in factory work. Fifteen per cent had been self-employed. Others had been employed in agriculture work, cleaning of offices and shops, and as drivers, watchers, and security guards. Of the live-out domestic workers who had worked in other types of employment 48.6 per cent had been labourers, while 29.7 per cent had been working in factories. Fourteen per cent were self-employed (see Tables 4.31 and 4.32 in Annex I).

4.3 Reasons for choosing live-in or live-out domestic work

Out of the total responses given, a majority of live-in domestic workers gave the following reasons for why they preferred to work as live-in rather than live-outs: 57 workers (49 women) cited they received more favours and benefits

as a live-in; 53 workers (46 women) said they had more job security working as a live-in; 38 (33 women) cited transport problems as a reason for choosing to work as a live-in. 29 workers, of which 28 were women reported

that they felt more secure in their employer's home than their own. Twenty three persons (12 women) reported it was the requirement of the job, and six (5 women) stated that it was a comfortable place to stay.

Table 4.33 Reasons for choosing to work as a live-in rather than as a live-out domestic worker by sex (multiple responses)

Reasons	Male		Female		Total	
	No.	%	No.	%	No.	%
Job security	7	17.9	46	24.9	53	23.7
Receive more favours and benefits	8	20.5	49	26.5	57	25.4
Feel more secure than in own house	1	2.6	28	15.1	29	12.9
Death of spouse	2	5.1	2	1.1	4	1.8
Transport problems	5	12.8	33	17.8	38	17.0
Requirement of the job	11	28.2	12	6.5	23	10.3
Not to be a burden on children	1	2.6	1	0.5	2	0.9
Maintain family status	1	2.6	1	0.5	2	0.9
Domestic violence	-	-	2	1.1	2	0.9
No place or relatives to live with	2	5.1	4	2.2	6	2.7
Comfortable place to stay than own house	1	2.6	5	2.7	6	2.7
Able to save the wage	-	-	1	0.5	1	0.4
Was able to get only this job	-	-	1	0.5	1	0.4
Total	39	100.0	185	100.0	224	100.0

One hundred and forty seven (147) out of 162 live-out domestic workers stated that the ability to balance work and household responsibilities was the reason for choosing to work as a live-out. Of this, 126 were women, compared with

21 men. Hundred (81 females and 19 men) stated that having more freedom was their main reason for choosing live-out work.

Table 4.34 Reasons for choosing to work as a live-out domestic worker rather than as a live-in domestic worker by sex (multiple responses)

Reasons	Male		Female		Total	
	No.	%	No.	%	No.	%
Able to balance work and household responsibilities	21	38.2	126	52.1	147	49.5
Can earn more	6	10.9	13	5.4	19	6.4
Not dependent on a particular employer	5	9.1	5	2.1	10	3.4
Receive more favours and benefits	3	5.5	11	4.5	14	4.7
More freedom	19	34.5	81	33.5	100	33.7

4.4 Profile of employers

A majority of employers were either employing only one live-in domestic worker in their household, or one live-out worker. Out of the 57 households surveyed, 49 per cent employed live-in domestic workers, while 65 per cent

employed live-out domestic workers. Some households employed both live-in and live-out domestic workers. As domestic workers work in a household, the survey could not capture the gender of the primary employer. Many of them mentioned the woman of the household as being their boss and as the main person who allocated them work.

Figure 4.14 Employers who have live-in domestic workers

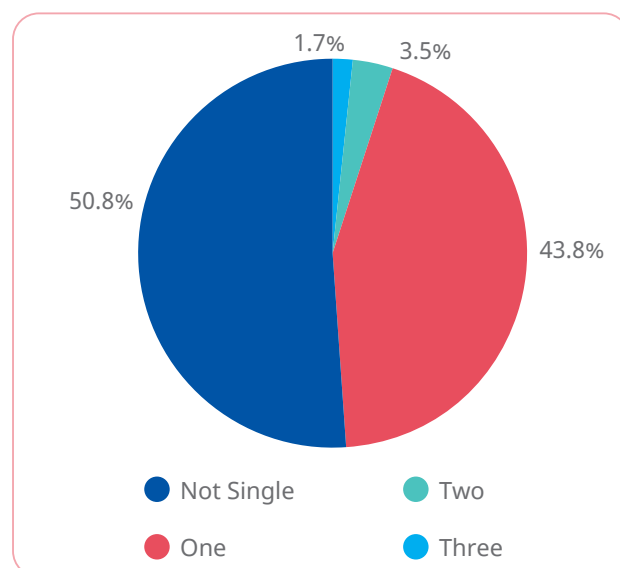
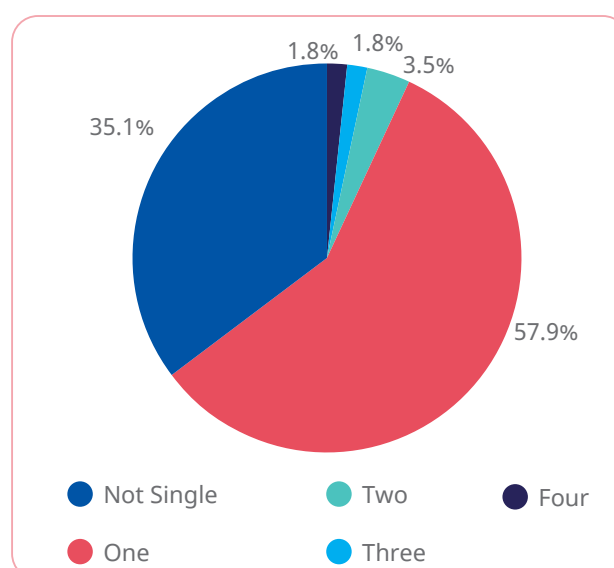


Figure 4.15 Employers who have live-out domestic workers



Ninety three per cent of the total households of employers had either 1, 2-3 or 4-5 family members. This reflects the low birth rate, nuclear family structure, and living arrangements of Sri Lankan families that is already known as a sociological fact. The district of Kandy was somewhat different with 27.3 per cent of households having more than five members.

In 43.9 per cent of the households, the age of employers were 40 years and below, with 42.1

per cent of households having an employer above the age of 50. The age structures point to the type of households that require domestic workers: either those with young children or with ageing members. In fact, 80.8 per cent of the employers were married (see Table 4.36 in Annex I).

A majority of employers had completed their secondary education and gone on to do their tertiary education. In fact, 42.1 per cent of

Table 4.35 Size of employers' household by district

Household size	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
1	2	7.7	-	-	-	-	2	3.5
2-3	12	46.2	9	45.0	3	27.3	24	42.1
4-5	12	46.2	10	50.0	5	45.5	27	47.4
>5	-	-	1	5.0	3	27.3	4	7.0
Total	26	100.0	20	100.0	11	100.0	57	100.0

Figure 4.16 Age structure of employers

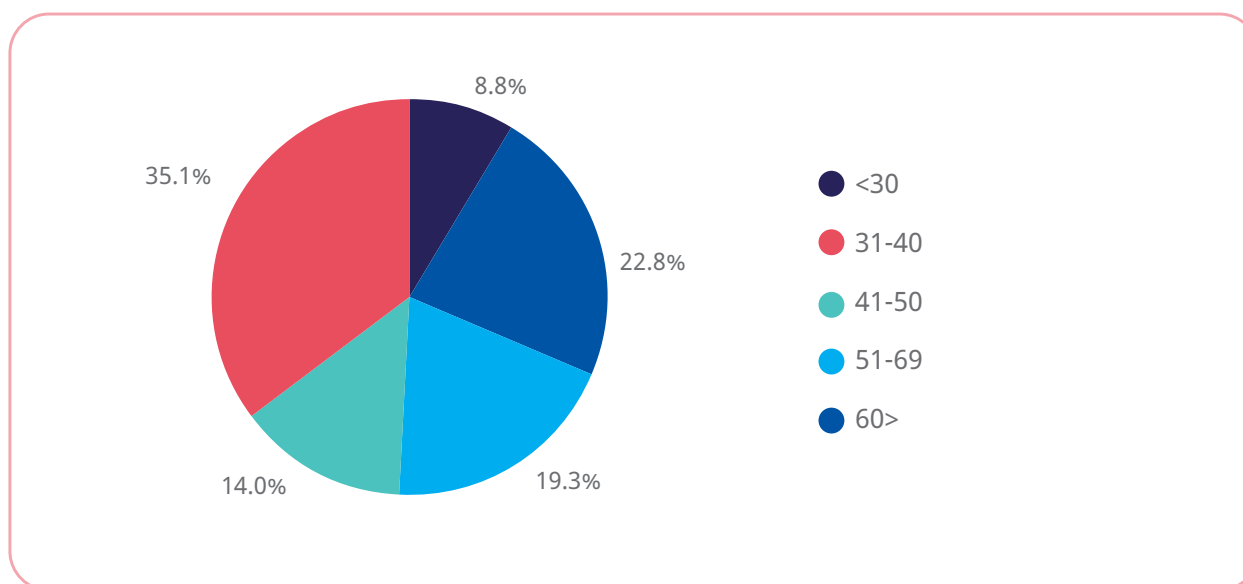


Table 4.37 Level of education of employers by district

Level of education	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Never gone to school	-	-	1	5.0	-	-	1	1.8
Secondary	-	-	1	5.0	-	-	1	1.8
Passed GCE O/L	4	15.4	2	10.0	1	9.1	7	12.3
Passed GCE A/L	7	26.9	7	35.0	2	18.2	16	28.1
Diploma	4	15.4	2	10.0	2	18.2	8	14.0
Degree	11	42.3	7	35.0	6	54.5	24	42.1
Total	26	100.0	20	100.0	11	100.0	57	100.0

employers reported they had a degree, while 14 per cent had a diploma, and 28.1 per cent had passed the A' Level examination.

It is evident that those households who can afford a domestic worker are educated and are engaged in the labour force in higher paying employment. 17.5 per cent were professionals; 15.7 were executives, and 12.3 were business people. Only 19.3 per cent of employers were retired, while 17.5 per cent were not looking for employment and were possibly homemakers with their partners possibly employed (see Table 4.38 in Annex I). Almost 90 per cent of households earned more than LKR 50,000 per month with 43.9 per cent earning more than LKR 100,000 per month.

The households that hired live-in domestic workers cited the following three main reasons for requiring their services: the need for domestic help throughout the day; the assurance that their services are rendered without interruption; and that they can be trusted more than live-out workers. The first two reasons are evidence of the long working hours and indefinite work days reported by domestic workers, which will be discussed in the next chapter.

The households that hired only live-out domestic workers gave the following reasons for their preference: their services are not required throughout the day; more privacy; less costly; and less responsibility for their wellbeing. These reasons indicate that some

Table 4.39 Average monthly income of employers by district

Income (LKR)	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
<50 000	1	3.8	3	15.0	2	18.2	6	10.5
50 001-100 000	9	34.6	10	50.0	7	63.6	26	45.6
100 000>	16	61.5	7	35.0	2	18.2	25	43.9
Total	26	100.0	20	100.0	11	100.0	57	100.0

households prefer to maintain a professional and personal distance from domestic workers that live-in arrangements do not allow. The low

cost explains the lower earning capacity of live-out domestic workers that is discussed in the next chapter.

Figure 4.17 Choice for employing live-in domestic workers

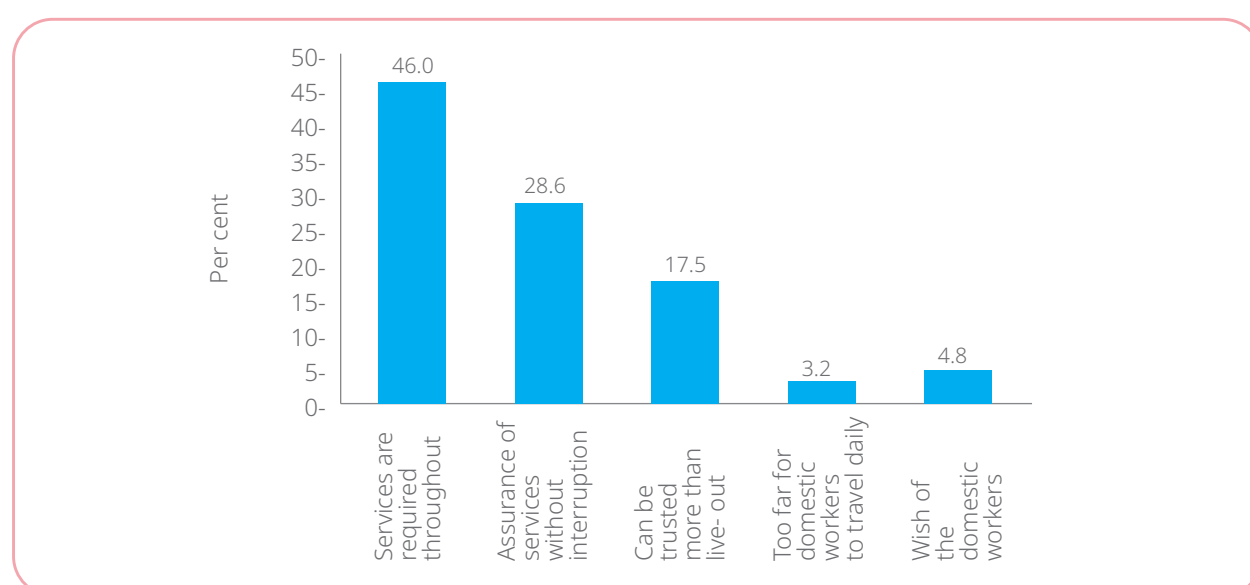
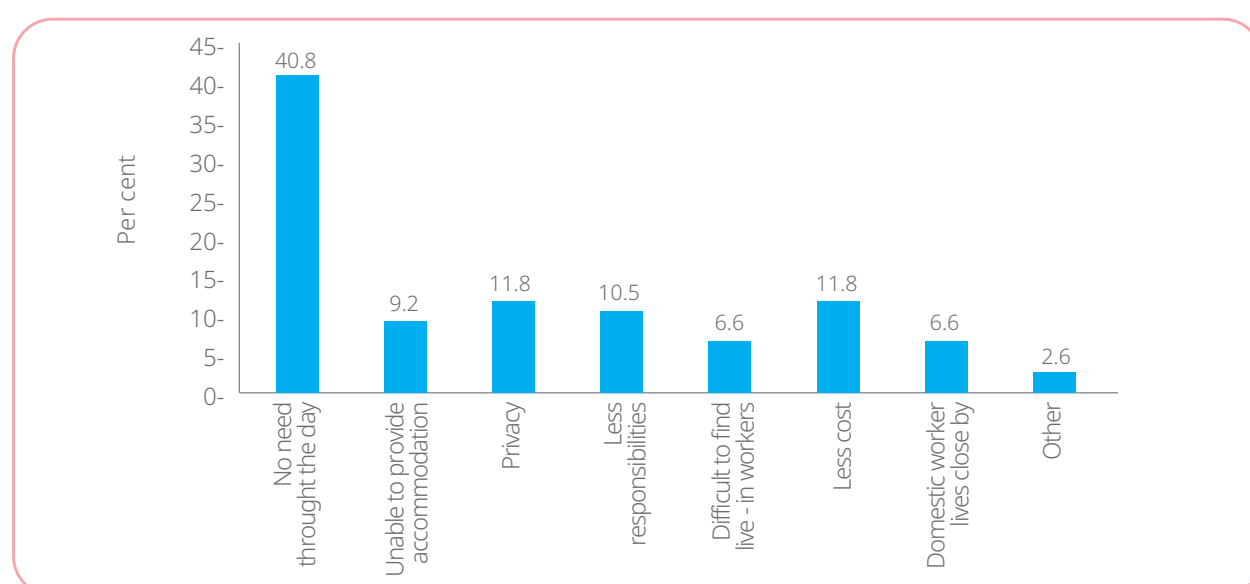


Figure 4.18 Choice for employing live-out domestic workers



4.5 Profile of recruitment agencies

Three recruitment agencies representing domestic workers were interviewed for the survey: one each from Colombo, Gampaha and Kandy districts. All three agencies were registered with the relevant Divisional Secretariat Office under the Department of Registrar of Companies. The agency in Colombo had registered in 2008, Gampaha in 2007 and Kandy in 2018. Their headquarters and primary operations are mainly in the district of origin, with a few branch offices in operation in several other districts. According to the information provided by the recruitment agencies, the Colombo agency had placed between 400–500 domestic workers in households, Gampaha had placed between 100–200 workers, and Kandy had placed approximately 100 domestic workers. These are approximations provided by the agency as we could not access their databases.

Out of the three recruitment agencies, the agencies in Colombo and Kandy provide all types of domestic workers including live-in, live-out, nannies, and cooks; however, they mostly worked with live-in domestic workers. Gampaha, on the other hand, limited their services to providing live-out care givers for the elderly and sick. The recruitment agencies in Colombo and Kandy recruit both Sinhala and Tamil ethnic groups, but worked mostly with female domestic workers as there was a higher demand for their services. According to the recruitment agencies, domestic workers of Sinhala ethnic origin are mostly from the dry zone, while Tamil domestic workers are from the plantation areas.

Domestic workers and potential employers are required to register with the agency in order to access their placement services. The recruitment agencies do not charge any fees from domestic workers. They are only required to fill an application form and provide a copy of

their national identity card. Employers too have to fill an application form. When the recruitment agency finds them an appropriate domestic worker, a fee is charged. The recruitment agency in Colombo charges one month's salary of the domestic worker for six months. During this period if the domestic worker leaves, the agency provides a replacement for no added cost to the employer. Employers seeking services from the Kandy recruitment agency are required to pay LKR 12,000 for a period of one year and, like in Colombo, if the domestic worker leaves during this period, a replacement is provided for no extra cost. In the case of the recruitment agency in Gampaha, the employer has to pay a fee of LKR 2,500 per day for a minimum period of ten days. The caregiver is paid by the agency and not by the employer. The agency did not divulge how much they paid the caregiver and what proportion of this daily fee they retained.

The domestic workers who come to the agencies in Colombo and Kandy are provided with temporary accommodation with meals until an employer is found. In Gampaha, the caregivers are given free accommodation by the agency, but are charged a utility fee of LKR 200 per month. The Gampaha agency insisted that they only provide live-in caregivers with at least two years of experience.

According to the recruitment agencies, employers requesting domestic workers are mainly professionals of Sinhalese and Tamil ethnic origin. The recruitment agencies said they prefer to have professionals as their clients since they generally treat their domestic workers well and also because it is easy to discuss and negotiate terms of employment with them. According to recruitment agencies, the demand for care workers for the elderly and sick and also for children has increased. They also reported that their clients demand skilled domestic workers, rather than workers with little or no experience.



► 05

► Terms of work – work arrangements

This chapter presents the ‘terms of work’. It also presents the findings from the survey that requested domestic workers to comment on their preference for formal contracts and to state what aspects of their work arrangements they would like to formalise through a written contract.



► 05 Terms of work – work arrangements

This chapter presents the ‘terms of work’. ‘Terms of work’ in this chapter refer to: how domestic workers find employment; the formal aspect of their work contract with employers, including wages, duties, working hours, leave, rest periods, and termination of contract; and access to social protection including benefits paid or received. ‘Terms of work’ is differentiated from ‘working conditions’ – discussed in chapter six – which refers to the standards of decent work stipulated by the ILO. This chapter will also present the findings from the survey that requested domestic workers to comment on their preference for formal contracts and to state what aspects of their work arrangements they would like to regularise through a written contract.

One of the main findings from the survey is the long working hours and indefinite working times that live-in domestic workers endure in their places of work. Domestic helpers, especially housemaids, are expected to help in household chores, which means starting work very early in the morning when children are

waking up to go to school and working adults are preparing to leave for work. During the day, housemaids are responsible for a range of duties from cooking, cleaning, and laundry to child care and gardening. According to the survey, the work day extends to beyond 8 p.m. because housemaids are expected to clear up after dinner.

5.1 Finding work

Of the total live-in domestic workers surveyed, 87 per cent had found their current place of work through personal contacts. Only five per cent (that is seven persons) had found work by responding to an advertisement in the newspaper, and only five persons (3.6%) had found work through a registered recruitment agency. Five others had (3.6 per cent) found work through an informal broker. Of the total live-out domestic workers, 92.5 per cent had found their present place of employment through personal contacts. Seven domestic workers (3.5 per cent) had responded to an

Figure 5.1 Channels used by live in domestic workers to find employment

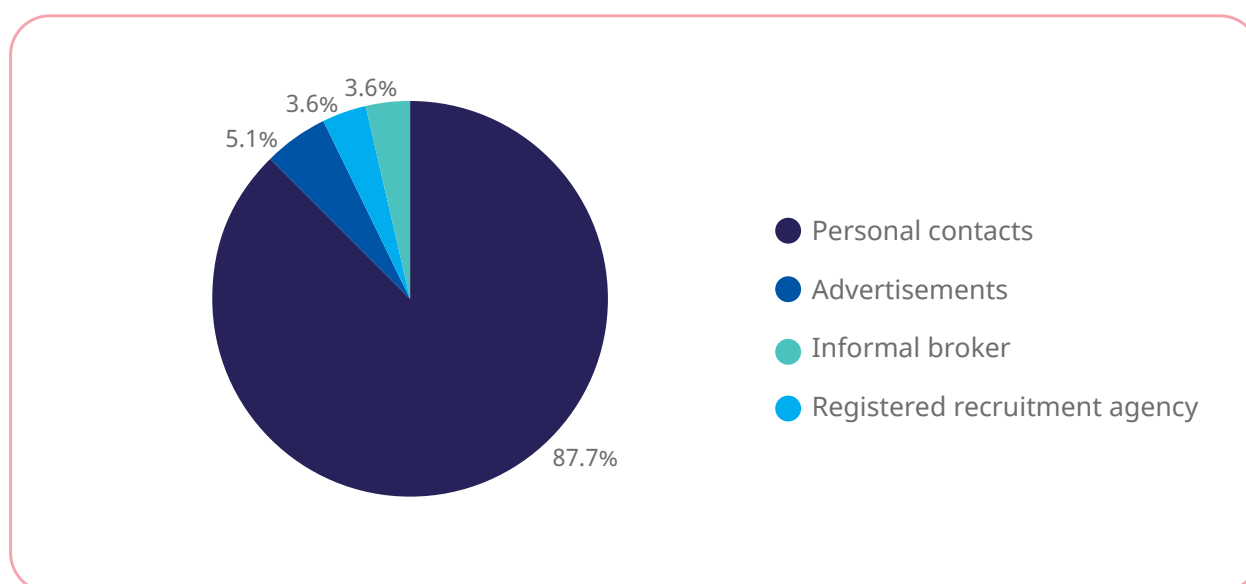
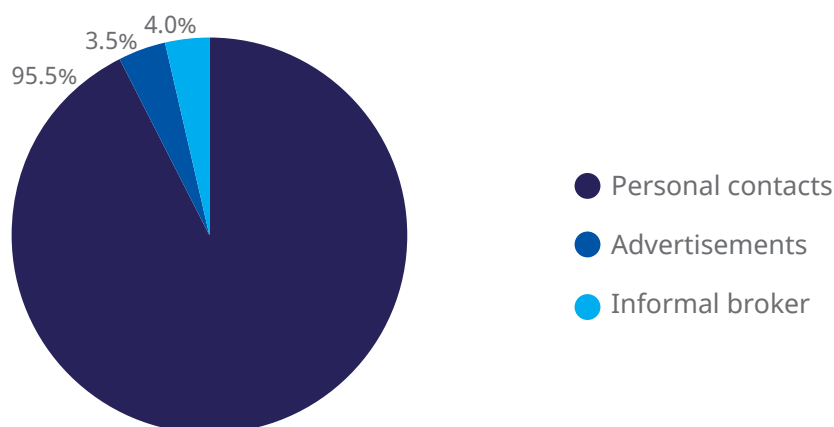


Figure 5.2 Channels used by live out domestic workers to find employment



advertisement, and eight (4 per cent) had found work through an informal broker. Of these, one of them had paid LKR 5,000 and the other LKR 10,000 to the broker. Not a single live-out domestic worker reported using a registered recruitment agency.

One live-in domestic worker reported paying LKR 500 to the recruitment agency, while another reported during an in-depth interview that she had to pay an annual fee of LKR 500 to the recruitment agency if she wished to remain registered with them. She reported that the recruitment agency was flexible and imposed no penalties when she decided to leave a household they had placed her in, and found another household through informal contacts. If she wished to use their services again, she was welcomed back as long as she had paid the annual registration fee.

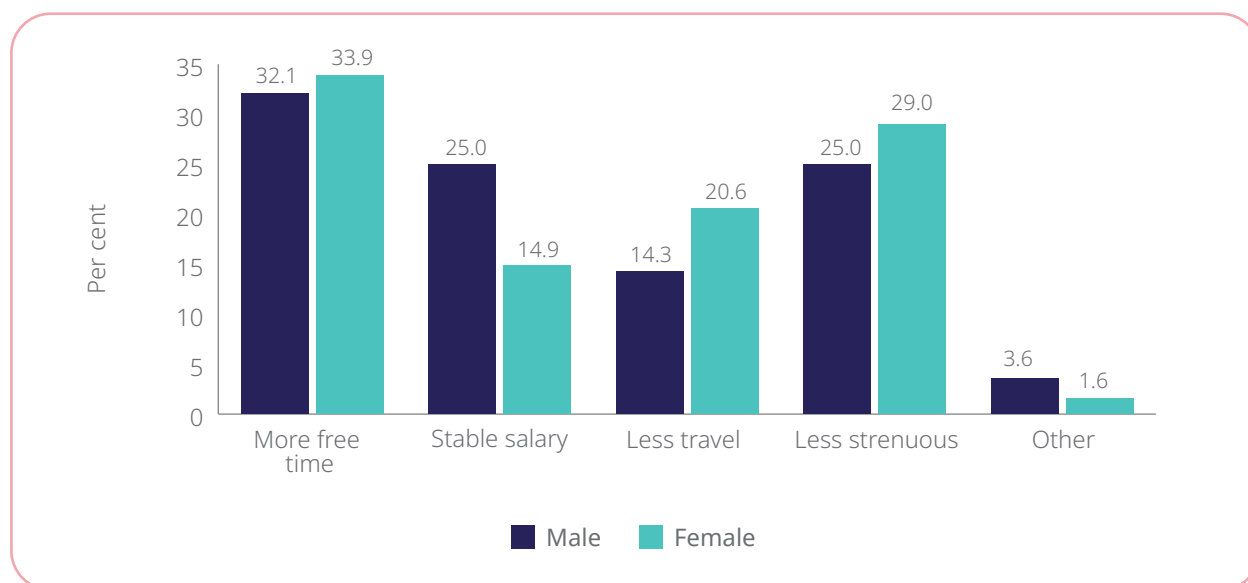
5.2 Single or multiple workplaces?

Contrary to popular perception prevalent in Sri Lanka about live-out domestic workers working in several households, in fact, of the total sample of live-out domestic workers, 84 per cent worked only in one household. Only 10.5 per cent reported that they worked in two households. There were a few who worked in three or more households. There was no significant gender difference.

However, many of the workers who worked in two or more houses were housemaids (see Table 5.2 in Annex I). The main reasons given by live-out domestic workers for preferring to work in one household, rather than in multiple households were: more time for themselves, the work load being less strenuous, less time spent travelling, and a stable salary.

Table 5.1 Live-out domestic workers who work for more than for one employer by sex

No. of places	Male		Female		Total	
	No.	%	No.	%	No.	%
1	23	82.1	113	84.3	136	84.0
2	3	10.7	14	10.4	17	10.5
3	1	3.6	6	4.5	7	4.3
5	1	3.6	-	-	1	0.6
7	-	-	1	0.7	1	0.6
Total	28	100.0	134	100.0	162	100.0

Figure 5.3 Reasons given by live-out domestic workers for working for one employer by sex

The preference for working in a single household is illustrated through Soma's working situation. (Box 5.1)

Box 5.1

Sixty-year-old Soma started working at the age of fifteen when her father fell seriously ill. After working as a cleaner in an orphanage for about five years, she had left the place when it was shut down and started looking for work as a live-out domestic worker. Soma claimed she "had no other skills other than cleaning [...] so I went from house to house asking for work". Although at first Soma had to look for work to ensure she received an

adequate income, she soon established a network.

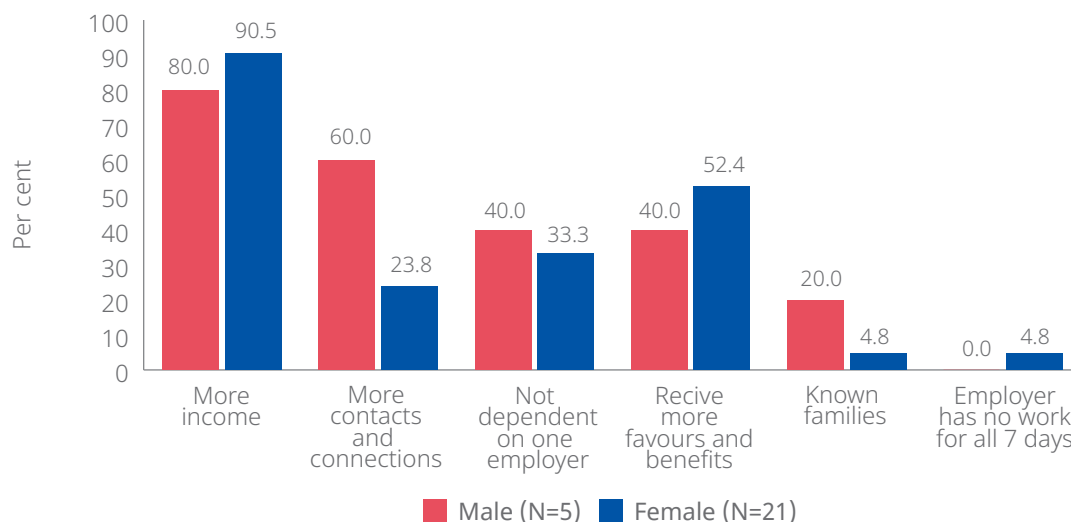
She currently works in seven households. Soma, however, is happy to work with only two of the seven employers. She complained that the others do not pay her a reasonable wage. "In some households I do not even get a cup of tea [...] I am afraid to ask for wage increases as that might create problems with them."

Of those who worked in multiple households, many said that the ability to earn more was the main reason for working in more than one household. Some domestic workers reported that working in more than one household meant receiving more favours and benefits, and also that it gave them the opportunity to build wider networks and not be dependent on one employer. However, as Soma's story illustrates, the benefits associated with working

for one household, seem to outweigh the risks of working in multiple households.

The fact that a majority of live-out workers work in a single household bodes well for regularising domestic work because a contract with a single employer is far less complicated and requires more straightforward administrative and legal procedures than those working in several households.

Figure 5.4 Reasons for working for multiple employers by sex (multiple responses)



5.3 Work agreements

Live-in domestic workers

Only three live-in domestic workers, (2.2 per cent), had a written agreement with their employers, while another person had a contract with a job agency. Ninety two per cent of live-in domestic workers did not have a formal written contract. The others did not respond.

However, 95 per cent of those with verbal agreements reported that they were aware of the terms and conditions of the job they were undertaking, that is 100 per cent of men and 93.5 per cent of women.

Housemaids were the only category that reported that they did not have adequate awareness of the terms and conditions of their job. No one working as a nanny, carer, cook, driver, or gardener reported that they did not know the terms of their work agreement. It should be noted that claiming to 'know' the terms and conditions of their employment did not necessarily mean the terms and conditions were fair or just, especially with regard to the range of salaries paid and the long working hours (see Table 5.4 in Annex I).

At the point of hiring, a majority of domestic workers reported that the following terms

Figure 5.5 Type of agreement received by live-in domestic workers

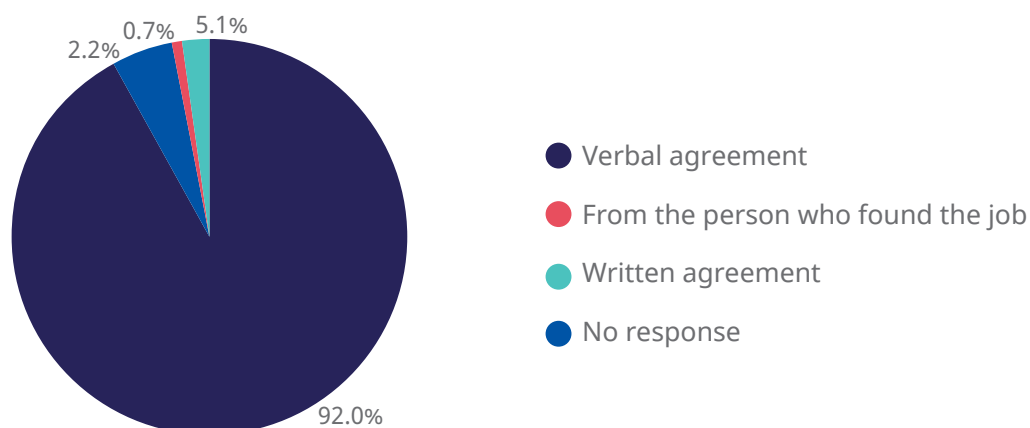


Table 5.3 Live-in domestic workers aware of the terms of work prior to taking employment by sex

Sex	Yes		No		Total	
	No.	%	No.	%	No.	%
Male	30	100.0	-	-	30	100.0
Female	101	93.5	7	6.5	108	100.0
Total	131	94.9	7	5.1	138	100.0

were explicitly discussed in their verbal agreements: 92.8 per cent reported that their wage was discussed, 89.9 per cent said duties were mentioned. However, only about half of the sample reported that leave and duty hours were discussed; that is, leave-58 per cent, and duty hours-54.3 per cent. Only one person reported that social benefits, medical facilities and leave over the weekend were mentioned in the verbal agreement.

It is noteworthy that when the terms and conditions were being discussed verbally, 57.2 per cent had reported that they did not feel they needed to negotiate, and 7.2 per cent said

they could not negotiate, with the terms being stipulated. Only 35.5 per cent (49 persons) reported that they were able to negotiate their terms and conditions of employment at the time of being hired. Of those who were able to negotiate, 41 were able to negotiate their salary, while 20 negotiated their duties, and 19 discussed sick leave. About 15 domestic workers reported that they negotiated their hours of work and rest time when discussing the terms and conditions. Very few were able to discuss bonuses, social benefits, paid leave, holiday on Poya days, and overtime payment.

Table 5.5 Terms of work discussed with live-in domestic workers in the verbal agreement

Sex	Yes		No		Total	
	No.	%	No.	%	No.	%
Male	30	100.0	-	-	30	100.0
Female	101	93.5	7	6.5	108	100.0
Total	131	94.9	7	5.1	138	100.0
Sex	Yes		No		Total	
	No.	%	No.	%	No.	%
Male	30	100.0	-	-	30	100.0
Female	101	93.5	7	6.5	108	100.0

Table 5.6 Live-in domestic workers who were able to negotiate terms of work with employers by sex

Ability to negotiate	Male		Female		Total	
	No.	%	No.	%	No.	%
Yes	12	40.0	37	34.3	49	35.5
No	2	6.7	8	7.4	10	7.2
There was no need	16	53.3	63	58.3	79	57.2
Total	30	100.0	108	100.0	138	100.0

Table 5.7 Terms of work negotiated by live-in domestic workers with their employers

Conditions	Yes		No		Total	
	No.	%	No.	%	No.	%
Wages	41	29.7	97	70.3	138	100.0
Bonus	5	3.6	133	96.4	138	100.0
Rest time	14	10.1	124	89.9	138	100.0
Duties	20	14.5	118	85.5	138	100.0
Duty hours	15	10.9	123	89.1	138	100.0
Social benefits	2	1.4	136	98.6	138	100.0
Paid leave	11	8.0	127	92.0	138	100.0
Sick leave	19	13.8	119	86.2	138	100.0
Maternity leave	-	-	138*	100.0	138	100.0
Overtime payment	2	1.4	136	98.6	138	100.0
Start/End dates of contract	-	-	138	100.0	138	100.0
Loan facility	1	0.7	137	99.3	138	100.0
Poya holiday	1	0.7	137	99.3	138	100.0

Live-out domestic workers

Ninety eight per cent (199 households that domestic workers worked in) of live-out domestic workers had verbal agreements with their employers. Two employers had given written contracts.

Wages were discussed in 40 (24.7 per cent) households, while in 26 (16.0 per cent) households, duties were talked about. In 47

(29.0 per cent) households, duty hours were discussed, while 29 (17.9 per cent) households discussed the number of days of work/week and 28 (17.2 per cent) discussed number of hours/day. This illustrates that a majority are concerned about the wages and the duties expected from them. They do not seem to be concerned with other terms such as leave, rest-time, and social benefits. However, unlike with live-ins, a majority reported negotiating their

Figure 5.6 Type of agreement received by live-out domestic workers from their employers

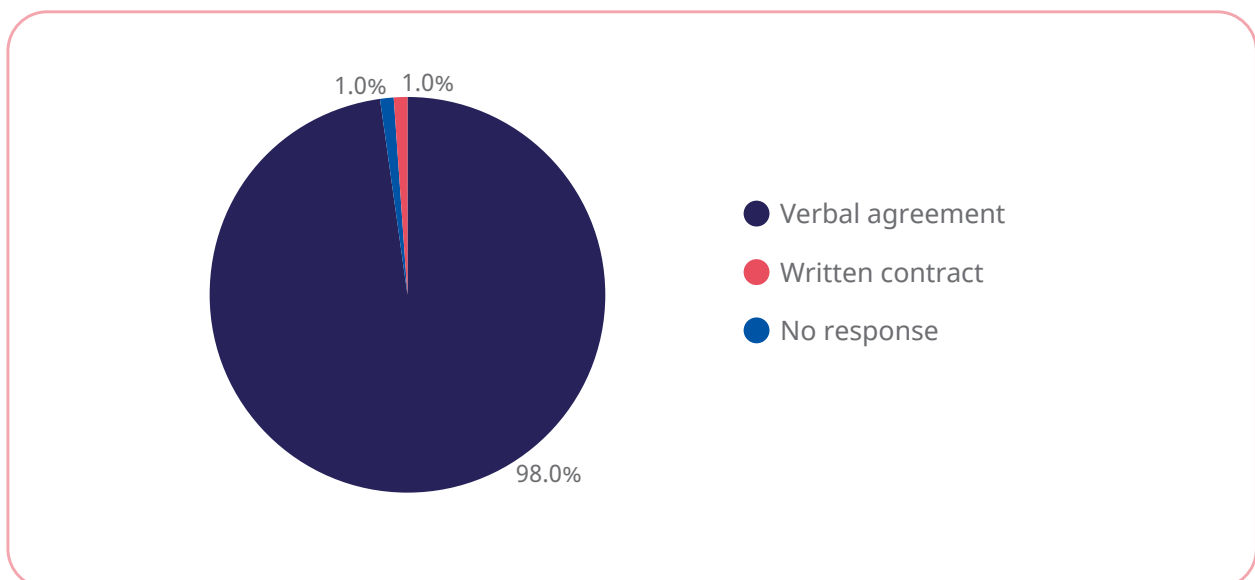
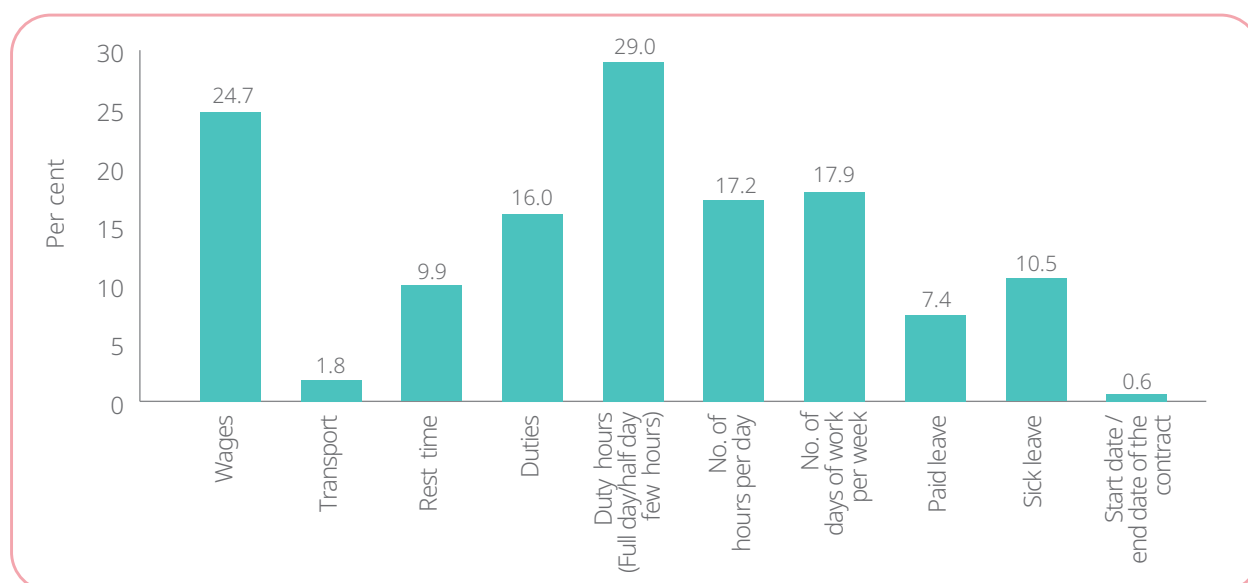


Figure 5.7 Terms of work discussed by live-out domestic workers with their employer/s

terms, including duty hours, wages, number of days per week, hours of work, and duties (see Table 5.8 in Annex I).

Employers

All 57 employers from the three districts of Colombo, Gampaha and Kandy had given verbal agreements irrespective of their educational levels (reasons for not giving written contracts are given below in section on preference for contracts).

Recruitment agencies

All three recruitment agencies reported that prior to deploying a domestic worker to a household, the employer and the domestic worker had to agree on wages duties, days off, and, in the case of live-in domestic workers, the facilities provided for their stay in the home. The agencies also reported that they ask employers not to pay the monthly salary before the end of the month for live-in domestic workers, and to ensure that their valuables are secure as they cannot guarantee the honesty and integrity of the domestic workers. According to the recruitment agencies interviewed, unlike in the past, domestic workers are concerned about their wages and facilities such as a separate room to sleep before they make the decision to start work. They also reported that some

domestic workers directly ask for rest periods and freedom before they take up the job.

5.4 Salaries and wages

At present, there is no minimum wage coverage for domestic work in Sri Lanka. The survey findings reveal a significant variance in the daily and monthly wages of domestic workers. However, according to the Extraordinary Gazette notification (2080/22) of the Wages Board Ordinance published in July 2018, the minimum daily wage for janitorial services is LKR 600 per day (www.labourdept.gov.lk). Calculated at the rate of thirty days, this would mean a minimum monthly wage of LKR 18,000. According to Wage Indicator Foundation—an international network—legislation has been submitted to the Parliament of Sri Lanka that stipulates the national minimum monthly wage for all workers in any industry or service as LKR 10,000, while the national minimum daily wage of a worker will be LKR 400 (wageindicator.org/salary/minimum-wage/sri-lanka).

However, with the liberalisation of Sri Lanka's economy in 1977, the economy has expanded and diversified creating new employment opportunities for women. For poor and rural women, these opportunities have been mostly in the form of: export-oriented industries in

the free trade zones; in the service sector such as in private hospitals, cleaning and security companies, super market chains and hotels; as migrant domestic workers mainly to the Middle-east; and also in the form of low-paying informal sector economic activities. Although the female labour-force participation rate in Sri Lanka remains relatively low, the concomitant increase in educated women joining the labour force, the emergence of nuclear families, and an ageing population have increased the demand for domestic workers. The demand and supply of migrant workers has probably had an impact on increased wages as well as better working conditions.

Live-in domestic workers

Monthly wages paid to live-in domestic workers ranged from under LKR 5,000 to over LKR 30,000 demonstrating that there is no minimum wage that is stipulated. A little over one-third of live-in domestic workers earned between LKR 10,001–20,000, and another one-third earned between LKR 20,001 and 30,000. The range of salaries paid and the percentage of live-in domestic workers earning them were corroborated by what the employers reported, including the lowest and highest income brackets, that is less than LKR 5,000 and more than LKR 30,000.

Table 5.9 Monthly salary received by live-in domestic workers by sex

Salary (LKR)	Male		Female		Total	
	No.	%	No.	%	No.	%
< 5 000	-	-	2	1.8	2	1.8
5 000-10 000	3	10.0	16	14.8	19	13.7
10 001-20 000	12	40.0	39	36.1	51	36.9
20 001-30 000	9	30.0	44	40.7	53	38.4
>30 000	6	20.0	6	5.5	12	8.7
Do not know	-	-	1	0.9	1	0.9
Total	30	100	108	100.0	138	100.0

As reported by employers, most of the domestic workers were employed as housemaids. There was a significant difference in the wages paid to housemaids among the three districts. In Colombo 50 per cent of the housemaids were paid a wage of more than LKR 20,000, while only 25 per cent in Gampaha were paid more than LKR 20,000, and in Kandy the wages of all housemaids were less than or equal to LKR 20,000 (see Tables 5.10, 5.11 and 5.12 in Annex I).

There are some gender differences in the earning capacity of live-in domestic workers. In general, women receive lower monthly wages than men, the reason being that most of the male domestic workers are engaged in what is considered as specialised work, mainly driving. Forty one (40.7) per cent of female workers and

30 per cent of male workers received a monthly wage of between LKR 20,001 and LKR 30,000, while 36.1 per cent of women, and 40 per cent of men received a salary that ranged between LKR 10,000 and LKR 20,000. Two women reported that they received a salary below LKR 5,000, and 16 women (14.8 per cent) earned only between LKR 5,001 and LKR 10,000. Twenty per cent of men and 5.5 per cent of women reported that they received more than LKR 30,000 as a monthly wage (see Table 5.9).

86.2 per cent of the live-in domestic workers received their salary on a monthly basis, while the rest received their wages weekly, bi-monthly, or when they went home, or when they needed it.

Table 5.13 Intervals at which live-in domestic workers receive wages

Intervals	No.	%
Once a week	10	7.2
Once a month	119	86.2
Once in two months	2	1.4
When they go home	4	2.9
Once in two weeks	1	0.7
When needed	2	1.4
Total	138	100.0

Live-out domestic workers

Overall, the live-out domestic workers earned less than the live-in domestic workers. Fifty four (54.3) per cent of the total sample earned between LKR 10,001 and LKR 20,000, while 13 per cent earned between LKR 20,001 and LKR 30,000, and 10.5 per cent earned more than LKR 30,000.

There were significant gender differences in the salary scales with women earning less than men overall. Fifty eight (58.2) per cent of women compared to 35.7 per cent men earned between LKR 10,001 and LKR 20,000, while only 9.7 per cent of women earned between LKR 20,001 and LKR 30,000 compared with 28.6 per cent men. 28.6 per cent of men earned more than LKR 30,000 while only 6.7 per cent of women earned the same; whereas 22.4 per

Table 5.14 Monthly salary received by live-out domestic workers by sex

Salary (LKR)	Male		Female		Total	
	No.	%	No.	%	No.	%
<5 000	1	3.6	3	2.2	4	2.5
5 000-10 000	1	3.6	30	22.4	31	19.1
10 001-20 000	10	35.7	78	58.2	88	54.3
20 001-30 000	8	28.6	13	9.7	21	13.0
>30 000	8	28.6	9	6.7	17	10.5
Not mentioned	-	-	1	0.7	1	0.6
Total	28	100.0	134	100.0	162	100.0

cent of women earned between LKR 5,001 and LKR 10,000 compared with only 3.6 of men.

5.5 Hours of work**Live-in domestic workers**

Live-in domestic workers work long hours and a significant proportion of them do not have definite start or end times. As a majority of them work in homes with school-going children and working adults, they are also expected to start work early in the morning and continue to work till after 8.00 pm.

Fifty per cent of live-in domestic workers, both men and women, work between 9 to 12 hours a day, while only 27.5 per cent work eight hours or less. With the exception of cooks, most other categories of domestic work demand a work day that spans 9 to 12 hours. They are housemaids (54.7), nannies (57.1) watchers (57.1).

In the case of caregivers, 45.5 per cent reported that they work between 9 to 12 hours, while 27.3 per cent reported that they work for more than 13 hours. Not surprisingly, 42.9 per cent of watchers stated they had no definite hours,

Table 5.15 Daily duty hours of live-in domestic workers by type of work

Type of worker		<=8 hrs.	9-12 hrs.	>=13 hrs.	No definite time of duty hours.	Total
Housemaid	No.	23	47	5	11	86
	%	26.7	54.7	5.8	12.8	100
Cook	No.	5	0	2	0	7
	%	71.4	0	28.6	0	100
Caregiver	No.	2	5	3	1	11
	%	18.2	45.5	27.3	9.1	100
Gardener	No.	2	5	0	2	9
	%	22.2	55.6	0	22.2	100
Watcher	No.	0	4	0	3	7
	%	0	57.1	0	42.9	100
Nanny	No.	0	4	1	2	7
	%	0	57.1	14.3	28.6	100
Driver	No.	6	5	0	0	11
	%	54.5	45.5	0	0	100
Total	No.	38	70	11	19	138
	%	27.5	50.7	8	13.8	100

while 12.8 per cent of the housemaids also reported their hours were not stipulated.

Forty four (44.2) per cent of housemaids also reported that they do not have a definite start time, and 47.7 per cent said they had no definite end time. A significant proportion of housemaids (31.4), nannies (42.9), and cooks (28.6) reported that they started work before 6.00 a.m. The rest, including caregivers, gardeners, and drivers, started work between 6.00 and 8.30 a.m. Only 9.4 per cent reported that their end-time was before 4.30 p.m, with only 11.6 per cent of the total sample reporting that their end time was between 4.30-6.00 p.m. This means that approximately 80 per cent of live-in domestic workers worked past 6.00 p.m (see Tables 5.16 and 5.17 in Annex I).

Live-out domestic workers

Compared with live-in domestic workers who worked long hours with indefinite hours and start and end times, 64.2 per cent of the live-out

workers worked for eight hours or less. Thirty two (31.5) per cent reported that they worked between 8 to 12 hours. There was no gender difference in the number of hours worked.

However, when it came to the number of days the live-out workers were employed, there were some differences between men and women. Twelve (11.9) per cent of women domestic workers worked less than five days a week, 46.3 per cent of women worked five days a week, with 21.6 per cent reporting that they worked six days, and 20.1 per cent saying they worked all seven days. In comparison, only 14.3 per cent of men worked five days a week, while 39.3 per cent worked for six days, and 25 per cent worked all seven days and a little over 20 per cent of male domestic workers worked less than five days a week.

According to the fifteen time-use surveys done with domestic workers (live-in and live-out domestic workers) to capture their daily

Table 5.18 Average number of hours of work performed by live-out domestic workers by sex

Hours	Male		Female		Total	
	No.	%	No.	%	No.	%
<=8 hrs.	18	64.3	86	64.2	104	64.2
8.1-12 hrs.	7	25.0	44	32.8	51	31.5
>=12 hrs.	1	3.6	3	2.2	4	2.5
No definite hours of work	2	7.1	1	0.7	3	1.9
Total	28	100.0	134	100.0	162	100.0

Table 5.19 Average number of days that a live-out domestic worker worked for a week by sex

No. of days	Male		Female		Total	
	No.	%	No.	%	No.	%
2	2	7.1	5	3.7	7	4.3
3	3	10.7	4	3.0	7	4.3
4	1	3.6	7	5.2	8	4.9
5	4	14.3	62	46.3	66	40.7
6	11	39.3	29	21.6	40	24.7
7	7	25.0	27	20.1	34	21.0
Total		28		100.0		134

Table 5.20 Duty hours according to daily routine of domestic workers

Duty hours	No.	%
<8 hrs.	1	6.7
8 hrs.	1	6.7
>8 hrs. and <= 9 hrs.	3	20.0
>9 hrs. and <=10 hrs.	3	20.0
>10 hrs.	7	46.7
Total	15	100.0

routine, 86.7 per cent reported that they worked more than eight hours. Forty seven (46.7) per cent stated that they worked for more than 10 hours.

For 46.7 per cent of domestic workers, the wake-up time was 4.00 a.m or earlier. Seventy three (73.3) per cent went to bed at 10.00 p.m or later.

Thirteen (13.3) per cent had reported that they do not get any leisure time, 53.3 per cent had less than or equal to two hours. 33.3 per cent

had given a leisure time of more than two hours. Times spent on personal activities such as sleeping, ablutions, taking meals varied from less than 10 hours (26.7 per cent) to more than 10 but less than 14 hours (73.3 per cent). This further confirms the earlier findings of hours of work and also brings out the fact that two thirds of those surveyed had less than or equal to two hours of leisure time. Almost one fourth had less than or equal to 10 hours for their personal activities. This has implications as to how decent work for domestic workers can be established.

Table 5.21 Wake-up time according to daily routine of domestic workers

Wake-up time	No.	%
Before 4.00 am	1	6.7
At 4.00 am	6	40.0
At 5.00 am	4	26.7
At 5.30 am	2	13.3
At 6.00 am	2	13.3
Total	15	100.0

Table 5.22 Bed-time according to daily routine of domestic workers

Bed-time	No.	%
9.00 pm	1	6.7
9.30 pm	3	20.0
10.00 pm	5	33.3
10.30 pm	3	20.0
10.45 pm	2	13.3
11.00 pm	1	6.7
Total	15	100.0

Table 5.23 Leisure hours according to daily routine of domestic workers

Leisure hours	No.	%
No leisure	2	13.3
<= 2 hrs.	8	53.3
> 2 hrs.	5	33.3
Total	15	100.0

Table 5.24 Time spent on personal activities according to daily routine of domestic workers

Time on personal activities	No.	%
<=10 hrs.	4	26.7
>10 and <14 hrs.	11	73.3
Total	15	100.0
Total	15	100.0

5.6 Duties

Live-in and live-out domestic workers

Within the range of live-in domestic workers surveyed, housemaids had the widest range of duties allocated to them including cooking or assisting in the cooking, as well as washing up

kitchen utensils, cleaning the house, washing and ironing clothes, sweeping the garden, even gardening, marketing, taking care of children, elderly and also pets, and being in charge of the security of the house. Of these duties, cooking and cleaning pots and pans, house cleaning, sweeping the garden, washing clothes, and helping with cooking were their main tasks.

Employers confirmed these findings in their description of duties allocated to housemaids (see Table 5.25 in Annex I). In addition to cooking and cleaning utensils, cooks were expected to do grocery shopping, and sometimes clean the house as well. Caregivers, in addition to their main task, were expected to clean the house and do marketing. Drivers and gardeners had the least range of duties, but in addition to their main tasks helped with marketing and in maintaining the security of the house (see Table 5.26 in Annex I).

Similar to the live-in housemaids, live-out housemaids had the widest range of household tasks. The most prevalent were house cleaning, cooking and cleaning pots and pans, sweeping the garden, washing clothes, and helping the mistress with cooking. In contrast, most of the cooks only did the cooking. In addition to their

primary task, live-out drivers were required to do grocery shopping. A majority of gardeners and watchers too had only their primary task to fulfill with a few of them helping with household tasks that ranged from grocery shopping to maintaining the security of the house (see Table 5.27 in Annex I).

5.7 Leave entitlement

Live-in domestic workers

Seventy five per cent of employers confirmed that they gave annual leave to their live-in domestic workers, while 25 per cent said they did not. However, 89.3 per cent of employers reported that they provided paid leave when domestic workers fell sick.

Table 5.28 Annual leave given to live- in domestic workers as reported by employers by district

Annual leave	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Given	12	63.1	7	87.5	5	100.0	24	75.0
Not given	7	36.8	1	12.5	-	-	8	25.0
Total	19	100.0	8	100.0	5	100	32	100.0

Table 5.29 Sick leave given to live- in domestic workers as reported by employers by district

Sick leave	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Paid	14	93.3	7	87.5	4	80.0	25	89.3
Unpaid	1	6.7	1	12.5	1	20.0	3	10.7
Total	15	100.0	8	100.0	5	100.0	28	100.0

This was corroborated by what the domestic workers reported. Seventy four (73.9) per cent of the total sample of live-in domestic workers reported that they received paid leave. For two housemaids, paid leave was not relevant because one of them had no other place to go to, and the other got the week-end off. Of the housemaids surveyed, 26.7 per cent (23 persons) did not get paid leave. Of the drivers surveyed (11 people), ten of them had paid leave. Of the gardeners and watchers surveyed

(16 persons), only three of them did not have paid leave. Of the 18 caregivers and nannies, five of them had no paid leave.

It is noteworthy that 16 domestic workers reported that their wages were deducted when they had taken sick leave, while 49 workers reported their wages were deducted if they took extra leave. However, for a majority of them (87 per cent), their wages were not deducted for sick leave, and 63.8 per cent reported their

Table 5.30 Live-in domestic workers who received paid leave by type of work

Type of worker	Received		Not received		Not relevant		No response		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Housemaid	61	70.9	23	26.7	1	1.2	1	1.2	86	100.0
Cook	5	71.4	2	28.6	0	0.0	0	0.0	7	100.0
Caregiver	8	72.7	3	27.3	0	0.0	0	0.0	11	100.0
Gardener	7	77.8	2	22.2	0	0.0	0	0.0	9	100.0
Watcher	6	85.7	1	14.3	0	0.0	0	0.0	7	100.0
Nanny	5	71.4	2	28.6	0	0.0	0	0.0	7	100.0
Driver	10	90.9	1	9.1	0	0.0	0	0.0	11	100.0
Total	102	73.9	34	24.6	1	0.7	1	0.7	138	100.0

Table 5.31 Live-in domestic workers' whose wages were deducted for taking leave as reported by domestic workers.

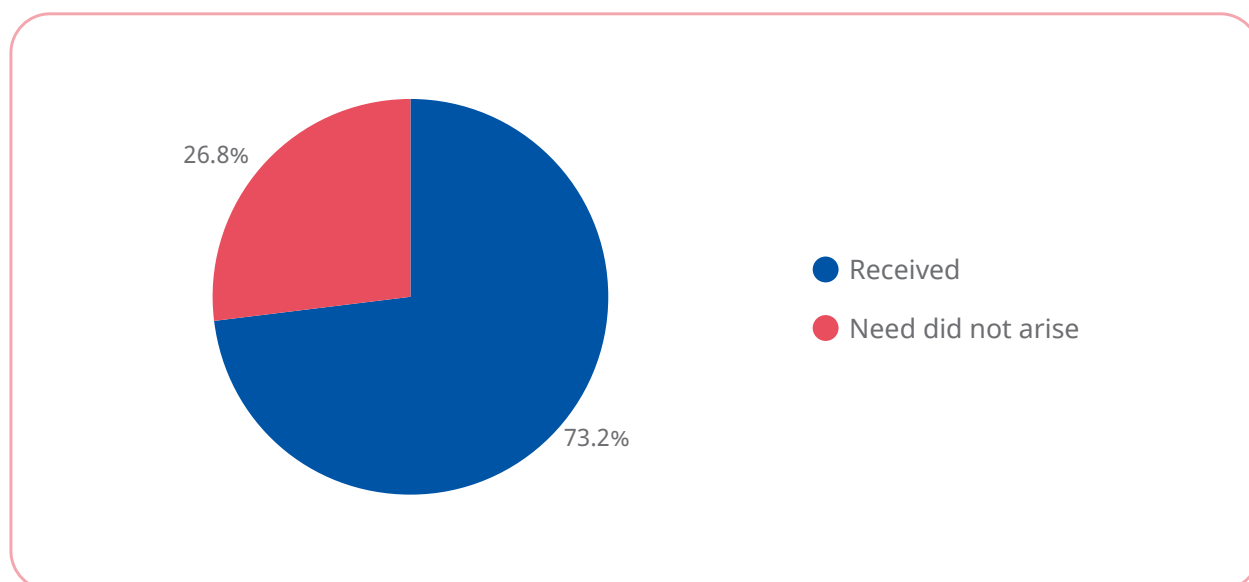
Type of leave	Deducted		Not deducted		No response		Total	
	No.	%	No.	%	No.	%	No.	%
Sick leave	16	11.6	120	87.0	2	1.4	138	100.0
Extra leave	49	35.5	88	63.8	1	0.7	138	100.0

wages were not deducted when they took extra leave.

Thirty (29.7) per cent of the live-in domestic workers took their leave once a month. However, of the total, 43.3 per cent of male live-in domestic workers took monthly leave,

while only 25.9 per cent of the women had the same entitlement. Twenty five (25.4) per cent of the total sample said 'not relevant' when asked about the frequency of leave. Twenty nine (28.9) per cent reported that they took leave for festivals, religious holidays, and when necessary (see Table 5.32 in Annex I). Forty

Figure 5.8 Received leave to cast vote at election time



eight (47.5) per cent of the total number of live-in domestic workers took 2 to 3 days of leave at a time, with 15.6 per cent taking 4 to 7 days. Seventeen per cent reported they took only one day of leave at one occasion. A few reported the numbers of days depended on their need, and a few had taken more than a week off at one time (see Table 5.33 in Annex I).

Seventy three (73.2) per cent reported that they had received leave during election time to cast their vote, with 26.8 per cent reporting that an election had not come up during their tenure of employment at the current household.

5.8 Preference for contracts

Live-in domestic workers

Fifty seven (57.2) per cent of domestic workers in the survey preferred verbal contracts over written contracts. There was no gender difference in the preference for verbal agreements. However, 31.5 per cent of female domestic workers said they had no idea as to what type of contract they preferred, whereas

only 10 per cent of the men said the same. Similarly, 11 per cent of female workers said they would like a written agreement, compared with one-third of men who preferred written contracts. These disparities in opinions point to the educational level of the women domestic workers, which was discussed in the previous chapter.

The four main reasons that domestic workers cited for preferring a verbal agreement over a written one were: a verbal agreement would be easier to negotiate than a written one; easier to understand a verbal agreement; a verbal contract gave them more flexibility; and that they were unfamiliar with written contracts. These reasons illustrate that domestic workers feel written contracts are inflexible and hard to comprehend, giving them little room for negotiation. It points to the need for educating a majority of domestic workers on the terms and conditions of contracts and improving their literacy in reading and understanding a contract before agreeing to it.

Table 5.34 Live-in domestic workers' preference for the type of agreement by sex

Response	Male		Female		Total	
	No.	%	No.	%	No.	%
Written contract	10	33.3	12	11.1	22	15.9
Verbal agreement	17	56.7	62	57.4	79	57.2
No idea	3	10	34	31.5	37	26.8
Total	30	100	108	100	138	100

Table 5.35 Reasons for the preference for verbal agreement by live-in domestic workers (multiple responses)

Reasons	No.	%
(n=79)	%	26.7
Easy to negotiate	56	70.8
Easy to understand working conditions	53	67.0
Flexibility	36	45.6
Not familiar with written contracts	33	41.8
Cannot understand written documents	1	1.3
On trust	1	1.3

This is illustrated from the following narratives of two female domestic workers. The narratives

also highlight the need for advocacy among domestic workers.

Box 5.2

“I do not know to compare with other jobs. I have heard that those women who go for foreign employment receive training. It is good if domestic workers in Sri Lanka are also given training. This will give recognition. I do not know to talk

about agreements. What is EPF? I do not know. I get a wage, get leave whenever I want, get sick leave. I do not want to think beyond that. I live here and do my work and receive all facilities. I do not expect anything more.”

Box 5.3

“As I understand we will be disadvantaged by getting a written agreement. Now at times I run home and come back. If I receive a written agreement, I would

not be able to do that. Some will not understand written agreements. Some will get frightened to take this job. Most are not educated.”

The domestic workers who said they would, in fact, prefer a written contract, cited the following reasons: clear terms and conditions; better job security; and less chance for employers to deviate from an agreement. These reasons point to domestic workers understanding that contracts will be, on the long run, more beneficial especially with regard to protecting them from being over-worked and exploited.

a written contract. Here too, like with the live-in category, there were no major gender differences. However, 27.6 per cent of women (37 women) said they had no idea as to what type of contract they preferred, compared to only 7.1 per cent (2 men). This is indicative of the educational levels of women domestic workers.

Live-out domestic workers

Sixty two (61.7) per cent of live-out domestic workers said they would prefer verbal agreements over written agreements, while 14.2 per cent said they would, in fact, prefer

Table 5. 36 Live-out domestic workers' preference for the type of agreement by sex

Response	Male		Female		Total	
	No.	%	No.	%	No.	%
Written contract	5	17.9	18	13.4	23	14.2
Verbal agreement	21	75.0	79	59.0	100	61.7
No idea	2	7.1	37	27.6	39	24.1
Total	28	100.0	134	100.0	162	100.0

Box 5.4

"A live-out domestic worker was of the opinion that domestic work conditions in Sri Lanka should be similar to foreign domestic work. "It is good to give a written agreement. The minimum wage should be LKR Rs. 30,000. It is reasonable, as a domestic worker has to perform a number of duties. While saying that, she also raises the issue of practicality, as a teacher receives only LKR Rs. 35,000 as

salary. She feels it is reasonable to give EPF/ETF. If additional benefits are given then domestic workers will work better. Leave should be given on all Sundays and Poya days. In addition sick leave should be given. Additional leave should be limited to one or two days a month, if not the employer will lose as a monthly salary is given."

The above narratives clearly show the importance of educating domestic workers for regularising domestic work.

Of those who preferred a written contract, the following four reasons were cited: better job security, clear terms and conditions compared with a verbal contract, less opportunity for the employer to deviate from initial agreement, and, interestingly, more recognition for the work they do.

Of those who preferred the existing status quo, 85.0 per cent of workers cited that verbal agreements are easier to understand, while 53.0 per cent reported that they were unfamiliar with written contracts. While 54.0 per cent talked about having more flexibility with a verbal contract, overall, the preferences indicate that domestic workers are not opposed to formal agreements, but must be educated on reading and understanding written contracts.

Table 5.37 Reasons given by live-out domestic workers for the preference for a written contract (multiple responses)

Reasons	No.	%
(n=23)	%	26.7
Better security	19	82.6
Clear terms and conditions	18	78.2
Less chances for employer to deviate	8	34.7
More recognition	8	34.7
Easy to negotiate	3	13

Table 5.38 Reasons for the preference for verbal agreements by live-out domestic workers (multiple responses)

Reasons	No. (n=100)	%
Easy to understand working conditions	85	85.0
Flexibility	54	54.0
Not familiar with written contract	53	53.0
On trust	6	6.0
Cannot read & write	1	1.0
No idea	1	1.0

Employers

The following four main reasons were given by employers for having verbal agreements with their domestic workers: the employees found verbal agreements easier to understand; there was more flexibility at their end; they were unfamiliar with written contracts; and they had no knowledge that written contracts could be given to a domestic worker. Educational levels had no correlation to their lack of knowledge and awareness. There were no major district-wide differences either, although more employers from Kandy seemed to think domestic workers were incapable of comprehending written

contracts. This shows that all employers of domestic workers too must be educated on written contracts and their contents (see Tables 5.39 and 5.40 in Annex I).

Except for one recruitment agency, which provided written agreements signed by all parties involved, the other two agencies signed a written agreement with only the employer. However, all domestic workers had to register with the relevant agency. In no instance was there a written agreement between the employer and the domestic worker.

Table 5.41 Preference on the terms of work necessary to be included in the contract as given by live-in domestic workers

Terms of work	Necessary to include		Not necessary to include		No idea		Total	
	No.	%	No.	%	No.	%	No.	%
Salary	131	94.9	-	-	7	5.0	138	100
Leave	113	81.8	7	5.1	18	13.0	138	100
Working hours	105	76.0	12	8.7	21	15.2	138	100
Bonus	55	39.8	9	6.5	74	53.6	138	100
Social benefits	46	33.3	5	3.6	87	63.0	138	100
Duties	2	1.4	-	-	136	98.5	138	100
Overtime payment	1	0.7	-	-	137	99.3	138	100
Annual increments	1	0.7	-	-	137	99.3	138	100
Facilities	1	0.7	-	-	137	99.3	138	100
Paid sick leave	1	0.7	-	-	137	99.3	138	100

Table 5.42 Preference on the terms of work necessary to be included in the contract as given by live-out domestic workers

Terms of work	Necessary to include		Not necessary to include		No idea		Total	
	No.	%	No.	%	No.	%	No.	%
Salary	155	95.7	-	-	7	4.3	162	100
Leave	124	76.5	4	2.5	34	20.9	162	100
Working hours	126	77.8	5	3.0	31	19.1	162	100
Bonus	66	40.7	15	9.2	81	50.0	162	100
Social security benefits (EPF/ETF)	58	35.8	8	4.9	96	59.2	162	100

Terms preferred in contract

In considering whether the contract was verbal or written, the following terms were considered as being the most critical to be included by both live-in and live-out workers: salary, leave and working hours. Other terms that were considered as important were bonus and social benefits.

Employers, regardless of the education level, indicated that the following terms should be included in contracts: salary (100 per cent), leave (93 per cent), and working hours (87.7 per cent). Only half of the employers felt a bonus should be included in the contract. However, a little over 50 per cent indicated that social security benefits should be included in the contract.

Table 5.43 Terms of work that should be included in the contract as given by employers

Terms of work	Necessary to include		Not necessary to include		No idea		Total	
	No.	%	No.	%	No.	%	No.	%
Salary	57	100	-	-	-	-	57	100
Leave	53	93	2	3.5	2	3.5	57	100
Working hours	50	87.7	4	7.0	3	5.3	57	100
Bonus	28	49.1	15	26.3	14	24.6	57	100
Social security benefits (EPF/ETF)	31	54.3	9	15.8	17	29.8	57	100

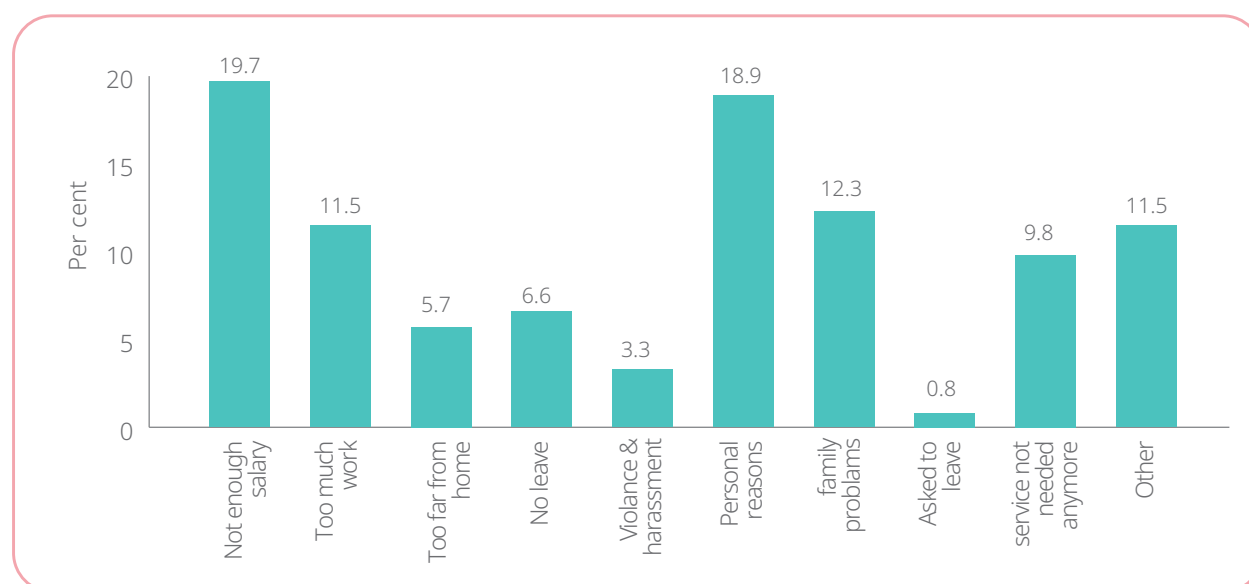
5.9 Reasons for leaving employment

Live-in domestic workers

Thirty eight (31.2 per cent) of live-in domestic workers cited 'personal reasons' or 'family problems' as the reason for leaving their

previous places of employment. However, it is noteworthy that an inadequate salary was the second main reason—24 (19.7 per cent) – cited by live-in domestic workers for leaving a household. A little over 14 (11.5 per cent) cited 'too much work'.

Figure 5.9 Live-in domestic workers' reasons for leaving previous employments* (multiple reasons)



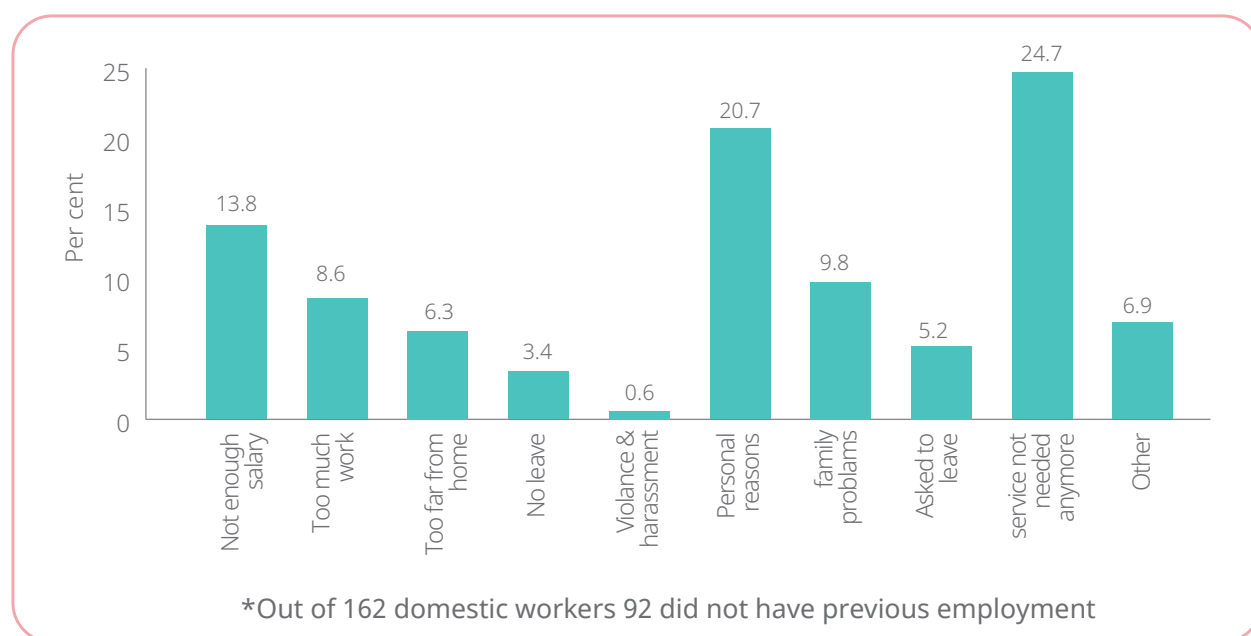
These reasons illustrate the two main reasons why live-in domestic work is precarious and volatile. The first seems to be that domestic workers have many personal issues that compel them to leave their employment for an extended period of time, and not return to their original place of employment. Although not elaborated in the survey, the qualitative data indicates that parents and children falling ill and family funerals, as well as needing leave to go on a family trip or needing extended time off to attend to household matters are possibly the 'personal' reasons cited here. In such circumstances, domestic workers either choose not to go back because employers have been compelled to find a replacement or they fear recrimination. In addition, the qualitative interviews indicated that live-in domestic workers had misunderstandings with household members and left after a disagreement or argument. The second main reason cited by domestic workers for leaving

work is mainly low-pay, too much work, and, to a lesser extent, lack of leave.

Live-out domestic workers

Fifty three workers (30.5 per cent) cited 'personal' or 'family problems' as two of the main reasons for leaving their previous places of employment. Forty three workers (24.7 per cent) had left their previous places of employment because their services were not needed any more. This illustrates that, on the one hand, domestic workers' family situations make it difficult for them to commit to continuous work. On the other hand, this also illustrates that their jobs are precarious and are often subject to their employers' whims and fancies. Only 24 (13.8 per cent) reported that low salary was a reason for changing jobs, while only 15 (8.6 per cent) had left due to there being too much work.

Figure 5.10 Live-out domestic workers' reasons for leaving the previous employments of domestic work (multiple reasons)



Problems faced by employers

The following were the main problems employers who had live-in domestic workers said they faced: domestic worker retorting; not performing their assigned work; stealing; hygiene issues; and meeting friends from outside. This illustrated that while some reasons

have direct relevance to their quality of work—underperforming and hygiene—other problems have to do with work relations—stealing and retorting—while others are of a personal nature: meeting friends.

When it came to live-out workers, the following main problems were mentioned that point

Table 5.44 Type of problems faced with previous live-in and live-out domestic workers (multiple

Problems	Live-in		Live-out	
	No.	%	No.	%
Did not perform the work assigned	8	13.8	6	8.1
Had no proper knowledge to perform the assigned work	2	3.4	5	6.8
Wanted leave frequently	3	5.2	10	13.5
Not clean	7	12.1	7	9.5
Was rude to me and my family members	1	1.7	3	4.1
Stole things	8	13.8	5	6.8
Stubborn	5	8.6	3	4.1
Retort	8	13.8	3	4.1
Made outside friends	7	12.1	3	4.1
Not punctual	0	0.0	11	14.9
Frequently kept away from work	3	5.2	14	18.9
Other	6	10.3	4	5.4
Total	58	100.0	74	100.0


to inconsistency and the lack of discipline: frequently staying away from work; not being punctual; and wanting leave frequently. Hygiene issues were also mentioned by several employers.

When these issues came up, only about 10 per cent said they terminated their contracts without any severance wage. However, a quarter of the employers surveyed had terminated the domestic worker immediately

and had given them a week's or a month's salary. Another quarter of them reported that they gave a month's notice. Approximately 20 per cent gave the domestic worker time to find another job (see Table 5.45 in Annex I).

Complaints received by recruitment agencies

The recruitment agencies interviewed reported that they receive complaints from both domestic workers and employers. A majority of the complaints received from domestic workers were about: the quantity and quality of the meals provided by the employer; not providing a separate room for the domestic worker to sleep in; and asking them to do work not stipulated in the original agreement. The complaints received from the employers about domestic workers were usually about: frequent use of mobile phone; requesting increases in pay; requesting loans; lack of personal hygiene when working; and not returning on the agreed date when the period of leave was over; and also asking for leave and not returning to work after receiving the first month's salary. In the case of live-out domestic workers, the frequent complaint was to do with punctuality.

 **The recognition of domestic work as work legitimises dignity in the workplace, respects the labour rights of domestic workers.**



▶ 06

▶ Working conditions

This chapter analyses the working conditions of domestic workers to ascertain to what extent they comply with the standards of 'decent work' set out by the ILO.



06 Working conditions

This chapter analyses the working conditions of domestic workers to ascertain to what extent they comply with the standards of 'decent work' set out by the ILO. 'Working conditions' refer to living conditions of live-in and also live-out domestic workers, and matters relating to occupational health and safety. The chapter also analyses the labour relations between domestic workers and their employers.

As discussed in the 'Introduction' in this report, almost 50 per cent of live-in domestic workers and 43.2 per cent of live-out domestic workers are highly satisfied with their current place of employment. Less than 10 per cent of live-in domestic workers and less than seven per cent of live-out workers reported that they were 'not satisfied' or 'not at all satisfied'. The in-depth interviews conducted with 15 domestic workers corroborate these findings. A majority of them talked about their present and also their previous employers as being kind and considerate to them, and a number of them claimed that they were treated like a household member.

Although there are no legally stipulated work conditions for domestic workers, relatively good working conditions for domestic workers may be attributed to Sri Lanka's history. Sri Lanka has from very early on in its post-independent history stood out from her South Asian neighbours for her achievements in education, health, employment, and gender equality. Sri Lanka was ranked at number 76 in the UNDP's Human Development Index as well as the Gender Inequality Index and is significantly ahead of her neighbours (United Nations Development Programme 2019)²³. Universal education both in terms of achieving gender parity and also across socio-economic groups and relative openness to human rights discourse and debate have perhaps contributed to better working conditions for domestic workers. The historian Seneviratne

23 HDI Rankings for South Asia: Maldives-102; India-129; Bangladesh-136; Nepal-148; Pakistan-149. Gender Inequality rankings for South Asia: Maldives-101; India-130; Bangladesh-136; Nepal-149; Pakistan-150

Figure 6.1 Level of satisfaction working as a live-in domestic worker

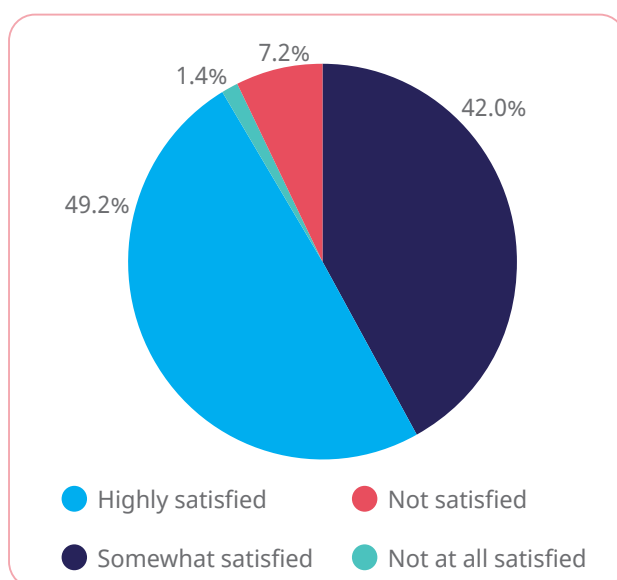
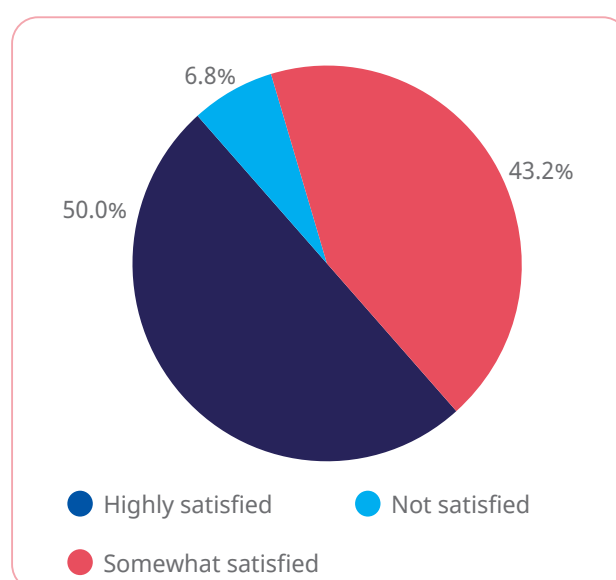


Figure 6.2 Level of satisfaction working live-out domestic worker



Box 6.1

Shanthi, a 39 year-old Tamil woman from Nuwara Eliya, had been working with her current employer in Colombo for almost twenty years. Shanthi described in detail how well they treated her. Even when she had started an affair with their gardener who had asked her to leave the household, the mistress of the household and her daughter, who realised Shanthi's naiveté, had intervened to investigate the gardener's personal background. When they found out that he was married, they had gently broken the news to Shanthi and even given her proof so that she did

not feel they were preventing her from getting married for their own benefit. "I feel where I am working is like my own house, in fact better. When they go on a trip they always take me.

They also give me clothes to wear on the trip. The madam of the house never eats anything without giving me. She is like a mother to me." A few years ago Shanthi had been gifted a small parcel of land by her employers in recognition of years of loyal service.

(1999) credits Buddhism's egalitarian and populist traditions for greater gender and socio-economic equality among the Sinhalese, when compared with the religious elitism of Hinduism and Islam. According to Seneviratne, in Sri Lanka literacy was encouraged amongst the masses, a "milder" form of caste relations was practiced compared with her South Asian neighbours, and there were greater property rights for women, and less extreme forms of gender inequality and violence against women.

Some domestic workers, however, complained of too much work, and had experienced misunderstandings due to incomplete work, and had disagreements that involved other members of the family complaining about them, but, with the exception of two domestic workers, none of them complained of serious harassment or exploitation. One domestic worker had worked in the household from the time she was six years old as a playmate of the children because her mother could not afford to keep her at home. Although the master and mistress of the household had been kind to her, she had been raped by one of the sons. Another domestic worker also complained of harassment by a teen-aged boy and left although her mistress had been kind to her (see section on 'Discrimination and Harassment').

6.1 Facilities**Live-in domestic workers**

Of the total 138 domestic workers surveyed, 93.5 per cent reported that they had a separate room allocated to them. Ninety three (92.8) per cent were provided with meals. Eighty two (81.9) per cent reported they were given toiletries. Seventy eight (77.5) per cent reported they were provided with medicines when unwell. However, only 62.3 per cent reported they received clothes. Only 25.4 per cent had received mosquito nets.

Even though working hours were long and the work-hours were indefinite, 97.8 per cent of live-in domestic workers reported they were given time to rest. Seventy two (71.7) per cent reported that the use of their mobile phone was not restricted.

The recruitment agencies reported that they insist that employers should provide facilities such as a separate room, a mosquito net, proper meals and sanitary facilities. Only 12.5 per cent of employers said they did not provide a separate room for their live-in domestic workers. The inability to provide a room was not an indication of their income level as out of the four employers, two of them earned a monthly income of over LKR 100,000 per month.

Figure 6.3 Facilities received by live-in domestic workers from their employers

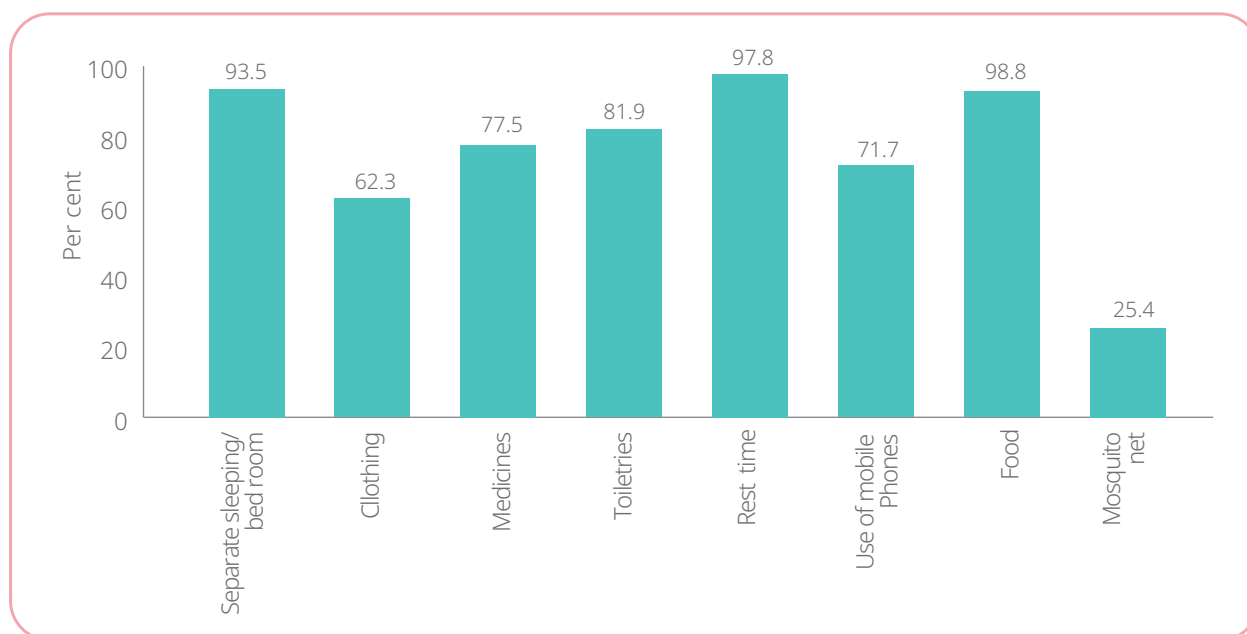


Table 6.1 Type of accommodation given for live-in domestic workers as reported by employers and monthly income of employer

Terms of work	Separate bedroom outside the house		Separate bedroom inside the house		Sleep in the same room as the employer/ family member		Total	
	No.	%	No.	%	No.	%	No.	%
Less than 50 000	-	-	1	50.0	1	50.0	2	100.0
50 000 – 100 000	2	18.2	8	72.7	1	9.1	11	100.0
More than 100 000	4	21.1	13	68.4	2	10.5	19	100.0
Total	6	18.8	22	68.8	4	12.5	32	100.0

Mobility

A significant majority of live-in domestic workers—80.4 per cent—was permitted to leave the house for short periods of time for various reasons and this was not counted as paid leave.

However, 17.4 per cent (24 people) reported they were not permitted to leave the house, while two said they were not allowed to venture out on their own.

Table 6.2 Permission to leave house in addition to paid leave for live-in domestic workers

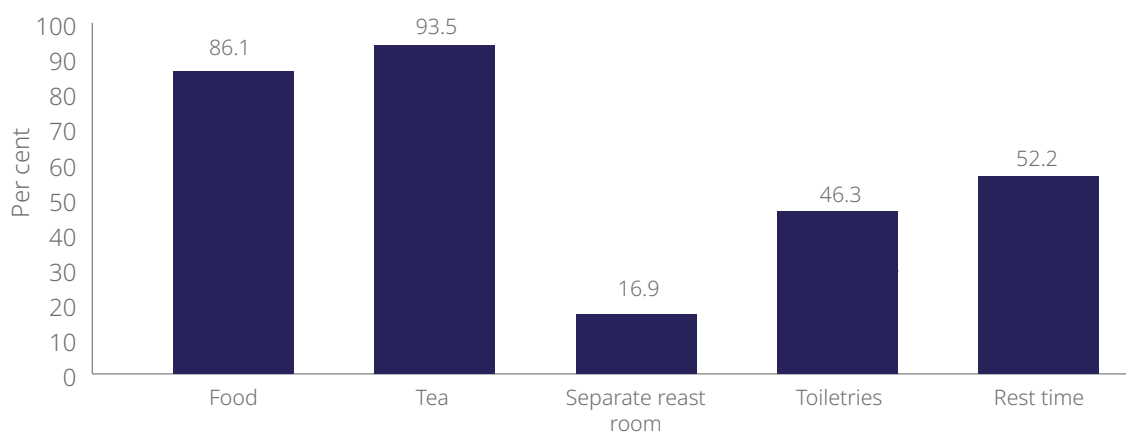
Permitted to leave	No.	%
Permitted	111	80.4
Not Permitted	24	17.4
Not allow to go alone	2	1.4
No response	1	0.7
Total	138	100.0

The 24 domestic workers who were not permitted to leave the house had low educational attainment. Two had no schooling and 21 had dropped out of school. Of the 21 domestic workers, nine had attended school only up to primary level, and the rest (11) only up to secondary level. Only one of the 24 domestic workers had GCE O Level qualification. The two domestic workers who were not allowed to venture out on their own had no schooling.

Live-out domestic workers

Ninety four (93.5) per cent of live-out domestic workers were given tea, while 86.1 per cent were provided with food while at work. Forty six (46.3) per cent said they were also given toiletries. 56.2 per cent reported that they even received rest time, during the work day, although only 16.9 per cent had access to a separate rest room. However, almost 50 per cent of them said a separate room was not necessary.

Figure 6.4 Facilities received by live-out domestic workers from their employers



Additional benefits

It is a popular perception that live-in domestic workers enjoy various monetary benefits in addition to their wages. However, only 42 per cent reported that they received additional financial support. Seventy two (71.7) percent reported that they received family support.

Surprisingly, only 19.6 per cent reported that they had obtained a loan from their employers. Even though a majority of domestic workers

were single women (never-married, separated, divorced, and widowed) who used their income for basic needs of their families, their family obligations and their vulnerability as single women did not have an impact on whether they asked for loans or not.

Of the live-out domestic workers, 78.6 per cent reported they received support for their families from their employers. However, there was no significant difference when it came to personal loans, 21.4 per cent had received loans from their employers.

Table 6.3 Live-in domestic workers who received financial support other than salary

Received financial support	No.	%
Received	58	42.0
Not Received	80	58.0
Total	138	100.0

Table 6.4 Live-in domestic workers who received support for family members

Received support for family members	No.	%
Received	99	71.7
Not Received	19	13.8
Not needed	20	14.5
Total	138	100.0

Table 6.5 Live-in domestic workers who had obtained loans from employers by marital status

Marital status	Obtained		Not obtained		Total	
	No.	%	No.	%	No.	%
Never married	6	16.2	31	83.8	37	100.0
Married	12	23.1	40	76.9	52	100.0
Divorced	1	6.3	15	93.8	16	100.0
Widowed	8	24.2	25	75.8	33	100.0
Total	27	19.6	111	80.4	138	100.0

Table 6.6 Live-out domestic workers who receive support for family members

Received support for family members	No.	%
Received	158	78.6
Not Received	43	21.4
Total	201	100.0

Table 6.7 Live-out domestic workers who had obtained loans from employers by marital status

Marital status	Loans taken		Loans not taken		Total	
	No.	%	No.	%	No.	%
Never married	3	18.8	13	81.2	16	100.0
Married	28	20.7	107	79.3	135	100.0
Divorced	3	33.3	7	77.7	9	100.0
Widowed	9	22.5	31	77.5	40	100.0
Total	43	21.4	158	78.6	201	100.0

6.2 Occupational health and safety

One-third (36.2 per cent) of live-ins and one-fifth (22.2 per cent) of live-out domestic workers said they had fallen sick while at work. In addition, 16 per cent of live-ins and 12.3 live-out domestic workers reported that they had

suffered an injury or had an accident while working (not limited to present employment). Employers confirmed this: 33.3 per cent reported that their domestic workers (not limited to their present domestic workers) fell sick while at work and 12.3 per cent domestic workers suffered an injury or accident while at work (see Table 6. 10).

Table 6.8 Live-in and live-out domestic workers who fell sick while at work as a domestic worker

Sickness	Live-in domestic workers		Live-out domestic workers	
	No.	%	No.	%
Fell sick	50	36.2	36	22.2
Not fell sick	88	63.7	126	77.8
Total	138	100	162	100.0

Out of the 50 live-in domestic workers who said they had fallen sick while at work, 29 live-in domestic workers reported that they work between 9 to 12 hours, while ten live-in domestic workers reported they work more than 13 hours per day. When considering the monthly salaries received by these sub-groups of live-in domestic workers, it is significant that one domestic worker said she was ignorant of

her salary and another said she received less than LKR 5,000.

However, the rest of this sub-group were distributed across the salary scales. Seven received between LKR 5,000–10,000, while 16 of them received between LKR 10,001–20,000. However, 22 live-in domestic workers received between LKR 20,001–30,000, while three received more than LKR 30,000.

Table 6.9 Live-in and live-out domestic workers who suffered injury/ accident while at work as a domestic worker

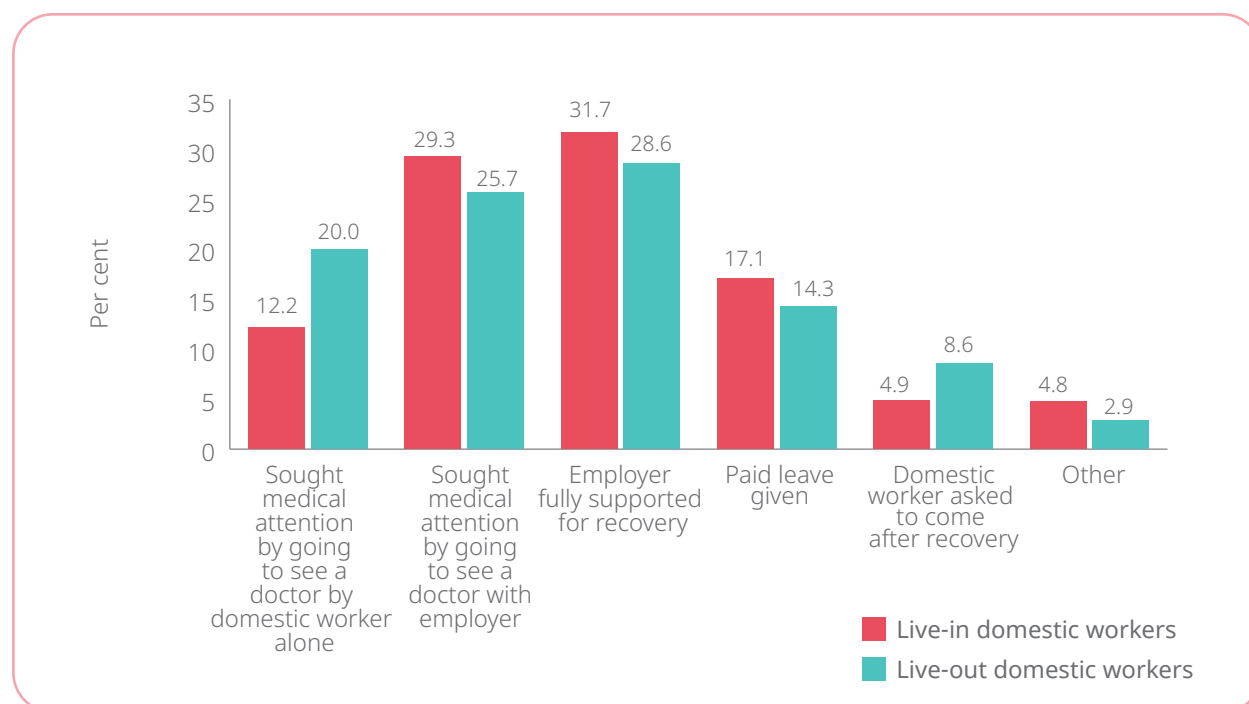
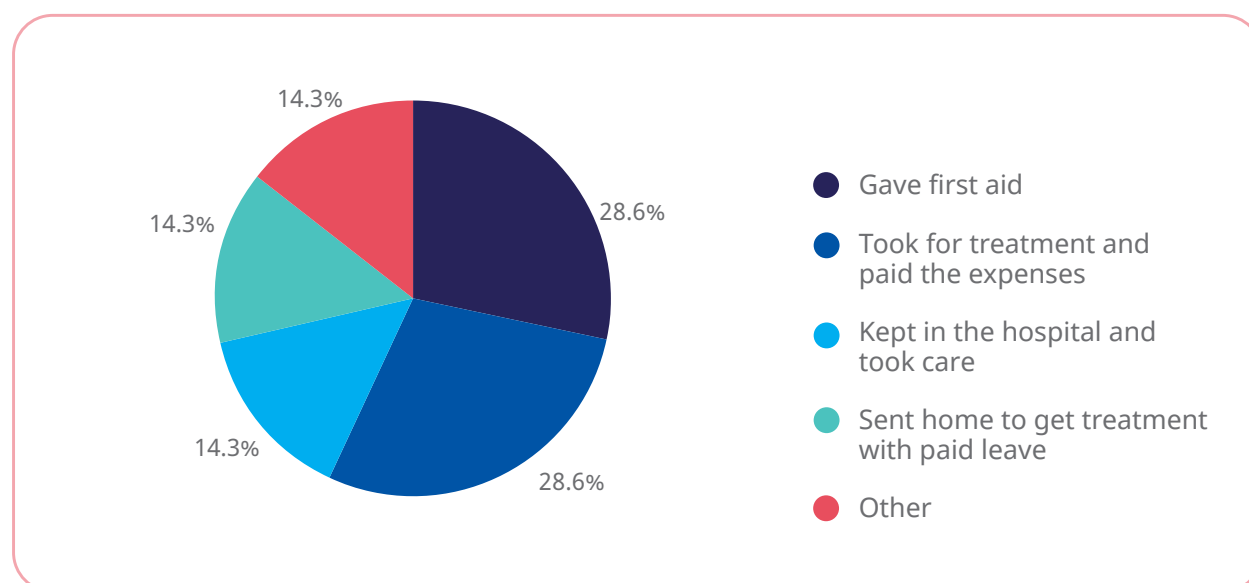
Accident/ Injury	Live-in		Live-out	
	No.	%	No.	%
Met with an accident/ injury	22	15.9	20	12.3
Not met with an accident/ injury	116	84	142	87.7
Total	138	100	162	100.0

Table 6.10 Employers who said their domestic workers suffered from a sickness or met with an injury or accident

Response	Sickness		Injury/accident	
	No.	%	No.	%
Fell sick	19	33.3	7	12.3
Not fell sick	38	66.7	50	87.7
Total	57	100.0	57	100.0

When an accident or an injury was experienced, only 31.7 of live-in and 28.6 per cent of live-out domestic workers reported that their employer fully supported their recovery. Twenty nine (29.3) per cent of live-ins and 25.7 per cent of live-outs reported that their employer accompanied them to seek medical attention, while 17.1 of live-ins and only 14.3 per cent

of live-outs said they received paid sick leave. None of them reported they lost their jobs due to illness or injury. Contrary to these reports, a little less than half the employers said they paid for medical expenses, while approximately 15 per cent said they gave paid sick leave. There was hardly a district variation (see Tables 6.11, 6.12, 6.13 and 6.14 in Annex I).

Figure 6.5 Type of medical attention provided to live-in and live-out domestic workers at times of injury/accident**Figure 6.6 Employers' response in providing medical attention at times of injury or accident**

In case of sickness, 28 per cent of live-in and 22.4 per cent of live-out domestic workers reported that their employers fully supported their recovery. 30.7 per cent of live-ins and 20.7 per cent of live-outs reported that their employer accompanied them in seeking medical attention, while 20 per cent of live-ins and only 8.6 per cent of live-outs said they received paid sick leave. Out of all the employers, 66.7 per cent said that they paid for medical attention when the domestic workers were sick. Three

employers had sent their workers home when they were sick. Out of them, one was given paid sick leave while the other two were not. Once again there was hardly a district variation (see Tables 6.15, 6.16 and 6.17 in Annex I).

Figure 6.7 Type of medical attention provided to live-out domestic workers at times of sickness

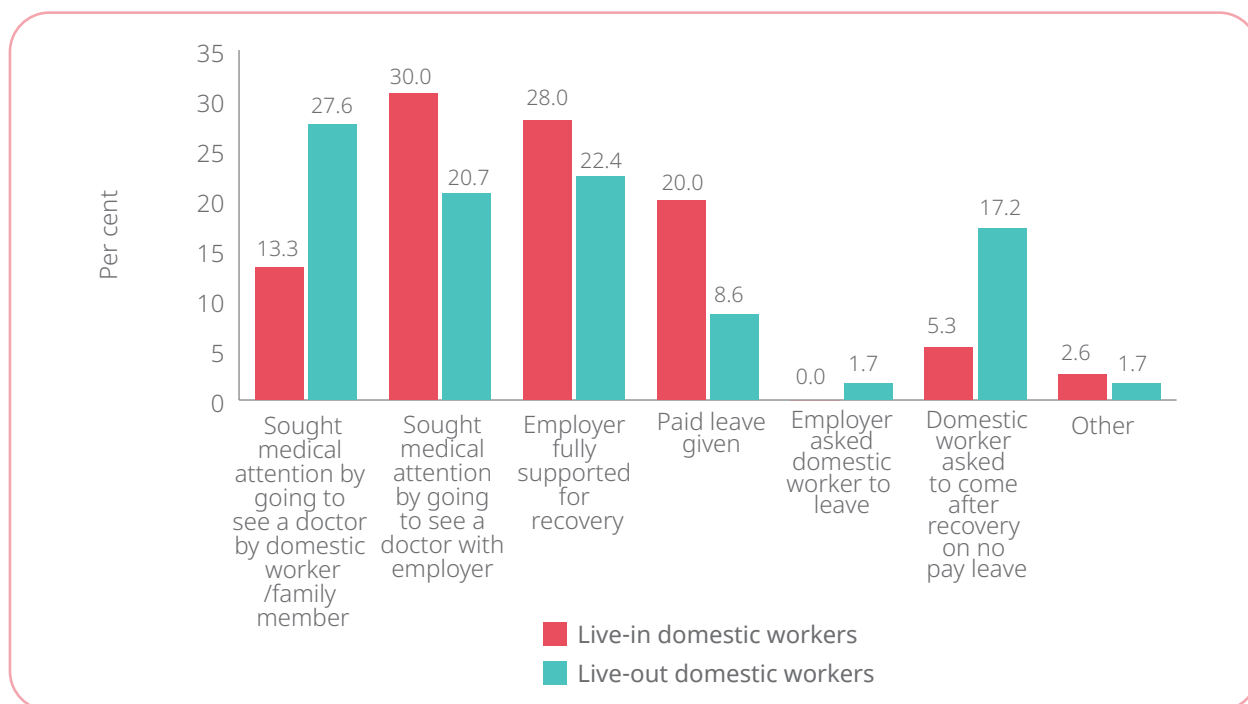
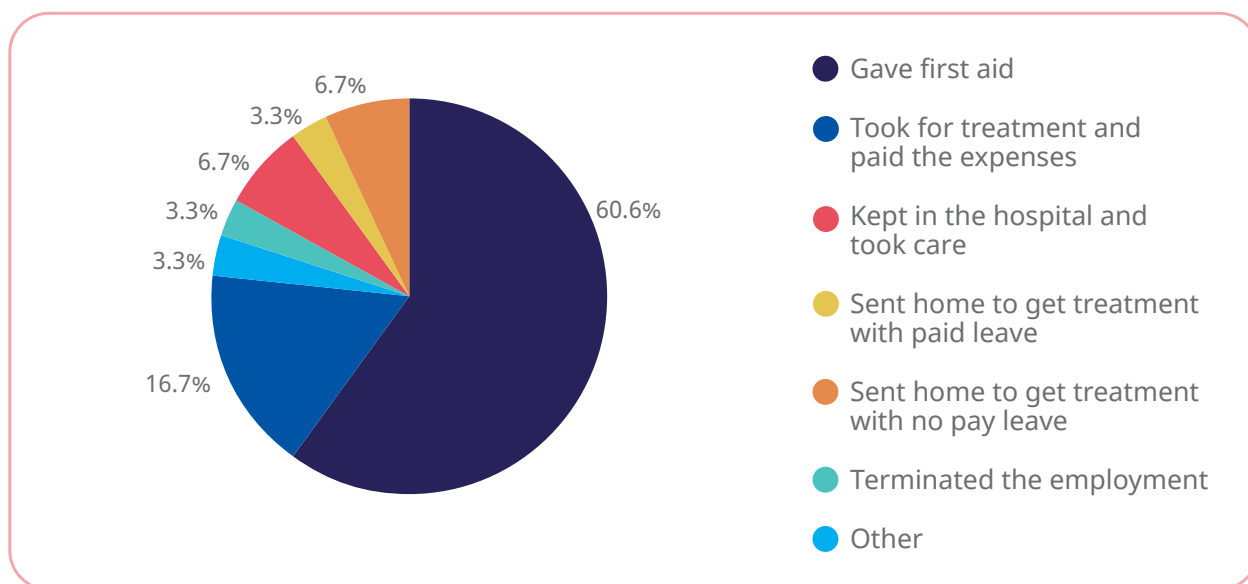


Figure 6.8 Employers' responses in providing medical attention at times of sickness



Of the total number of live-in domestic workers, 61.6 per cent reported that protective gear at work was not relevant to them. This may be due to their unawareness of the importance of having protective gear at work.

However, 27.3 per cent of caregivers and 16.3 per cent of housemaids had received some form of protective gear. Of the nine gardeners

surveyed, 55.6 of them reported they received some protective gear and 28.6 per cent of the nannies had received them. In contrast, 45.6 per cent of employers said they provided protective gear, with only 19.3 saying it was not required.

Table 6.18 Live-in domestic workers who had received protective gear at work by type of work

Category	Received		Not received		Not relevant		No response		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Housemaid	14	16.3	15	17.4	56	65.1	1	1.2	86	100.0
Cook	-	-	1	14.3	6	85.7	-	-	7	100.0
Caregiver	3	27.3	2	18.2	6	54.5	-	-	11	100.0
Gardener	5	55.6	2	22.2	2	22.2	-	-	9	100.0
Watcher	1	14.3	4	57.1	2	28.6	-	-	7	100.0
Nanny	2	28.6	2	28.6	3	42.9	-	-	7	100.0
Driver	1	9.1	-	-	10	90.9	-	-	11	100.0
Total	26	18.8	26	18.8	85	61.6	1	0.7	138	100.0

Table 6.19 Employers who reported that they provide protective gear for domestic workers by district

Provide	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Provided	14	53.8	12	60.0	-	-	26	45.6
Not provided	8	30.8	6	30.0	6	54.5	20	35.1
Not required	4	15.4	2	10.0	5	45.5	11	19.3
Total	26	100.0	20	100.0	11	100.0	57	100.0

6.3 Discrimination and harassment

Live-in Domestic Workers

Only 22.5 per cent (31 people) of live-in domestic workers reported that they had faced problems while working. Of these, 46.5 per cent said the problem was related to too much work, while 21 per cent mentioned psychological harassment.

Twenty live-in domestic workers (64.5 per cent) said they did not make a complaint, while nine

people felt that there was no need to make a complaint. Only two people had made a complaint to their employers. Of those who did not make a complaint, 41.9 per cent said they did not do so because they were afraid of losing their job, while 25.8 per cent reported they were afraid of their employer. Another 25.8 per cent said they did not have knowledge of a relevant authority or organization with whom they could lodge a complaint.

Table 6.20 Live-in domestic workers who had faced problems while working

Faced problems	No.	%
Faced problems	31	22.5
Not Faced problems	107	77.5
Total	138	100.0

Figure 6.9 Type of problems faced by live-in domestic workers while working

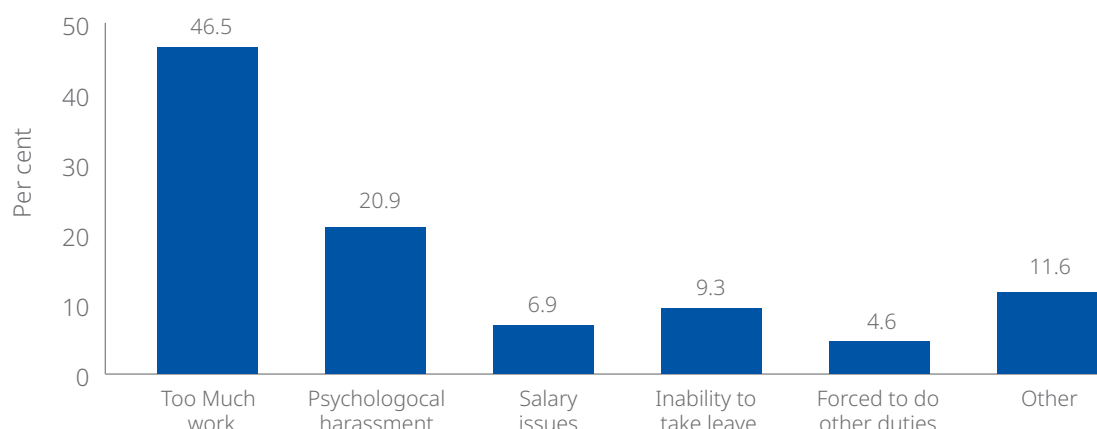


Table 6.21 Live-in domestic workers who complained about problems

Complained	No.	%
Complained	2	6.5
Not complained	20	64.5
Need did not arise	9	29.0
Total	31	100.0

Table 6.22 The type of agency/individual that live-in domestic workers had lodged complaints related to work

Complained to	No.	%
Employer	2	1.4
Not relevant	136	98.6
Total	138	100.0

Table 6.23 Reasons given by live-in domestic workers for not complaining to any one

Reasons	No.	%
No individual or agency to make a complaint	2	6.5
No knowledge of a person or an agency	8	25.8
Afraid of losing the job	13	41.9
Afraid of the employer	8	25.8
Total	31	100.0

Of the 138 workers, five had experienced unacceptable/unpleasant behaviour of their employer or a family member of the employer during their working life. Two had asked for

sexual favours, two workers had said they had been touched in an uncomfortable way and one worker had been raped.

Table 6.24 Live-in domestic workers who experienced unacceptable and unpleasant behaviour by employer/employer's family member

Experienced	No.	%
Experienced	5	3.6
Not Experienced	133	96.4
Total	138	100.0

Table 6.25 Type of unacceptable and unpleasant behaviour experienced by live-in domestic workers (multiple responses)

Type of unacceptable behaviour	No.	%
Talking badly/ degrading	2	16.7
Hitting	2	16.7
Being rude	2	16.7
Asking for sexual favours	2	16.7
Touching me in an uncomfortable way	2	16.7
Threatening	1	8.3
Rape	1	8.3

Out of the above five, only two had complained to the police, the other three did not report due to lack of knowledge of an agency to report to or being afraid of the employer. Of the two who reported to the police, in one case, the employer who raped the domestic worker

was instructed to take full responsibility of the child. In the other case, the worker withdrew the complaint. The following two narratives illustrate instances of sexual harassment that had occurred in previous employment:

Box 6.2

Sixty-year old Mala had started work when she was a child of six years. "When I was about fifteen or sixteen, the oldest son of the employer started to physically harass me. I told my mother, but she told me, 'that is the way with young boys, they are playful, don't feel bad about it. Later he sexually harassed me but I did not tell anyone, not even my mother. When my employer's husband died, a relative who came for the funeral noticed that I was pregnant. My mother was summoned. My mother cried a lot. The madam asked my mother to take me away but my mother

refused. Thereafter my mother went to the Police and made a complaint. [...] The police made the employer's family assume responsibility for what happened, and thereafter they kept me in a separate room and took me to hospital for the delivery. When my mother and I came back to the house with the baby, the employer chased us away. Then again we went to the Police. The Police instructed the employer to take the baby into their care as I was very young. My mother agreed to give them my baby without asking for my consent."

Box 6.3

Sixty five year-old Karuna had started work as a live-in domestic worker at the age of twenty two. "I worked at a house in Mount Lavinia. The mistress was fine. I had no problems. But the eldest son was 19 years old and he started asking me for sexual favours. He was not a good person. He would ask me if he could come to my

room to sleep with me. He frequently asked me to scrub his body whenever he was bathing. I tried to avoid contact, but it became a serious problem for me. How can I complain to the mistress about her own son? I left the job saying that I was not well enough to work."

These two narratives show the vulnerability of live-in women domestic workers. In one case the mother of the domestic worker was forceful enough to report to Police, but the worker was victimised. In the other case, she did not have support either from her family or any outside source to pursue her case.

Live-out domestic workers

Only 11.1 per cent of live-out domestic workers (18 people) reported that they had faced problems at work. Of these, 16 were women. None of them had made a complaint or felt they

needed to lodge a complaint. Of the two men who had problems, one felt that there was no need to complain while the other complained to guardians of the patient.

Four people, three of them women, had experienced unacceptable behaviour by their employers. This meant: talking in a degrading manner, threatening them, and asking for sexual favours. One of them complained that an employer had hit her, burnt her, and cut her hair in anger.

Table 6.26 Live-out domestic workers who had faced problems while working by sex

Faced problems	Male		Female		Total	
	No.	%	No.	%	No.	%
Faced problems	2	7.1	16	11.9	18	11.1
Not faced problems	26	92.9	118	88.1	144	88.9
Total	28	100.0	134	100.0	162	100.0

Table 6.27 Live-out domestic workers who complained about problems by sex

Complained	Male		Female		Total	
	No.	%	No.	%	No.	%
Complained	1	50.0	-	-	1	5.6
Not complained	-	-	11	68.8	11	61.1
Need did not arise	1	50.0	5	31.3	6	33.3
Total	2	100.0	16	100.0	18	100.0

Table 6.28 Live-out domestic workers who had experienced unacceptable behaviour by sex

Experienced	Male		Female		Total	
	No.	%	No.	%	No.	%
Experienced	1	3.6	3	2.2	4	2.5
Not experienced	27	96.4	131	97.8	158	97.5
Total	28	100.0	134	100.0	162	100.0

6.4 Career development and job security

Training

When live-in domestic workers were asked if they wished to receive any training for their work, 59.3 per cent of housemaids said they had no idea. In fact, a majority—that is more than 50 per cent—of nannies and caregivers gave the

same answer. Only 27.5 per cent of the total sample said they would like to receive training, while 53.6 per cent said they had no idea.

There was no significant difference amongst live-out domestic workers. Only 30.2 per cent said they would like to receive training, while 43.2 per cent said they had no idea. Forty five (44.7) per cent of housemaids said they had no idea, while 35.3 per cent felt they needed some training.

Table 6.29 Live-in domestic workers who wished to receive training by type of work

Category	Yes		No		No idea		No response		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Housemaid	26	30.2	5	5.8	51	59.3	4	4.7	86	100.0
Cook	-	-	-	-	6	85.7	1	14.3	7	100.0
Caregiver	3	27.3	2	18.2	6	54.5	-	-	11	100.0
Gardener	5	55.6	3	33.3	1	11.1	-	-	9	100.0
Watcher	2	28.6	2	28.6	3	42.9	-	-	7	100.0
Nanny	1	14.3	1	14.3	5	71.4	-	-	7	100.0
Driver	1	9.1	2	18.2	2	18.2	6	54.5	11	100.0
Total	38	27.5	15	10.9	74	53.6	11	8.0	138	100.0

Table 6.30 Live-out domestic workers who wished to receive training by type of work

Category	Yes		No		No idea		No response		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Housemaid	30	35.3	13	15.3	38	44.7	4	4.7	85	100.0
Cook	3	20.0	2	13.3	10	66.7	-	-	15	100.0
Caregiver	3	37.5	2	25.0	2	25.0	1	12.5	8	100.0
Gardener	3	23.1	3	23.1	6	46.2	1	7.7	13	100.0
Watcher	1	50.0	1	50.0	-	-	-	-	2	100.0
Nanny	9	34.6	2	7.7	14	53.8	1	3.8	26	100.0
Driver	-	-	1	7.7	-	-	12	92.3	13	100.0
Total	49	30.2	24	14.8	70	43.2	19	11.7	162	100.0

However, 79 per cent of employers felt domestic workers should be given vocational training (see Table 6.31 in Annex I). This is explained by their levels of satisfaction with domestic workers. Although 35 per cent said they were 'highly satisfied', 61.4 per cent of the employers said they were only 'somewhat satisfied' with their domestic workers. Their levels of satisfaction may have to do with the skill level of the domestic workers.

Letters of recommendation / testimonials

Fifty one (50.7) per cent of live-in domestic workers said they would appreciate a testimonial from their employer, while 47.1 per cent said they had no idea about whether they

wanted or needed one. Of these, a majority of watchers, gardeners, and drivers were those who felt a testimonial would be useful to them. A little less than half of the housemaids felt they needed a testimonial, while the others had no idea. A majority of cooks, caregivers, and nannies had no idea. Even with live-out domestic workers, 56.2 per cent felt they would want a testimonial, while 37 per cent said they had no idea as to whether they needed one.

Sixty three (63.1) per cent of employers said they would prefer a testimonial when hiring domestic workers, while 30 per cent said such testimonials would depend on the type of domestic worker being hired. There were no district-wide differences in these opinions.

Table 6.32 Live-in domestic workers who wished to receive a testimonial from employer by type

Type	Yes		No		No idea		Total	
	No.	%	No.	%	No.	%	No.	%
Housemaid	39	45.3	1	1.2	46	53.5	86	100.0
Cook	2	28.6	-	-	5	71.4	7	100.0
Caregiver	4	36.4	-	-	7	63.6	11	100.0
Gardener	8	88.9	-	-	1	11.1	9	100.0
Watcher	7	100.0	-	-	-	-	7	100.0
Nanny	2	28.6	-	-	5	71.4	7	100.0
Driver	8	72.7	2	18.2	1	9.1	11	100.0
Total	70	50.7	3	2.2	65	47.1	138	100.0

Table 6.33 Live-out domestic workers who wished to receive a testimonial from employer by type of work

Type	Yes		No		No idea		Total	
	No.	%	No.	%	No.	%	No.	%
Housemaid	55	64.7	2	2.4	28	32.9	85	100.0
Cook	9	60.0	-	-	6	40.0	15	100.0
Caregiver	3	37.5	2	25.0	3	37.5	8	100.0
Gardener	4	30.8	2	15.4	7	53.8	13	100.0
Watcher	1	50.0	-	-	1	50.0	2	100.0
Nanny	10	38.5	3	11.5	13	50.0	26	100.0
Driver	9	69.2	2	15.4	2	15.4	13	100.0
Total	91	56.2	11	6.8	60	37.0	162	100.0

Table 6.34 Employers who preferred to have testimonials at the time of recruitment of domestic workers by district

Testimonials	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Preferred to have	16	61.5	13	65.0	7	63.6	36	63.1
No	1	3.8	2	10.0	1	9.1	4	7
For some domestic workers	9	34.6	5	25.0	3	27.2	17	29.9
Total	26	100.0	20	100.0	11	100.0	57	100.0

6.5 Domestic workers organisations/ networks

Other than the Domestic Workers Union given below there are no other organizations or any other network for domestic workers in Sri Lanka

The survey data reveals that only five domestic workers, two live-in and three live-out were aware of the Domestic Workers' Union. Out of them, two live-out domestic workers are members of the Domestic Workers Union.

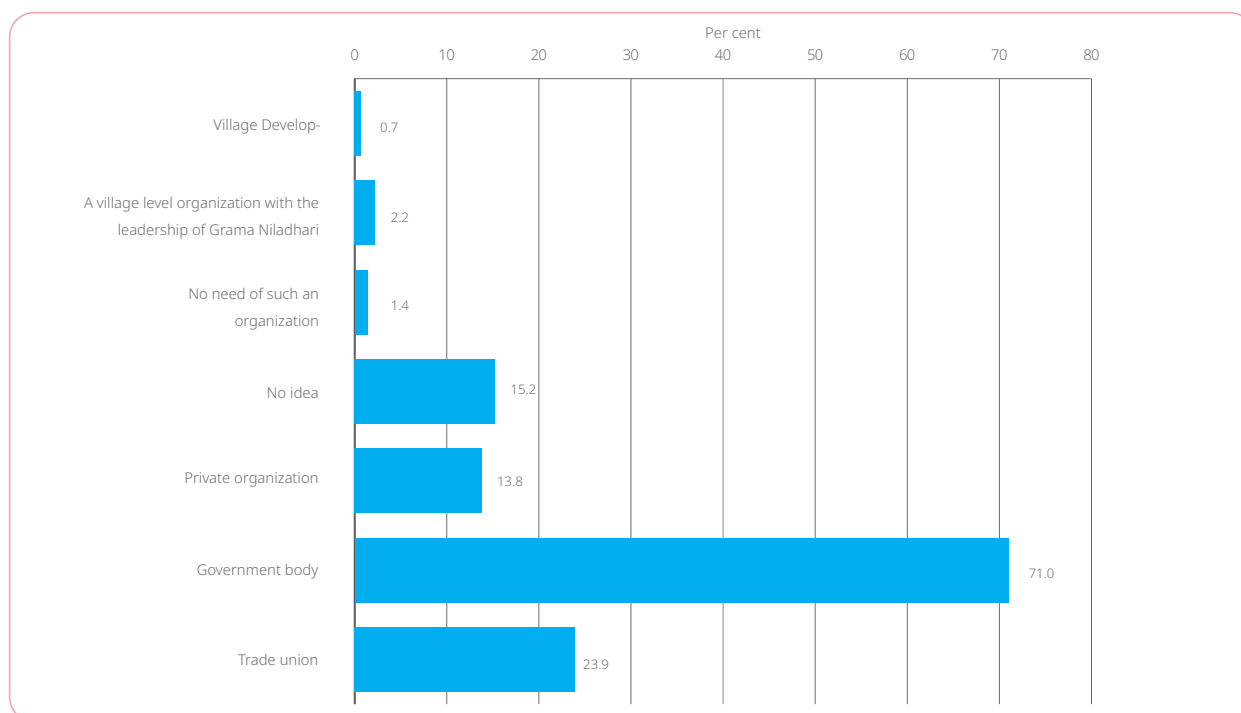
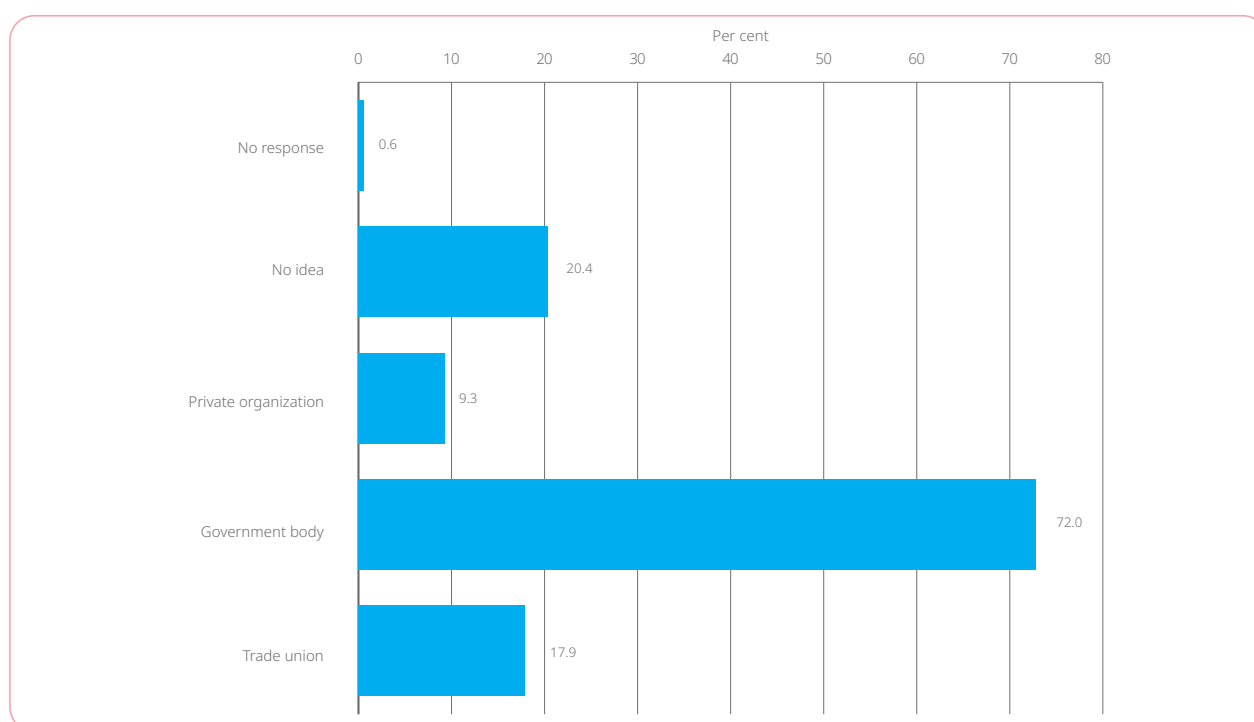
Box 6.4

As mentioned in chapter one, the Domestic Workers' Union was formed in 2012 succeeding the Red Flag Women's Movement. At present the membership is around 3000 workers, and its office is in Kandy, with branch offices in a few other districts. Recently on the International Day for Domestic Workers, a branch office was opened in Vavuniya district. The members are mostly live-out domestic workers due to the difficulty in enlisting live-in domestic workers as they work inside households. The Union has taken the initiative to help domestic workers to find employment. Employers too approach the Union to

find domestic workers. The Union leader interviewed saw it as a positive recognition for both the domestic workers and the Union. The Union provides training on the job- their role, how to provide a proper service, housekeeping skills, how to prevent/avoid harmful or negative experiences and human and labour rights. Both the employer and the worker meet at the Union before the work relationship commences and the Union insists on decent work standards, such as 8 to 9 hours of work, separate room to sleep, proper food etc.

Table 6.35 Live-in and live-out domestic workers who were aware about Domestic Workers Union

Awareness	Live-in domestic workers		Live-out domestic workers	
	No.	%	No.	%
Aware	2	1.4	3	1.9
Not aware	136	98.6	159	98.1
Total	138	100.0	162	100.0

Figure 6.10 Live-in domestic workers' opinion on the type of organization that could serve their interest**Figure 6.11 Live-out domestic workers' opinion on the type of organization that could serve their interest**

Responses received for the question 'which type of organization could serve domestic workers' interest', only 33 live-in and 29 live-out domestic workers mentioned 'trade union'. However, a significant number, 98 live-in and 118 live-out mentioned 'government agency'. Twenty-one live-in and 33 live-out domestic workers said they do not have any idea.

This clearly brings the issue of the need to create awareness among domestic workers

regarding the Domestic Workers Union and its role.

Recruitment agencies

Recruitment agencies were of the view that an umbrella organization similar to foreign employment recruitment agencies should be established under the Ministry of Labour. According to them such an organization can work for the welfare of domestic workers.



▶ 07

▶ Regularising domestic work - Opportunities and challenges

This chapter provides the opportunities and challenges in regularising domestic work in Sri Lanka in order to ensure decent work for domestic workers



► 07 Regularising domestic work – Opportunities and challenges

Regularising domestic work in Sri Lanka is a firm commitment that the country must make in order to ensure decent work for domestic workers and the ratification of Convention No. 189 is a crucial step in this commitment. However, the need to regularise domestic work from a clear legal perspective goes beyond the mere ratification of Convention No. 189 to the need to recognize domestic labour as a form of employment in Sri Lanka and the right for domestic workers to receive the same basic labour rights enjoyed by all other workers in the country.

Eight years ago, in 2011, the ILO Committee on Domestic Workers adopted Convention No. 189 recognizing domestic work as “work” and bestowing upon domestic workers equal rights and recognition as other workers—including the enforcement of minimum wage, regular working hours and holidays, provision of health and other benefits and the right to organize and form unions. The ratification of Convention No. 189 and legally recognizing workers who care for families and households are two intrinsic parts of the same issue. Convention No. 189 serves to protect the most vulnerable members of a previously unprotected workforce. Whether ratification precedes legal recognition or vice versa, the ultimate goal remains the same—being the facilitation of the enjoyment of legal status for domestic workers which entitles such domestic workers to all rights and benefits enjoyed by the formal workforce in Sri Lanka. This includes a minimum wage, clear terms and conditions of employment, daily and weekly rest time, paid leave including sick leave, details on in-kind payments, and respect for the right to freedom of association and collective bargaining.

As stated previously in this report, on June 16, 2011, ILO members—governments, trade unions, and employers’ associations—voted

overwhelmingly to adopt Convention No. 189. It was then said that “this ground breaking treaty establishes the first global standards for domestic workers”. Under the Convention, domestic workers are entitled to the same basic rights as those available to other workers. These standards oblige governments to ratify the Convention to protect domestic workers from violence and abuse, to regulate private employment agencies that recruit and employ domestic workers, and to prevent child labour in domestic work. Since the adoption of Convention No. 189, dozens of countries have taken action to strengthen protection for domestic workers. Several countries from Latin America, Asia, Africa, and Europe have already ratified the Convention, while others have pledged to do so. Many others are undertaking legislative reform to bring their laws into compliance with the new standards. Already, millions of domestic workers have benefited from these actions (Human Rights Watch 2013). Sri Lanka however is yet to ratify Convention No. 189.

7.1 Linking the Sri Lankan situation to Convention No. 189

Although Sri Lanka is yet to ratify the ILO Convention No. 189, Sri Lanka has signed and ratified a number of international instruments that are directly relevant to domestic workers in protecting their rights. They are the Universal Declaration of Human Rights, (UDHR) 1948, UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979 and a number of specific labour conventions that guarantee fundamental principles and rights at work (ibid). Sri Lanka has also ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

Sri Lanka is also party to a number of specific labour conventions that are designed to guarantee fundamental principles and rights at work. These include:

- The Freedom of Association and the Protection of the Right to Organize Convention, 1948 (No. 87).
- The Right to Organize and Collective Bargaining Convention, 1949 (No. 98)34
- The Forced Labour Convention, 1930 (No. 29)35
- The Equal Remuneration Convention, 1951 (No. 100)36.
- The Abolition of Forced Labour Convention, 1957 (No. 105)37
- The Minimum Age Convention, 1973 (No. 138)38
- The Worst Forms of Child Labour Convention, 1999 (No. 182)39
- The Maternity Protection Convention (Revised), 1952 (No. 103)40
- The Minimum Wage Fixing Convention 1970 (No. 131)41

In addition to the above myriad commitments, Convention No. 189 ensures rights and protections envisaged by these conventions above are made applicable to domestic workers. Hence Sri Lanka has an international obligation to give effect to these rights and protections through appropriate laws and policies.

Domestic work remains virtually an invisible form of employment in the informal sector. It continues to be undervalued and largely performed by women from disadvantaged families and who are particularly vulnerable to discrimination in respect of conditions of employment and work and to other abuses of human rights. Domestic workers are therefore in a vulnerable position with a lack of any bargaining position and more so as a majority of them come from marginalised and disadvantaged families, which warrant regularising domestic work as an employment sector by ratifying Convention No. 189.

The legal framework pertaining to domestic workers is weak in Sri Lanka, and while some efforts are being taken to address this, there is a need for a consolidated effort aimed directly at legally recognizing domestic workers as a part of the labour force.

Thus, Sri Lanka has an obligation to ratify the ILO Convention No. 189, thereby accepting global standards for domestic workers, and guaranteeing workers the same basic rights as other workers; and to operationalize the provisions of the Convention within Sri Lanka by harmonising with national laws. In March 2018, the Cabinet of Ministers in Sri Lanka gave its approval for a 'Sri Lanka National Action Plan' for the promotion and protection of human rights where rights of domestic workers are included. The Cabinet thus approved to include 'domestic worker' in the definition of 'worker' in the Industrial Disputes Act and the Employees' Provident Fund and Employees' Trust Fund Acts recognizing 'domestic workers' as a 'worker' category (Jayasekera 2018).

Although domestic workers largely remain invisible, for the first time in Sri Lanka, the Red Flag Women's Movement succeeded in organizing domestic workers and establishing the Domestic Workers Union in March 2012. It is reported that there are 1,248 women members and 18 male members in the Union (International Domestic Workers Federation 2015). However, as Verite Research (2015) has emphasised promoting decent work for domestic workers through research and advocacy are not in the agenda of civil society actors.

7.2 Legal instrument of recognition

It is important for legislation on domestic workers in Sri Lanka to be guided heavily by Convention No. 189. While Convention No. 189 offers specific protection and lays down basic rights and principles with a view to make decent work for domestic workers a reality (International Labour Conference 2011), it is supplemented by the Domestic Workers Recommendation No. 201, which was also adopted by the International Labour Conference in 2011. The Recommendation provides practical guidance on legal and other measures to implement the rights and

principles stated in the Convention (ILO 2011).

The Convention sets out the minimum standards for domestic workers as given below:

- Basic rights of domestic worker
- Information on terms and conditions of employment
- Hours of work
- Remuneration
- Occupational safety and health
- Social security
- Standards concerning domestic work
- Standards concerning live-in workers
- Standards concerning migrant workers
- Private employment agencies
- Dispute settlement, complaints, and enforcement (ILO, 2011).

The legal framework in Sri Lanka is conducive to legally recognizing domestic work. In Article 14 (1), the Constitution of Sri Lanka recognizes the right of all citizens to engage in any lawful occupation, profession, trade, business or enterprise. However domestic workers are not recognized as being part of a lawful occupation, profession, trade, business or enterprise. This is a direct infringement of the rights of domestic workers and needs addressing.

This study shows that there is broad consensus among stakeholders that there should be legal recognition of domestic workers. This view is expressed from the highest policy level to Grama Niladharis²⁴ at the community level. These views are considered in detail in the next chapter on Conclusions and Recommendations.

The views of respondents on how legalisation should be done are diverse. They are set out below with analysis on the viability of such suggestions.

I. Adoption of a separate law

Respondents suggest that a separate law governing domestic workers and thus setting

out all terms, conditions, rights and obligations to ensure decent work for domestic workers should be enshrined in one separate law.

II. A legal policy

Selected respondents suggest that a national policy on domestic workers be formulated. Formulating such a national policy has to be led by a government agency, ideally the Ministry of Labour, through multistakeholder participation, and receive the approval of the Cabinet of Ministers for effective implementation.

III. A mechanism of registration leading to monitoring and oversight

This suggestion includes three options as expressed by respondents. One is a mechanism by the State by establishing a separate body within the Labour Ministry/Labour Department. The other is a mechanism at Divisional level in the Divisional Secretariat, under the supervision of the Divisional Secretary with a focused Development Assistant at the Divisional Secretariat reporting through the Divisional Secretary to the Labour Ministry. The third is to create a role for Grama Niladharis to register and monitor domestic workers at Grama Niladhari Division level.

IV. Provisions for an enforceable contract

Respondents suggest a stand-alone contract between employers and domestic workers setting out all terms and conditions of employment. The enforceability of this contract would be similar to any contract of employment with redressal for breach at the Labour Tribunal.

V. Integration of domestic worker rights in existing labour law framework in the country

Respondents suggest that domestic workers should be recognized formally and all labour laws applicable to workers in Sri Lanka be expressly made applicable to domestic workers.

²⁴ The Grama Niladhari Officer is the grass root layer of the Sri Lankan Administrative Service. He has to perform various characters such as leader, guardian and coordinator within the whole administrative system. Also the Grama Niladhari Officer acts as a peace officer under the primary Courts Ordinance and has to maintain law and order in their relevant divisions.

These options are all valid and have their own implications and complexities in designing systems and action plans and in implementation. In considering these different options it is essential to focus on which provides the best legal recognition, protection, monitoring and most of all, accountability of the State to ensure the rights of domestic workers.

While the choice of mechanism to regularise domestic workers in Sri Lanka offers a range of mechanisms and systems, some issues of relevance in professionalisation come up in this study. They are as follows:

- **Type of domestic worker:** Domestic workers (both live-in and live-out workers) are defined widely. While those defined as housemaids do an array of diverse work, those defined as child carers, carers of the aged, drivers and gardeners have specific work descriptions which are specific to their role and these workers are able to carry out duties confined to the role.
- **Working hours:** Working hours for live-out domestic workers can easily be regulated by the 7.5 hours applicable to all other workers.

However, the working hours of live-in domestic workers range widely and often go beyond the regulated 7.5 hours a day and 40 hours a week.

- **Wages:** Salaries range from LKR. 5,000 to LKR 30,000 for live-in workers and from LKR 10,000 to LKR 30,000 for live-out workers. However, there are some workers who receive much less in terms of salary, thus showing the lack of uniformity in wages, despite many receiving wages above the minimum wage in Sri Lanka.
- **Paid leave:** Some live-in workers are provided with paid annual leave and paid sick leave. Live-out workers are largely not entitled to paid leave. However, granting leave appears to be largely ad hoc.
- **Work environment:** The majority of both live-in and live-out workers appear happy with their conditions of work. But characteristic to the occupation, there are no guidelines available or followed on living conditions including separate spaces, access to wash rooms, rest areas etc.

Box 7.1

A replicable success story

The Philippines is an ideal example for regularising domestic workers in the Philippines. The Philippines ratified Convention No. 189 and enacted a separate law recognizing and regularising domestic workers. The Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361-also called the Domestic Workers Act) was promulgated as a new domestic workers law, and was signed into law by President Benigno Simeon Aquino III on 18 January 2013, year after the Philippines ratified Convention No. 189.

The Domestic Workers Act is recognized as a landmark piece of labour and social legislation that extends labour rights, benefits, and protection to an estimated

1.9 million domestic workers in the Philippines. The Act provides for the protection of domestic workers against abuse, debt bondage, and worst forms of child labour. It sets minimum standards for wages, hours and days of rest, and other benefits for domestic workers. Furthermore, it extends social security and public health insurance to the sector and provides for mechanisms for quick response to abuses and accessible means to redress grievances. The new law is reported to improve on the provisions of the Labour Code of the Philippines on Household Helpers and other related social legislation. The law is reported to have derived direct guidance from Convention No. 189.

- **Health and safety issues:** Many domestic workers report that their health and safety issues are looked after but these appear to be ad hoc measures. The fact that domestic workers have no point of reference to evaluate occupational health and safety issues is a problem here when considering the opinion of satisfaction by workers.
- **Benefits:** Benefits are common for many live-in and live-out workers and benefits in some cases extend to family members as well.
- **Freedom of movement:** Mobility is strong for both live-in and live-out workers and the majority feel they are able to enjoy freedom of movement in their workplaces. This adds to the temporary nature of current domestic work where workers can, and do move from workplace to workplace freely, in addition to going home and going out to markets, for religious observances, for medical reasons, and other reasons.
- **Grievances:** The majority of live-in and live-out domestic workers do not air grievances. A quarter of live-in domestic workers mentioned facing diverse problems largely on having to handle too much work while some complained of psychological harassment. The incidents of physical or sexual harassment uncovered in the research are minimal. Despite facing problems, this segment of workers state that they have not complained to anyone about their problems. A quarter of live-out domestic workers interviewed report having faced diverse problems at the workplace. Here too, most, except for one who had made a Police complaint, have not complained.

Contracts of employment

Domestic workers, both live-in and live-out have experience in and an opinion on employment contracts. These contracts are largely verbal (93 per cent live-in and 99 per cent live-out workers) with 22 per cent of the live-in workers having entered into written contracts with their employers. No copies of such contracts are available to comment on terms and conditions therein. Those with written and verbal contracts state that the main issues discussed prior to the contract is wages and wages appear to be on a mutually agreeable basis.

When explored, the majority of workers state that they are happy with verbal contracts. Workers feel verbal contracts are easy to understand and allow for flexibility to negotiate wages and leave. The only drawback they see in verbal contracts is that a minimum wage is not stipulated in such verbal contracts.

A few workers had opted for written contracts as their preference. They see written contracts as giving the worker the ability to refer to a document, provide clarity when disputes arise, not allowing space for the employers to act arbitrarily, minimum wage can be stipulated and the contract can be used as documentation to obtain bank loans.

Those who do not like written contracts mentioned some reasons such as the written contracts not allowing for the space to negotiate leave, especially leave for an emergency and that it will bring about a fixed salary with no increments.

Based on the above, a clear case and a roadmap can be visualised and designed for legally recognizing domestic workers in Sri Lanka.



▶ 08

▶ Conclusions and recommendations for regularising domestic workers in Sri Lanka and ratifying Convention No. 189

This study aimed to examine the living and working conditions of domestic workers and assess the current legal and policy gaps in Sri Lanka with a view to assisting the government in the process of ratifying the ILO Convention No. 189.



► 08 Conclusions and recommendations for regularising domestic workers in Sri Lanka and ratifying Convention No. 189

8.1 Conclusions

In Sri Lanka, women and men have worked in households as domestic workers from colonial times. But domestic work remains virtually an invisible form of employment in the informal sector in terms of legal recognition. The Labour Force Survey 2016 recorded a total of 80,771 domestic workers but the legal framework that governs these workers is weak and in need of extensive strengthening.

This study aimed to examine the living and working conditions of domestic workers and assess the current legal and policy gaps in Sri Lanka with a view to assisting the government in the process of ratifying the ILO Convention No. 189. It explored several specific objectives, namely:

- to identify merits, demerits and risks associated with domestic work as a form of employment;
- to examine the extent of formality or informality associated with domestic work;
- to examine living and working conditions of domestic workers;
- to identify any differences in the experiences between live-in and live-out domestic workers;
- to determine causes and factors that prompt persons to choose domestic work as a form of employment;
- to examine the extent to which domestic workers are aware of their rights and have access to domestic worker organizations and networks;
- to examine employer perspectives on domestic work, which includes attitudes towards contractual practices, preferences

for live-in or live-out workers, perceptions on formal and informal employment and the use of employment agencies for recruitment of domestic workers;

- to identify key stakeholders who need to be convinced that Sri Lanka should ratify the Convention and assess the current legal and policy gaps related to domestic work as a form of employment in Sri Lanka.

The survey covered 242 females and 58 males—138 live-in and 162 live-out—totaling 300 domestic workers from the selected three districts; Colombo, Gampaha and Kandy, which had the highest number of domestic workers. Fifteen domestic workers, five from each district were interviewed in-depth using an interview guideline. In addition, a time use questionnaire was used to collect information on a typical workday of a domestic worker. The second important stakeholder, the employers, comprised 60 employers—57 individual employers and three recruitment agencies from the three selected districts.

The extensive Desk Review conducted concludes that Sri Lanka has acceded to international human rights instruments, UNCEDAW and is a signatory to the Sustainable Development Goals. It has the obligation to ensure that domestic workers are not discriminated against and are beneficiaries of a decent work environment. Successive governments have accepted the need to bring domestic workers within the ambit of the labour law but have shown a reluctance to ratify Convention No. 189.

The Desk Review that identified gaps in legislation clearly points out that there is no specific law in Sri Lanka that deals with domestic workers. Enabling provisions in existing employment laws requires extensive interpretation on the inclusion of domestic

workers in their purview, thus making it difficult to accept that domestic workers are expressly included in Sri Lanka's labour force.

Looking at the profile of domestic workers, the following are identified:

- **Age:** A majority of the domestic workers, both live-in and live-out, are above the age of 50. It appears that the increase in educational attainment, especially amongst girls could be impacting on younger women not to choose domestic work as a viable employment option. The impact of the availability of overseas migrant work as domestic workers, and the ban on older women from migrating for domestic work, maybe reducing the number of younger women from seeking employment as domestic workers locally. The impact of age on male domestic workers is not easily discernible.
- **Ethnicity:** While it is difficult to comment comprehensively on ethnicity in general, the sample of the study shows that although there is a perception that a disproportionate percentage of domestic workers are of Tamil ethnicity and originate from the plantations or from low-income neighbourhoods, in Colombo, a significant majority are Sinhalese with marginal numbers of Muslims.
- **Marital status:** The majority of domestic workers are married.
- **Education:** The low level of education amongst domestic workers is a corollary of their socio-economic status and age profile. A third of domestic workers have attended primary school, but not necessarily completed Grade 5. While most others have attended secondary school, they have not necessarily completed secondary school by sitting for the GCE O Level examination. About 10 per cent, mostly women, have never gone to school.
- **Economic status and family income:** The economic status of domestic workers adds another dimension to their vulnerable status with about five per cent having no family income but many, especially live-out workers reporting significant family incomes.

- **Work history:** Conclusions on work history shows the transitory and volatile nature of domestic work demonstrated through the number of years of service with workers moving from one location of employment to another within five year periods.

The study identifies the following conclusions related to work:

- **Terms of work** referring to wages, duties, hours of work, leave, and also benefits paid or received, primarily points to long working hours, multitude of duties and indefinite working times that live-in domestic workers endure in their places of work. Most workers work only in one household while a few work in two households and a marginal few in three or more households. There was no significant gender difference here.
- **Salaries and wages** range from a wide LKR 5,000 to over LKR 30,000 for both live-in and live-out workers demonstrating that there is no minimum wage that is stipulated. There are some gender differences in the earning capacity of live-in domestic workers. In general, women receive lower monthly wages than men. The reason being that most of the male domestic workers are engaged in specialised work, mainly driving.
- **Hours of work** show that live-in domestic workers work long hours and a significant proportion of them do not have definite start or end times, while the working hours for live-out workers appear confined to eight hours. There was no gender difference among live-in workers in the number of hours worked.
- **Duties performed** show that of live-in domestic workers, housemaids had the widest range of duties allocated to them including cooking or assisting in the cooking as well as washing up kitchen utensils, cleaning the house, washing and ironing clothes, sweeping the garden, even gardening, marketing, taking care of children, elderly and also pets, and being in charge of the security of the house. In addition to cooking and cleaning utensils, cooks were expected to do the marketing,

and sometimes clean the house as well. Caregivers, in addition to their main task, were expected to clean the house and do marketing. Drivers and gardeners had the least range of duties, but in addition to their main tasks helped with marketing and in maintaining the security of the house.

- **Leave entitlement** a majority of employers confirmed that they gave annual leave to their live-in domestic workers and that they provided paid leave when domestic workers fell sick. This is corroborated by what the domestic workers reported. It is noteworthy that a small number of domestic workers reported that their wages were deducted when they had taken sick leave, while a substantial number reported their wages were deducted if they took extra leave. However, for a majority of workers, wages were not deducted for sick leave, or when they took extra leave.

In terms of working conditions, the following conclusions are made in the study:

- **Facilities:** : The majority of live-in workers report that they had a separate room allocated to them, were given meals, given toiletries and were provided with medicines when unwell. Two thirds mentioned that they received clothes. Only a quarter stated that they received mosquito nets. Only a small number of live-out workers mentioned that they were given a separate room.
- **Rest:** The majority stated that they were given time to rest. Nearly three quarters mentioned that mobile phone use was not restricted.
- **Mobility:** There is a popular perception that live-in domestic workers enjoy various monetary benefits in addition to their wages. However, less than half reported that they received additional financial support. Only one fifth reported that they had obtained a loan from their employers.
- **Additional benefits:** There is a popular perception that live-in domestic workers enjoy various monetary benefits in addition to their wages. However, less than half reported that they received additional

financial support. Only one fifth reported that they had obtained a loan from their employers.

- **Occupational health and safety** Contrary to the perception that ill-health is a common complaint amongst domestic workers, only one-third of live-in and one-fifth of live-out domestic workers said they fell sick while at work. In addition, only 16 per cent of live-in and 12.3 per cent live-out domestic workers reported that they had suffered an injury or had an accident while working. However, low numbers reported that their employer fully supported their recovery when an accident or injury was experienced.
- **Grievances:** There are a multitude of grievances reported both by workers and their employers. Employers cited grievances with domestic workers as retorting; not performing their assigned work; stealing; hygiene issues; and meeting friends from outside. This illustrated that while some reasons have direct relevance to their quality of work-underperforming and hygiene-other problems have to do with work relations-stealing and retorting-while others are of a personal nature: meeting friends. In terms of live-out workers, employers identified the main problems as inconsistency and the lack of discipline: frequently staying away from work; not being punctual; and wanting leave frequently. Hygiene issues were also mentioned by several employers.
- **Discrimination and harassment:** One-fifth of live-in domestic workers reported that they had faced problems while working. Most had not made any complaints regarding this. Though only a small number reported physical and sexual harassment, this is a significant issue.
- **Career development and job security:** Training: Half of the workers, both live-in and live-out, when asked if they wished to receive any training for their work, had no opinion on the question asked while a quarter had no understanding of the question. A quarter said that they would like to receive training.

The **profile of employers, and recruitment agencies show**, the following:

- A majority of **employers** were either employing only one live-in domestic worker in their household, or one live-out worker. The majority of households had either one, two to three or four to five members. A majority of employers had completed secondary education and gone on to pursue tertiary education. The need for live-in domestic workers highlighted by employers can be categorised into three: the need for domestic help throughout the day; the assurance that their services are rendered without interruption; and that they can be trusted more than live-out workers. The reasons for preferring live-out workers are: their services are not required throughout the day; more privacy; less costly; and less responsibility for their wellbeing. These reasons indicate that some households prefer to maintain a professional and personal distance from domestic workers that live-in arrangements do not allow.
- All **recruitment agencies**, are registered with the relevant Divisional Secretariat Office and thus legally incorporated.
- Recruitment agencies depend on different channels to find domestic workers and employers. The channels used are paper advertisements, brokers, hand bills and through personal contacts and networks. Domestic workers and employers use the same channels to find recruitment agencies when they need services.
- They offer services of domestic workers including live-in, live-out, nannies, cooks and live-out care givers for the elderly and sick. Domestic workers and potential employers are required to register with the agency in order to access their placement services. The recruitment agencies do not charge any fees from domestic workers for services given to find a place of work and a fee is charged from employers when employment is secured.

Organising workers

Sri Lanka has two dedicated domestic workers unions, the Domestic Workers Union and the PROTECT union.

Work agreements

- In terms of **work agreements**, a very small percentage reported signing written agreements with employers, and as a result, the common term of contract being a verbal one. Most workers appear to be aware of the terms and conditions of the jobs they were undertaking, although the understanding of this awareness among housemaids appear as not uniform due to the multiple chores expected. Most workers have had the ability and opportunity to negotiate salaries and wages.
- **Opinions on agreements between workers and employers:** A little over half of the workers preferred verbal contracts over written contracts. There was no gender difference in the preference for verbal agreements. The four main reasons that domestic workers cited for preferring a verbal agreement over a written one were: a verbal agreement would be easier to negotiate than a written one; easier to understand; gave them more flexibility; and unfamiliarity with written contracts. These reasons illustrate that domestic workers feel written contracts are inflexible and hard to comprehend, giving them little room for negotiation. It points to the need for educating a majority of domestic workers on the terms and conditions of contracts and improving their literacy in reading and understanding a contract before agreeing to it. The following narratives of two domestic workers illustrate the need for improving their literacy and advocacy among domestic workers.
- Of those domestic workers who said they would, in fact, prefer a written contract, they cited the following reasons: clear terms and conditions; better job security; and less chance for employers to deviate from an agreement. These reasons point to domestic workers understanding that contracts will be, in the long run, more beneficial especially with regard to protecting them from being over-worked and exploited.
- The employers gave four main reasons for having verbal contracts with their domestic workers: the employee found

verbal contracts easier to understand; there was more flexibility at their end; domestic workers were unfamiliar with written contracts; and they had no knowledge that written contracts could be given to a domestic worker. Educational levels had no correlation to their lack of knowledge and awareness.

- The critical terms expected in a contract by domestic workers are salary, and working hours. Other terms that were considered important are bonus and social benefits. Employers felt including salary, leave and working hours were important.

Regulating domestic workers and ratifying Convention No. 189

This study presented evidence on living and working conditions of domestic workers and an analysis of the legal and policy framework identifying knowledge gaps that need to be fulfilled to support Sri Lanka in its process of ratifying the ILO Convention No. 189.

It is important for legislation on domestic workers to be guided effectively by the provisions in and commitments to Convention No. 189.

In terms of ensuring the legal recognition of domestic workers in Sri Lanka, several instruments and mechanisms were identified by the respondents to the study elaborated in chapter seven. These suggested mechanisms are as follows and have been taken into consideration in proposing recommendations. The suggestions include:

- the adoption of a separate law;
 - adoption of a policy;
 - three registration mechanisms
- a) a mechanism of registration leading to monitoring and oversight by the State by establishing a separate body within the Labour Ministry/Labour Department;
 - b) a separate mechanism at Divisional level with a focused Development Assistant reporting to the Labour Ministry; and

- c) a mechanism that creates a role for Grama Niladharis to register and monitor domestic workers at Grama Niladhari Division level;
- an enforceable contract; and the integration of domestic worker rights in the existing labour law framework in the country

8.2 Recommendations

Based on the conclusions above, a two-step process is recommended.

1. To create a road map for regularising domestic work, and
2. Based on the road map and its conclusions, to adopt a comprehensive mechanism for regularising domestic work

Create a road map for regularising domestic work

There is an acute need for a Road Map to create a model to lead towards legal recognition of domestic workers under any of the above options. The Road Map should include the following:

- The lead government institution: This should be the Ministry of Labour as the lead Ministry on worker rights with the mandate to ensure worker rights and employee responsibilities.
- Classify domestic workers: All domestic workers should be classified according to duties, qualifications and working categories thus establishing recognized categories of workers. This enables the full description of each category.
- Ensure competency: In order to ensure domestic worker competency, a link with the National Vocational Qualification (NVQ) level of competence should be established. This should be followed by a comprehensive training and skills recognition framework.
- Awareness raising: In order to ensure that domestic workers are aware of their rights, responsibilities, and the need for recognition of domestic workers as a legal category of workers, a plan for

strategic and systematic awareness raising should be made. This plan should include awareness raising programmes, use of print, audio and social media, creation of awareness raising material and identifying of resource persons. The plan should also be adequately resourced.

- **Accountability mechanisms:** The Road Map should set in place mechanisms to ensure stipulation and monitoring of payment of minimum wage, stipulation and monitoring of working hours and the stipulation and monitoring of working conditions, leave including annual, sick and maternity leave, and all social security benefits. This should further set in place a complaints mechanism and a grievance redressal mechanism.
- **Documentation:** The Road Map should ensure documentation of all issues pertaining to domestic workers, including the maintenance of a database of workers and employers/employment agencies.
- **Ratifying Convention No. 189:** Finally, the road map should include the process of ratifying Convention No. 189 and the enjoyment of its protection and guidance.

When preparing a road map to legalise domestic work, in addition to the instrument of law by which domestic workers will be recognized, it is essential to give consideration to several key issues:

- Inclusion of workers based on age (inclusion of workers beyond the legal age of retirement).
- Mechanisms for social security including payment of legal dues (EPF, ETF and gratuity payments) and insurance.
- A sound monitoring framework reflecting the monitoring framework for other workers led by the Department of Labour.
- Grievance Redressal System including alternative dispute resolution systems, government led systems, and access to the formal justice system.

- Reporting and documentation including databases on domestic workers.
- Recruitment regulations to govern employers and recruitment agencies.
- A mechanism to unify recruitment agencies with an exploration of the possibility of establishing an umbrella organization.
- Training of domestic workers to ensure regularisation.
- Implement the crucial changes that will occur in the relationship between the domestic worker and the employer which is extensively informal and temporary at present.
- The creation of different layers of domestic workers from a broad housemaid and houseboy category to specialised work including child care workers, aged care workers, drivers etc.
- The ethics of monitoring taking into consideration the need to involve entering private spaces (homes) and gather employer information

Next steps

In light of the above, there are four options that the study team has come up with when considering legal recognition for domestic workers. These are as follows:

Option 1: Enact a separate and distinct law governing domestic workers in Sri Lanka.

Option 2: Ensure legal recognition by integrating domestic workers into existing labour laws. This should consider current proposals on amending key labour legislation.

Option 3: Introduce a Standard Agreement between employers and employees. This should be drafted in a consultative manner involving all stakeholders, primarily representatives of domestic workers (see Annex II – Model contract for domestic workers).

Option 4: Create a state-led formal system of registration of domestic workers and ensure,

by Circular, the terms and conditions governing such domestic workers. This can be done at two levels: registration at the Department of Labour by creating a separate unit under the Ministry of Labour with responsibility conferred on District and Divisional level Labour Officers; and registration at Divisional Secretariats with responsibilities conferred on dedicated Development Officers working under the Divisional Secretary.

Option 1 is recommended for implementation.

It is recommended that a separate and distinct law be enacted to govern domestic workers in Sri Lanka. A special law should include the following:

- Explicit recognition of rights
- Scope and exclusions
- General obligations
- Recruitment of domestic workers
- Registration
- Minimum age
- Contracts and Agreements
- Minimum wages and protection of wages
- Social security, health insurance coverage, and other benefits
- Rest periods and leave
- Termination of employment relationship
- Rescue of abused domestic workers
- Complaint mechanisms
- Legal counsel and legal aid;
- Association

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Annexure - I

Chapter 4

Table 4.1 Reasons that led live-in domestic workers to choose domestic work by sex (multiple responses)employers by sex

Reasons	Male		Female		Total	
	No.	%	No.	%	No.	%
Lack of educational qualifications	6	12.5	41	16.8	47	16.1
Poverty of the family	8	16.7	75	30.7	83	28.4
Inability to find other work	18	37.5	54	22.1	72	24.7
To get one's own income	9	18.8	47	19.3	56	19.2
Family Issues	1	2.1	22	9.0	23	7.9
Other	6	12.5	5	2.0	11	3.8
Total	48	100.0	244	100.0	292	100.0

Table 4.2 Reasons that led live-in domestic workers to choose domestic work by sex (multiple responses)employers by sex

Reasons	Male		Female		Total	
	No.	%	No.	%	No.	%
Lack of educational qualifications	12	20.0	44	15.0	56	15.9
Poverty of the family	9	15.0	77	26.3	86	24.4
Inability to find other work	21	35.0	71	24.2	92	26.1
To get one's own income	11	18.3	63	21.5	74	21.0
Family issues	-	-	22	7.5	22	6.2
Other	7	11.7	16	5.5	23	6.5
Total	60	100.0	293	100.0	353	100.0

Table 4.3 Age structure of live-in domestic workers by sex

Age groups	Male		Female		Total (years)	
	No.	%	No.	%	No.	%
19-30	4	13.3	7	6.5	11	8.0
31-40	3	10.0	17	15.7	20	14.5
41-50	4	13.3	19	17.6	23	16.7
51-60	9	30.0	36	33.3	45	32.6
>60	10	33.3	29	26.9	39	28.3
Total	30	100.0	108	100.0	138	100.0

Table 4.4 Age structure of live-out domestic workers by sex

Age groups	Male		Female		Total	
	No.	%	No.	%	No.	%
30-40	6	21.4	20	14.9	26	16.0
41-50	8	28.6	40	29.9	48	29.6
51-60	7	25.0	42	31.3	49	30.2
61-70	5	17.9	25	18.7	30	18.5
>70	2	7.1	7	5.2	9	5.6
Total	28	100.0	134	100.0	162	100.0

Table 4.11 Educational level of live-in domestic workers by sex

Level of education	Male		Female		Total	
	No.	%	No.	%	No.	%
Never went to school	1	3.3	8	7.4	9	6.5
Primary (1-5)	4	13.3	44	40.7	48	34.8
Secondary	17	56.7	45	41.7	62	44.9
Passed GCE O Level	8	26.7	10	9.3	18	13.0
Passed GCE A Level	0	0.0	1	0.9	1	0.7
Total	30	100.0	108	100.0	138	100.0

Table 4.12 Educational level of live-out domestic workers by sex

Level of education	Male		Female		Total	
	No.	%	No.	%	No.	%
Never went to school	0	0.0	4	3.0	4	2.5
Primary (1-5)	10	35.7	51	38.1	61	37.7
Secondary	11	39.3	66	49.3	77	47.5
Passed GCE O Level	6	21.4	11	8.2	17	10.5
Passed GCE A Level	1	3.6	2	1.5	3	1.9
Total	28	100.0	134	100.0	162	100.0

Table 4.13 Ethnicity of live-in domestic workers by district

Ethnicity	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sinhalese	50	74.6	45	91.8	17	77.3	112	81.2
Tamil	17	25.4	4	8.2	4	18.2	25	18.1
Sri Lanka Moor	0	0.0	0	0.0	1	4.5	1	0.7
Total	67	100.0	49	100.0	22	100.0	138	100.0

Table 4.14 Ethnicity of live-out domestic workers by district

Ethnicity	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sinhalese	54	83.1	50	87.7	36	90.0	140	86.4
Tamil	9	13.8	7	12.3	4	10.0	20	12.3
SL Moor	2	3.1	0	0.0	0	0.0	2	1.2
Total	65	100.0	57	100.0	40	100.0	162	100.0

Table 4.15 Live-in domestic workers' home district by working district & sex

Home district	Working district														Total			
	Male							Female										
	Colombo		Gampaha		Kandy		Sub Total	Colombo		Gampaha	Kandy	Sub Total						
	No.	%	No.	%	No.	%		No.	%	No.	%							
Anuradhapura	-	-	1	4.8	-	-	1	3.3	2	3.3	-	-	2	1.9	3	2.2		
Badulla	1	16.7	-	-	-	-	1	3.3	3	4.9	1	3.6	-	4	3.7	5	3.6	
Batticaloa	-	-	-	-	-	-	-	-	1	1.6	-	-	-	1	0.9	1	0.7	
Colombo	2	33.3	1	4.8	-	-	3	10.0	14	23.0	-	-	-	14	13.0	17	12.3	
Galle	1	16.7	-	-	-	-	1	3.3	3	4.9	-	-	-	3	2.8	4	2.9	
Gampaha	-	-	15	71.4	1	33.3	16	53.3	3	4.9	24	85.7	-	27	25.0	43	31.2	
Hambantota	-	-	-	-	-	-	-	-	-	-	1	3.6	-	1	0.9	1	0.7	
Kalutara	1	16.7	-	-	-	-	1	3.3	9	14.8	-	-	-	9	8.3	10	7.2	
Kandy	-	-	1	4.8	2	66.7	3	10.0	4	6.6	2	7.1	17	89.5	23	21.3	26	18.8
Kegalle	1	16.7	2	9.5	-	-	3	10.0	2	3.3	-	-	1	5.3	3	2.8	6	4.3
Kurunegala	-	-	-	-	-	-	-	-	3	4.9	-	-	1	5.3	4	3.7	4	2.9
Matara	-	-	-	-	-	-	-	-	3	4.9	-	-	-	3	2.8	3	2.2	
Moneragala	-	-	-	-	-	-	-	-	1	1.6	-	-	-	1	0.9	1	0.7	
Nuwara Eliya	-	-	-	-	-	-	-	-	7	11.5	-	-	-	7	6.5	7	5.1	
Polonnaruwa	-	-	-	-	-	-	-	-	1	1.6	-	-	-	1	0.9	1	0.7	
Puttalam	-	-	1	4.8	-	-	1	3.3	-	-	-	-	-	-	-	1	0.7	
Ratnapura	-	-	-	-	-	-	-	-	3	4.9	-	-	-	3	2.8	3	2.2	
Trincomalee	-	-	-	-	-	-	-	-	1	1.6	-	-	-	1	0.9	1	0.7	
Vavuniya	-	-	-	-	-	-	-	-	1	1.6	-	-	-	1	0.9	1	0.7	
Total	6	100.0	21	100.0	3	100.0	30	100.0	61	100.0	28	100.0	19	100.0	108	100.0	138	100.0

Table 4.16 Live-in domestic workers' home district by ethnicity

Home district	Sinhala		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
Anuradhapura	3	2.7	-	-	-	-	3	2.2
Badulla	1	0.9	4	16.0	-	-	5	3.6
Batticaloa	-	-	1	4.0	-	-	1	0.7
Colombo	16	14.3	1	4.0	-	-	17	12.3
Galle	4	3.6	-	-	-	-	4	2.9
Gampaha	42	37.5	1	4.0	-	-	43	31.2
Hambantota	1	0.9	-	-	-	-	1	0.7
Kalutara	9	8.0	1	4.0	-	-	10	7.2
Kandy	18	16.1	7	28.0	1	100.0	26	18.8
Kegalle	6	5.4	-	-	-	-	6	4.3
Kurunegala	4	3.6	-	-	-	-	4	2.9
Matara	1	0.9	2	8.0	-	-	3	2.2
Moneragala	1	0.9	-	-	-	-	1	0.7
Nuwara Eliya	1	0.9	6	24.0	-	-	7	5.1
Polonnaruwa	1	0.9	-	-	-	-	1	0.7
Puttalam	1	0.9	-	-	-	-	1	0.7
Ratnapura	3	2.7	-	-	-	-	3	2.2
Trincomalee	-	-	1	4.0	-	-	1	0.7
Vavuniya	-	-	1	4.0	-	-	1	0.7
Total	112	100.0	25	100.0	1	100.0	138	100.0

Table 4.17 Sinhalese live-in domestic workers' home district by working district

Home district	Working district							
	Sinhala		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
Anuradhapura	2	4.0	1	2.2	-	-	3	2.7
Badulla	1	2.0	-	-	-	-	1	0.9
Colombo	16	32.0	-	-	-	-	16	14.3
Galle	4	8.0	-	-	-	-	4	3.6
Gampaha	3	6.0	38	84.4	1	5.9	42	37.5
Hambantota	-	-	1	2.2	-	-	1	0.9
Kalutara	9	18.0	-	-	-	-	9	8.0
Kandy	2	4.0	2	4.4	14	82.4	18	16.1
Kegalle	3	6.0	2	4.4	1	5.9	6	5.4
Kurunegala	3	6.0	-	-	1	5.9	4	3.6
Matara	1	2.0	-	-	-	-	1	0.9
Moneragala	1	2.0	-	-	-	-	1	0.9
Nuwara Eliya	1	2.0	-	-	-	-	1	0.9
Polonnaruwa	1	2.0	-	-	-	-	1	0.9
Puttalam	-	-	1	2.2	-	-	1	0.9
Ratnapura	3	6.0	-	-	-	-	3	2.7
Total	50	100.0	45	100.0	17	100.0	112	100.0

Table 4.18 Tamil live-in domestic workers' home district by working district

Home district	Working district							
	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Badulla	3	17.6	1	25.0	-	-	4	16.0
Batticaloa	1	5.9	-	-	-	-	1	4.0
Colombo	-	-	1	25.0	-	-	1	4.0
Gampaha	-	-	1	25.0	-	-	1	4.0
Kalutara	1	5.9	-	-	-	-	1	4.0
Kandy	2	11.8	1	25.0	4	100.0	7	28.0
Matara	2	11.8	-	-	-	-	2	8.0
Nuwara Eliya	6	35.3	-	-	-	-	6	24.0
Trincomalee	1	5.9	-	-	-	-	1	4.0
Vavuniya	1	5.9	-	-	-	-	1	4.0
Total	17	100.0	4	100.0	4	100.0	25	100.0

4.20 Total family income of live-in domestic workers by ethnicity

Family income (LKR)	Sinhalese		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
<=5000	3	2.7	1	4.0	-	-	4	2.9
6 000-10 000	8	7.1	3	12.0	-	-	11	8.0
11 000-20 000	27	24.1	6	24.0	-	-	33	23.9
21 000-30 000	20	17.9	6	24.0	-	-	26	18.8
31 000-40 000	5	4.5	1	4.0	1	100.0	7	5.1
41 000-50 000	6	5.4	-	-	-	-	6	4.3
51 000-60 000	3	2.7	-	-	-	-	3	2.2
61 000-70 000	2	1.8	-	-	-	-	2	1.4
>70 000	4	3.6	1	4.0	-	-	5	3.6
No regular income	-	-	1	4.0	-	-	1	0.7
No family income	31	27.7	6	24.0	-	-	37	26.8
No response	3	2.7	-	-	-	-	3	2.2
Total	112	100	25	100.0	1	100.0	138	100.0

Table 4.21 Total family income of live-out domestic workers by ethnicity

Family income (LKR)	Sinhalese		Tamil		SL Moor		Total	
	No.	%	No.	%	No.	%	No.	%
5 000-10 000	11	7.9	-	-	-	-	11	6.8
11 000-20 000	27	19.3	4	20.0	-	-	31	19.1
21 000-30 000	29	20.7	4	20.0	-	-	33	20.4
31 000-40 000	17	12.1	-	-	-	-	17	10.5
40 000-50 000	6	4.3	2	10.0	-	-	8	4.9
51 000- 60 000	6	4.3	1	5.0	-	-	7	4.3
61 000-70 000	3	2.1	-	-	-	-	3	1.9
70 000>	2	1.4	3	15.0	-	-	5	3.1
No family or family income	38	27.1	6	30.0	2	100.0	46	28.4
Not mentioned	1	0.7	-	-	-	-	1	0.6
Total	140	100.0	20	100.0	2	100.0	162	100.0
No response	3	2.7	-	-	-	-	3	2.2
Total	112	100	25	100.0	1	100.0	138	100.0

Table 4.29 Live-in domestic workers employed previously other than as domestic worker or migrant worker by sex

Response	Male		Female		Total	
	No.	%	No.	%	No.	%
Yes	23	76.6	66	61.1	89	64.5
No	7	23.3	42	38.8	49	35.5
Total	30	100	108	100	138	100

Table 4.30 Live-out domestic workers employed previously other than as domestic worker or migrant worker by sex

Response	Male		Female		Total	
	No.	%	No.	%	No.	%
Yes	23	82.1	88	65.7	111	68.5
No	5	17.9	46	34.3	51	31.5
Total	28	100.0	134	100.0	162	100.0

Table 4.31 Live-in domestic workers' previous employment other than domestic work or migrant work (multiple responses)

Type of other work	No. (N= 89)	%
Rubber tapping	5	5.6
Tea plucker	4	4.5
Self-employment	13	14.6
Cleaning	5	5.6
Labourer	29	32.6
Driver	7	7.9
Factory work	18	20.2
Sales	4	4.5
Farming	2	2.2
Watchers & security guards	3	3.4
Other	16	18.0

Note: 49/138 live-in domestic workers had not engaged in any other work than domestic work

Table 4.32 Live-out domestic workers' previous employment other than domestic work or migrant work (multiple responses)

Type of other work	No. (N= 89)	%
Sales	8	7.2
Cleaner	7	6.3
Factory work	33	29.7
Labourer	54	48.6
Driver	8	7.2
Self-employment	16	14.4
Weaver	3	2.7
Security service	3	2.7
Hotel/canteen work	3	2.7
Armed forces/Police	2	1.8
Other	10	9.0

Note: 51/162 live-out domestic workers had not engaged in any other work than domestic work

Table 4.36 Marital status of employers by district

Marital status	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Never Married	1	3.8	3	15.0	-	-	4	7.0
Married	20	76.9	16	80.0	10	90.9	46	80.8
Widowed	5	19.2	1	5.0	1	9.1	7	12.2
Total	26	100.0	20	100.0	11	100.0	57	100.0

Table 4.38 Occupation of employers by district

Occupation	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Professionals	5	19.2	4	20.0	1	9.1	10	17.5
Businessmen	2	7.7	5	25.0	-	-	7	12.3
Executives	6	23.1	2	10.0	1	9.1	9	15.8
Teaching	-	-	-	-	5	45.5	5	8.8
Clerk/ Store keeper	1	3.8	1	5.0	1	9.1	3	5.3
Other	-	-	1	5.0	1	9.1	2	3.5
Retired	8	30.8	2	10.0	1	9.1	11	19.3
Not looking for employment	4	15.4	5	25.0	1	9.1	10	17.5
Total	26	100.0	20	100.0	11	100.0	7	100.0

Chapter 5

Table 5.2 Live-out domestic workers who work for more than one employer by type of work

Type	1 place		2 places		3 places		5 places		7 places		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Housemaid	65	76.5	13	15.3	5	5.9	1	1.2	1	1.2	85	100.0
Cook	14	93.3	1	6.7	-	-	-	-	-	-	15	100.0
Caregiver	6	75.0	1	12.5	1	12.5	-	-	-	-	8	100.0
Gardener	11	84.6	1	7.7	1	7.7	-	-	-	-	13	100.0
Watcher	2	100.0	-	-	-	-	-	-	-	-	2	100.0
Nanny	26	100.0	-	-	-	-	-	-	-	-	26	100.0
Driver	12	92.3	1	7.7	-	-	-	-	-	-	13	100.0
Total	136	84.0	17	10.5	7	4.3	1	0.6	1	0.6	162	100.0

Table 5.4 Number of domestic workers who knew working conditions prior to taking employment by type of work

Category	Yes		No		Total	
	No.	%	No.	%	No.	%
Housemaid	79	91.9	7	8.1	86	100.0
Cook	7	100.0	0	0.0	7	100.0
Caregiver	11	100.0	0	0.0	11	100.0
Gardener	9	100.0	0	0.0	9	100.0
Watcher	7	100.0	0	0.0	7	100.0
Nanny	7	100.0	0	0.0	7	100.0
Driver	11	100.0	0	0.0	11	100.0
Total	131	94.9	7	5.1	138	100.0

Table 5.8 Terms of work negotiated by live-out domestic workers with their employer/s

Conditions	Number of live-out		Total number of live-outs	
	No.	%	No.	%
Wages	40	24.7	162	100
Transport	3	1.8	162	100
Rest time	16	9.9	162	100
Duties	26	16.0	162	100
Duty hours (Full day/Half day/Few hours)	47	29.0	162	100
Number of hours per day	28	17.2	162	100
Number of days of work per week	29	17.9	162	100
Paid leave	12	7.4	162	100
Sick leave	17	10.5	162	100
Start date/ end date of the contract	1	0.6	162	100

Table 5.10 Wages paid to live-in domestic workers as reported by employers in Colombo district

Salary (LKR)	Housemaid		Cook		Gardener		Nanny		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
< 5 000	1	6.3	-	-	-	-	-	-	1	5.2
5 000-10 000	1	6.3	-	-	-	-	-	-	1	5.2
10 001-20 000	5	31.2	-	-	-	-	1	100.0	6	31.5
20 001-30 000	6	37.5	-	-	-	-	-	-	6	31.5
>30 000	2	12.5	-	-	1	100.0	-	-	3	15.8
*Not given	1	6.3	1	100.0	-	-	-	-	2	10.5
Total	16	100.0	1	100.0	1	100.0	1	100.0	19	100.0

Note: *Salary not given- Only food and lodging provided

Table 5.11 Wages paid to live-in domestic workers as reported by employers in Gampaha district

Salary (LKR)	Housemaid		Cook		Driver		Gardener		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
< 5 000	1	25.0	-	-	-	-	-	-	1	12.5
5 000-10 000	-	-	-	-	-	-	-	-	-	-
10 001-20 000	2	50.0	-	-	-	-	-	-	2	25.0
20 001-30 000	1	25.0	1	100.0	-	-	1	100.0	3	37.5
>30 000	-	-	-	-	2	100.0	-	-	2	25.0
Total	4	100.0	1	100.0	2	100.0	1	100.0	8	100.0

Table 5.12 Wages paid to live-in domestic workers as reported by employers in Kandy district

Salary (LKR)	Housemaid		Cook		Caregiver		Total	
	No.	%	No.	%	No.	%	No.	%
5 000-10 000	1	33.3	-	-	-	-	1	20.0
10 001-20 000	2	66.7	1	100.0	-	-	3	60.0
20 001-30 000	-	-	-	-	1	100.0	1	20.0
Total	3	100	1	100.0	1	100.0	5	100.0

Table 5.16 Starting time to work of live-in domestic workers by type of work

Start time	Housemaid		Cook		Caregiver		Gardener		Watcher		Nanny		Driver		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Before 6.00 am	27	31.4	2	28.6	2	18.2	-	-	-	-	3	42.9	-	-	34	24.6
6.00-8.30 am	21	24.4	2	28.6	5	45.5	7	87.5	2	28.6	3	42.9	4	36.4	44	31.9
After 8.30 am	-	-	-	-	-	-	-	-	1	14.3	-	-	-	-	1	0.7
No definite time	38	44.2	3	42.9	4	36.4	2	25.0	4	57.1	1	14.3	7	63.6	59	42.8
Total	86	100.0	7	100.0	11	100.0	9	112.5	7	100.0	7	100.0	11	100.0	138	100.0

Table 5.17 Finish time of work of live-in domestic workers by type of work

Finish Time	Housemaid		Cook		Caregiver		Gardener		Watcher		Nanny		Driver		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Before 4.30 pm	27	31.4	2	28.6	2	18.2	-	-	-	-	3	42.9	-	-	34	24.6
4.30-6.00 pm	7	8.1	-	-	-	-	2	25.0	2	28.6	1	14.3	1	9.1	13	9.4
6.01- 8.00 pm	6	7.0	-	-	1	9.1	5	62.5	1	14.3	-	-	3	27.3	16	11.6
>8.01 pm	7	8.1	3	42.9	4	36.4	-	-	-	-	2	28.6	-	-	16	11.6
No definite time	25	29.1	1	14.3	2	18.2	-	-	-	-	2	28.6	-	-	30	21.7
Total	41	47.7	3	42.9	4	36.4	2	25.0	4	57.1	2	28.6	7	63.6	63	45.7
Total	86	100.0	7	100.0	11	100.0	9	112.5	7	100.0	7	100.0	11	100.0	138	100.0

Table 5. 25 Type of duties assigned by the employer to the domestic worker by type of work

Duties assigned	Housemaid		Cook		Caregiver		Gardener		Watcher		Nanny		Driver		Odd job man		Linen cleaner		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cooking & cleaning of pots & pans etc.	32	17.2	5	71.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	37	15.3
Baby Care (<1yr)	3	1.6	0	0.0	0	0.0	0	0.0	0	0.0	2	13.3	0	0.0	0	0.0	0	0.0	5	2.1
Childcare (1-5 yrs.)	9	4.8	0	0.0	0	0.0	0	0.0	0	0.0	7	46.7	0	0.0	0	0.0	0	0.0	16	6.6
Taking care of disabled children	1	0.5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	0.4
Elderly care	5	2.7	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6	2.5
Driving for the household members	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5	55.6	0	0.0	0	0.0	5	2.1
Gardening	7	3.8	0	0.0	0	0.0	8	42.1	0	0.0	0	0.0	1	11.1	1	50.0	0	0.0	17	7.0
Sweeping the garden	26	14.0	0	0.0	0	0.0	4	21.1	0	0.0	1	6.7	0	0.0	0	0.0	0	0.0	31	12.8
Taking care of the sick/ disabled	2	1.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	0.8
House cleaning	41	22.0	0	0.0	0	0.0	0	0.0	0	0.0	2	13.3	0	0.0	1	50.0	0	0.0	44	18.2
Washing clothes	19	10.2	0	0.0	0	0.0	0	0.0	0	0.0	1	6.7	0	0.0	0	0.0	1	50.0	21	8.7

Table 5. 25 Type of duties assigned by the employer to the domestic worker by type of work (Cont.)

Duties assigned	Housemaid		Cook		Caregiver		Gardener		Watcher		Nanny		Driver		Odd job man		Linen cleaner		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Ironing clothes	10	5.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0	11	4.5
Marketing	7	3.8	1	14.3	0	0.0	4	21.1	0	0.0	0	0.0	2	22.2	0	0.0	0	0.0	14	5.8
Helping the mistress in cooking	17	9.1	1	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	18	7.4
Looking after pets	2	1.1	0	0.0	0	0.0	1	5.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	3	1.2
Security of the house	4	2.2	0	0.0	0	0.0	1	5.3	1	100.0	0	0.0	1	11.1	0	0.0	0	0.0	7	2.9
Looking after animals	0	0.0	0	0.0	0	0.0	1	5.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	0.4
Taking the child to pre-school	7	3.8	0	0.0	0	0.0	8	42.1	0	0.0	0	0.0	1	11.1	1	50.0	0	0.0	17	7.0
Making snacks for children occasionally	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	6.7	0	0.0	0	0.0	0	0.0	1	0.4
Playing with children	1	0.5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	0.4
Total	186	100.0	7	100.0	1	100.0	19	100.0	1	100.0	15	100.0	9	100.0	2	100.0	2	100.0	242	100.0

Table 5.26 Duties performed by live-in domestic workers by type of work (multiple responses)

Tasks performed	Housemaid N= 86		Cook N=7		Caregiver N= 11		Gardener N= 9		Watcher N= 7		Nanny N= 7		Total			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
Cooking & cleaning of pots and pans etc.	79	91.9	7	100.0	1	9.1	1	11.1	-	-	1	14.3	-	89	14.8	
	1	1.2	-	-	-	-	-	-	-	-	1	14.3	-	2	0.3	
Childcare (1-10 yrs.)	18	20.9	-	-	-	-	-	-	-	-	7	100.0	-	25	4.2	
Elderly care	13	15.1	-	-	8	72.7	-	-	-	-	-	-	-	21	3.5	
Driving for the household members	-	-	-	-	-	-	-	-	-	-	-	-	11	100.0	11	1.8
Gardening	25	29.1	-	-	-	-	9	100.0	3	42.9	-	-	-	37	6.2	
Sweeping the garden	66	76.7	1	14.3	1	9.1	6	66.7	1	14.3	1	14.3	-	76	12.7	
Taking care of the sick/ disabled	5	5.8	-	-	4	36.4	-	-	-	-	-	-	-	9	1.5	
House cleaning	78	90.7	2	28.6	4	36.4	2	22.2	-	-	3	42.9	-	89	14.8	
Washing clothes	56	65.1	1	14.3	-	-	-	-	-	-	2	28.6	-	59	9.8	
Ironing clothes	32	37.2	1	14.3	-	-	-	-	-	-	2	28.6	-	35	5.8	

Table 5.26 Duties performed by live-in domestic workers by type of work (multiple responses) (Cont.)

Tasks performed	Housemaid N= 86		Cook N=7		Caregiver N= 11		Gardener N= 9		Watcher N= 7		Nanny N= 7		Nanny N= 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Marketing	26	30.2	2	28.6	4	36.4	4	44.4	1	14.3	2	28.6	7	63.6	46	7.7
Helping the mistress in cooking	48	55.8	2	28.6	3	27.3	1	11.1	-	-	1	14.3	-	-	55	9.2
Looking after pets	6	7.0	-	-	-	-	-	-	1	14.3	-	-	-	-	7	1.2
Security of the house	9	10.5	-	-	-	-	2	22.2	4	57.1	1	14.3	3	27.3	19	3.2
Other	7	8.1	-	-	-	-	5	55.6	7	100.0	-	-	1	9.1	20	3.3

Table 5.27 Duties performed by live-out domestic workers by type of work (multiple responses)

Tasks performed	Housemaid n=85		Cook n=15		Caregiver n=8		Gardener n=13		Watcher n=2		Nanny n=26		Nanny n=13	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cooking & cleaning of pots & pans etc.	75	88.2	15	100.0	0	0.0	0	0.0	0	0.0	1	3.8	0	0.0
Baby Care (<1yr)	6	7.1	0	0.0	0	0.0	0	0.0	0	0.0	12	46.2	0	0.0
Childcare (1- 10 yrs.)	20	23.5	0	0.0	0	0.0	1	7.7	0	0.0	17	65.4	0	0.0
Taking care of disabled children	1	1.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Elderly care	8	9.4	0	0.0	3	37.5	0	0.0	0	0.0	0	0.0	0	0.0
Driving for the household members	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	14	107.7
Gardening	14	16.5	0	0.0	0	0.0	16	123.1	1	50.0	0	0.0	1	7.7
Sweeping the garden	53	62.4	0	0.0	1	12.5	10	76.9	0	0.0	4	15.4	0	0.0
Taking care of the sick / disabled	1	1.2	0	0.0	6	75.0	0	0.0	0	0.0	0	0.0	0	0.0
House cleaning	92	108.2	3	20.0	0	0.0	0	0.0	0	0.0	4	15.4	0	0.0
Washing clothes	40	47.1	0	0.0	0	0.0	0	0.0	0	0.0	2	7.7	0	0.0
Ironing clothes	8	9.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 5.27 Duties performed by live-out domestic workers by type of work (multiple responses) (Cont.)

Tasks performed	Housemaid n=85		Cook n=15		Caregiver n=8		Gardener n=13		Watcher n=2		Nanny n=26		Nanny n=13	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Marketing	8	9.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Helping the mistress in cooking	19	22.4	2	13.3	0	0.0	3	23.1	0	0.0	0	0.0	8	61.5
Looking after pets	30	35.3	6	40.0	0	0.0	0	0.0	0	0.0	2	7.7	0	0.0
Security of the house	2	2.4	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0	0	0.0
Staying with the mistress	6	7.1	0	0.0	0	0.0	2	15.4	2	100.0	1	3.8	1	7.7
Any duty given in an emergency	1	1.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Accompany 2 daughters to school & back	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	7.7
Plucking coconuts	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0	0	0.0
Cutting wood	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0	0	0.0
Washing the vehicle	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0	0	0.0
Ironing clothes	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0	0	0.0

Table 5.32 Frequency of paid leave entitlement for live-in domestic workers by sex (multiple responses)

Frequency	Male (n= 30)		Female (n= 108)		Total (n= 138)	
	No.	%	No.	%	No.	%
Once a week	3	10.0	10	9.3	13	9.4
Once a month	13	43.3	28	25.9	41	29.7
Once in two months	-	-	6	5.6	6	4.3
Once in three months	-	-	4	3.7	4	2.9
During festival time	3	10.0	11	10.2	14	10.1
During religious holidays	3	10.0	9	8.3	12	8.7
When sick	1	3.3	2	1.9	3	2.2
Once in few months	-	-	1	0.9	1	0.7
When necessary	3	10.0	11	10.2	14	10.1
Week end off	-	-	1	0.9	1	0.7
Once in 15 days	1	3.3	-	-	1	0.7
When the family is away	-	-	1	0.9	1	0.7
Not very often	-	-	1	0.9	1	0.7
Not relevant	5	16.7	30	27.8	35	25.4

Table 5.33 Live-in domestic workers' entitlement for number of days/hours of leave at one occasion (multiple responses)

Days/Hrs.	No.	%
2-3 hrs.	2	1.4
1 day	24	17.0
2-3 days	67	47.5
4-7 days	22	15.6
More than one week	6	4.3
No response	2	1.4
Can adjust according to need	4	2.8
No definite limit	2	1.4
Not necessary	12	8.5
Total	141	100.0

Table 5.39 Reasons given by employers for giving verbal agreements by educational status of employer (multiple responses)

Reasons	Never went to school		Secondary (from Grade 6 to GCE Ordinary Level)		Passed G.C.E. Ordinary Level Examination (Qualified for G.C.E. Advanced Level)		Passed G.C.E. Advanced Level Examination (3 simple passes or higher)		Diploma		Degree		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Flexibility	-	-	-	-	4	22.2	11	33.3	-	-	9	18.4	24	20.3
Easy to understand working conditions for the employee	-	-	-	-	5	27.8	11	33.3	6	37.5	18	36.7	40	33.9
Not familiar with written contract	-	-	-	-	5	27.8	4	12.1	4	25.0	9	18.4	22	18.6
No knowledge of a formal written contract to be given to a domestic worker	1	100.0	1	100.0	4	22.2	4	12.1	3	18.8	5	10.2	18	15.3
Domestic Worker is known	-	-	-	-	-	-	2	6.1	-	-	1	2.0	3	2.5
Not necessary	-	-	-	-	-	-	-	-	-	-	3	6.1	3	2.5
On trust	-	-	-	-	-	-	1	3.0	2	12.5	4	8.2	7	5.9
Domestic Worker is afraid of a written contract	-	-	-	-	-	-	-	-	1	6.3	-	-	1	0.8
Total	1	100.0	1	100.0	18	100.0	33	100.0	16	100.0	49	100.0	118	100.

Table 5.40 Reasons given by employers for giving verbal agreements by district (multiple responses)

Reasons	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Flexibility	12	20.7	8	21.1	4	18.2	24	20.3
Easy to understand working conditions for the employee	2	7.7	5	25.0	-	-	7	12.3
Not familiar with written contract	20	34.5	11	28.9	9	40.9	40	33.9
No knowledge of a formal written contract to be given to a domestic worker	11	19.0	7	18.4	4	18.2	22	18.6
Domestic Worker is known	1	3.8	1	5.0	1	9.1	3	5.3
Not necessary	8	13.8	8	21.1	2	9.1	18	15.3
On trust	1	1.7	2	5.3	-	-	3	2.5
Domestic Worker afraid of a written contract	1	1.7	1	2.6	1	4.5	3	2.5
	4	6.9	1	2.6	2	9.1	7	5.9
Total	1	1.7	-	-	-	-	1	0.8
	58	100.0	38	100.0	22	100.0	118	100.0

Table 5.45 The type of actions taken by employers in the instance of terminating previous domestic workers

Reasons	Left the job on domestic worker's own wish		Employer dismissed the domestic worker	
	No.	%	No.	%
Gave one week notice	7	20.6	1	5.3
Gave two weeks' notice	4	11.8	-	-
Gave one month notice	3	8.8	5	26.3
Immediately asked to go and gave one week/one month salary	1	2.9	5	26.3
Immediately asked to go without giving any money	-	-	2	10.5
Left without any notice	10	29.4	1	5.3
Gave time to find another job	-	-	4	21.1
Gave the employer time to find another replacement	3	8.8	-	-
Recruitment agency found a replacement	-	-	1	5.3
Other	6	17.6	-	-
Total	34	100.0	19	100.0

Chapter 6

Table 6.11 Type of medical attention provided to live-in domestic workers at times of injury/ accident by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sought medical attention by going to see a doctor by domestic worker alone	2	14.3	3	18.8	-	-	5	12.2
Sought medical attention by going to see a doctor with employer	5	35.7	3	18.8	4	36.4	12	29.3
Employer fully supported for recovery	5	35.7	5	31.3	3	27.3	13	31.7
Paid leave given	2	14.3	4	25.0	1	9.1	7	17.1
Employer asked domestic worker to leave	-	-	-	-	-	-	-	-
Domestic worker asked to come back on no pay leave	-	-	-	-	2	18.2	2	4.9
Other	-	-	1	6.3	1	9.1	1	4.8
Total	14	100.0	16	100.0	11	100.0	41	100.0

Table 6.12 Type of medical attention provided to live-out domestic workers at times of injury/ accident by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sought medical attention by going to see a doctor by domestic worker alone	1	9.1	4	28.6	2	20.0	7	20.0
Sought medical attention by going to see a doctor with employer	4	36.4	2	14.3	3	30.0	9	25.7
Employer fully supported for recovery	3	27.3	3	21.4	4	40.0	10	28.6
Paid leave given	2	18.2	3	21.4	-	-	5	14.3
Domestic worker asked to come after recovery	1	9.1	1	7.1	1	10.0	3	8.6
Other	-	-	1	7.1	-	-	1	2.9
Total	11	100.0	14	100.0	10	100.0	35	100.0

Table 6. 13 Employers' response in providing medical attention at times of injury or accident by district (multiple responses)

Medical attention provided	Total	
	No.	%
Gave first aid	4	28.6
Took for treatment and paid the expenses	4	28.6
Kept in the hospital and took care	2	14.3
Sent home to get treatment with paid leave	2	14.3
Other	2	14.3
Total	14	100.0

Table 6.14 Employers' response in providing medical attention at times of injury or accident by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Gave first aid	2	40.0	0	0.0	2	40.0	4	28.6
Took for treatment and I paid the expenses	1	20.0	1	25.0	2	40.0	4	28.6
Kept in the hospital and took care	0	0.0	1	25.0	1	20.0	2	14.3
Sent home to get treatment with paid leave	1	20.0	1	25.0	0	0.0	2	14.3
Other	1	20.0	1	25.0	0	0.0	2	14.3
Total	5	100.0	4	100.0	5	100.0	14	100.0

Table 6. 15 Type of medical attention provided to live-in domestic workers at times of sickness by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sought medical attention by going to see a doctor by domestic worker	2	40.0	0	0.0	2	40.0	4	28.6
/family member	7	12.7	-	-	3	15.0	10	13.3
Sought medical attention by going to see a doctor with employer	17	30.9	4	33.3	6	30.0	23	30.7
Employer fully supported for recovery	16	29.1	6	50.0	5	25.0	21	28.0
Paid leave given	12	21.8	1	8.3	3	15.0	15	20.0
Domestic worker asked to come back after recovery on no pay leave	2	3.6	1	8.3	2	10.0	4	5.3
Other	1	1.8	-	-	1	5.0	1	2.6
Total	55	100.0	12	100.0	20	100.0	75	100.0

Table 6.16 Type of medical attention provided to live-out domestic workers at times of sickness by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Sought medical attention by going to see a doctor by domestic worker	2	40.0	0	0.0	2	40.0	4	28.6
/family member	6	35.3	2	10.5	8	36.4	16	27.6
Sought medical attention by going to see a doctor with employer	3	17.6	4	21.1	5	22.7	12	20.7
Employer fully supported for recovery	2	11.8	6	31.6	5	22.7	13	22.4
Paid leave given	2	11.8	2	10.5	1	4.5	5	8.6
Employer asked domestic worker to leave	-	-	1	5.3	-	-	1	1.7
Domestic worker asked to come after recovery on no pay leave	3	17.6	4	21.1	3	13.6	10	17.2
Other	1	5.9	-	-	-	-	1	1.7
Total	17	100.0	19	100.0	22	100.0	58	100.0

Table 6.17 Employers' responses in providing medical attention at times of sickness by district (multiple responses)

Type of medical attention provided	Colombo		Gampaha		Kandy		Total	
	No.	%	No.	%	No.	%	No.	%
Gave first aid	2	13.3	0	0.0	3	30.0	5	16.7
Took for treatment and I paid for expenses	8	53.3	5	100.0	5	50.0	18	60.0
Kept in the hospital and took care	1	6.7	0	0.0	1	10.0	2	6.7
Sent home to get treatment with paid leave	0	0.0	0	0.0	1	10.0	1	3.3
Sent home to get treatment with no pay leave	2	13.3	0	0.0	0	0.0	2	6.7
Terminated the employment	1	6.7	0	0.0	0	0.0	1	3.3
Other	1	6.7	0	0.0	0	0.0	1	3.3
Total	15	100.0	5	100.0	10	100.0	30	100.0

Table 6.31 Employers who said domestic workers should have appropriate training by educational status of employer

Type of medical attention provided	Should be given vocational training						Total	
	Yes		No		No idea			
	No.	%	No.	%	No.	%		
Never gone to school	1	100.0	-	-	-	-	1	100.0
Secondary	-	-	1	100.0	-	-	1	100.0
Passed GCE O/L	6	85.7	-	-	1	14.3	7	100.0
Passed GCE A/L	11	68.8	3	18.8	2	12.5	16	100.0
Diploma	6	75.0	-	-	2	25.0	8	100.0
Degree	21	87.5	-	-	3	12.5	24	100.0
Total	45	78.9	4	7.0	8	14.0	57	100.0

Annexure - II

Model Contract for Domestic Workers

The employment contract is executed and entered into by, and between:

Full name
(Herein after referred to as "the employer")

NIC No.:

Address:
.....
.....

Telephone No.:

Residence: Mobile:

And

Full name
(Herein after referred to as "the employee")

NIC No.

Address:
.....
.....

Telephone No.:

Residence: Mobile:

1. Employment will begin on _____ and continue until terminated/separation

2. The place of work will be: _____

3. Job title and duties

3.1 Job Title: _____

3.2 Duties:

- i. _____
- ii. _____
- iii. _____
- iv. _____
- v. _____

A more detailed job description may be developed and attached to the contract.

4. Remuneration:

No.	Description	Amount (LKR)
4.1	The employee wage shall be paid in cash /cheque/ deposited in bank account on the date mutually agreed at the time of appointment	
4.2	The employee shall be entitled to allowances as mutually agreed and applicable (accommodation, transport, meals etc.)	
4.3	The employee shall be entitled to overtime payments (rate per hour)	
4.4	The employee shall be entitled to an annual increment of 10 percent of the total wage of the month	

5. Hours of work / leave

5.1	The hours agreed mutually shall not exceed 8 hours a day, with a day off, and over time to be paid as given in 4.3
5.2	The employees will be entitled to 14 days paid leave (casual and sick leave) All other leave will be treated as per mutual agreement between the parties.

6. Termination /separation of employment

Either party can terminate this agreement with two weeks notice /pay in lieu of.

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