

PRACTICAL GUIDE

**TO ENDING CHILD LABOUR  
AND PROTECTING YOUNG  
WORKERS IN DOMESTIC WORK**

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# FOREWORD

The recognition of the need to make Decent Work a reality for domestic workers led to the adoption by the International Labour Conference, in June 2011, of the Domestic Workers Convention, 2011 (No. 189) and Domestic Workers Recommendation, 2011 (No. 201). These two instruments convey a clear message: Domestic workers are workers and, like other workers, have the right to decent working and living conditions.

Among other issues, Convention No. 189 requires to set a minimum age for domestic workers, which must be consistent with the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) that must not be lower than that established for workers generally. The Convention also requires Members to take measures to ensure that domestic work performed by children does not deprive them of compulsory education, or interfere with opportunities for further education or vocational training. In addition, taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour. Furthermore, when regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them. Such measures should include strict limitations on hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts; prohibition of night work; restrictions on work that is excessively demanding, whether physically or psychologically; and establishing or strengthening mechanisms to monitor young domestic workers working and living conditions.

Following the most recent data from 2012, globally it is estimated that 17.2 million children are involved in paid domestic work with a third party or employer, 11.5 million are considered to be in a situation of child labour, either because they are below the legal minimum age for admission to employment, or because their work is defined as hazardous, while 5.7 million – which are above the minimum age in their respective country and below the age of 18 years – are legally working in this sector. The vast majority of child domestic workers are girls (67.1 %). 21.4% of child domestic workers are involved in hazardous forms of child labour in domestic work, and 65.1% of all child domestic workers are under 14 years of age, of which 7.4 million are in the age group 5 to 11 years and 3.8 million in the age group 12 to 14 years old.



Domestic workers, in particular child domestic workers, are very vulnerable to physical, sexual, psychological or other forms of abuse, harassment and violence because their workplace is shielded from the public and they generally lack co-workers. Live-in workers are particularly concerned. C.189, in line with C.138 and C.182, requires Members to take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. In addition to emphasizing the need to eliminate child labour in domestic work, particular attention is paid to the special needs of child domestic workers, namely children above the legal minimum age for admission to employment or work and below 18 years of age. These concerns respond to the informal nature of domestic work, which hinders the application of formal economy labour norms, resulting in child domestic workers, in most countries, being in many instances left legally unprotected and beyond the reach of formal labour inspection and monitoring.

The present Practical Guide, which builds on the existing knowledge base developed both by the ILO as well as by other stakeholders, aims at providing practical orientations and the required guidance to prevent and eliminate child labour in domestic work as well as at protecting young domestic workers of legal working age. All actions promoted by this Practical Guide are inspired and guided by the best interest of the child. It provides information on approaches and intervention models, as well as practical tools that have been developed or tested across the world to address and tackle a range of key issues concerning child domestic workers and child domestic work, offering when possible and available, examples from different regions of the world on relevant experiences, results and lessons learnt. In doing so, this Practical Guide does not pretend to provide a conclusive, prescriptive say or response to the issues of child domestic work, as information across the regions is uneven and available literature either tackles child labour or domestic work but not the intersection. Moreover, this literature tends to raise more questions than it provides responses, and rarely provides evaluation of results and impact of interventions.

This Practical Guide is intended for policy makers, decision-makers, policy advisers, policy researchers and experts, and practitioners/implementers of policies, laws and programmes on labour and employment issues, on the domestic work sector and on child labour. At the national level, target audiences include governments, social partners, civil society organizations, and academia. At the international level, target audiences include the UN System and international development and human rights organizations. It aims at enhancing understanding of child domestic work and child labour in domestic work, as well as at convincing policy actors and decision-makers and practitioners that it is imperative as well as feasible to address the issues and problems of child domestic work: elimination of child labour situations and protection of young domestic workers when and where they can legally work.

**Beate Andrees**

*Chief*

*Fundamental Principles and Rights at  
Work Branch (FUNDAMENTALS)*







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# CHAPTER 1: INTRODUCTION

## 1.1 DOMESTIC WORKERS: AN IMPORTANT GLOBAL WORKFORCE

What is domestic work? Following ILO Domestic Workers Convention, 2011 (No. 189) [C189], “domestic work” means work performed in or for a household or households and “domestic worker” means any person engaged in domestic work within an employment relationship.

The term “domestic work” covers a wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned, as well as the cultural and economic context in which they work. This means that a definition of domestic work and the workers involved on the basis only of the tasks being performed, risks being perpetually incomplete. Rather, C189 draws on the common and distinctive characteristic that domestic workers are employed by, and provide services for, third party private households.

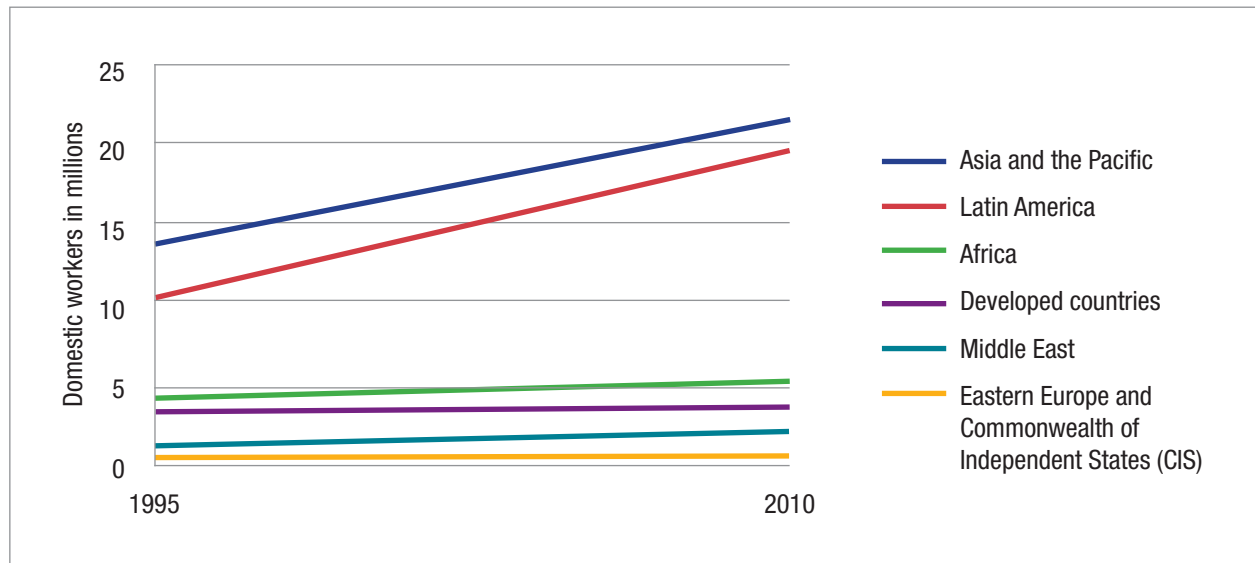
Paid domestic work is a source of employment for millions of workers across the world, and the demand has been increasing steadily both in developing and industrialized countries. ILO global estimates put the number of domestic workers aged 15 years and older at 67 million globally as of 2013 (ILO, 2015f). This is a conservative number based on national official employment statistics. Many more may be performing domestic work for households in an employment relationship but escape official labour force and employment surveys and censuses for various reasons (Mehran, 2014).<sup>1</sup>

Domestic workers account for 2 per cent of global labour participation and 4 per cent of total female labour participation. For women, domestic work is an important source of income – as much as 14 per cent of female wage employment in Latin America and 11 per cent in Asia. The Asian and Latin American regions are also the biggest employers of domestic workers (Graph 1.1).

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<sup>1</sup> National data generally refer to the working-age population, typically persons 15 years old and over, leaving out child domestic workers below 15 years of age. Available data usually refer to main job, missing domestic workers engaged in domestic work only as a secondary or subsidiary job (about 6% according to Kahyarara, 2013). Response errors: some domestic workers may not know that their activity is a form of employment, especially if no cash payment is involved (almost one-third of the domestic workers were detected based on especially designed questions in the Tanzania domestic workers survey: Kahyarara, 2013). Where domestic work has a social stigma, domestic workers would tend to refuse to identify themselves as domestic workers. Those who have been trafficked into domestic work, or work in forced labour conditions, are likely to be deliberately hidden.

**GRAPH 1.1: Number of domestic workers, in millions, by region, 1995-2010**



Source: ILO, 2013a.

They may do housework, care for children, and/or, increasingly, care for elderly, sick and disabled members of families. Home-based care is emerging as one of the fastest growing sectors of the health-care industry – in developing countries (especially those facing high HIV/AIDS infection rates) and in industrialized countries (with ageing populations) – to relieve pressures on formal health-care institutions and because it is cheaper and more flexible. The sector has grown rapidly in the last 20 years and, by several indications, will continue to expand as the demand for the services provided by domestic workers also continues to grow in the following decades.

### 1.1.1 Child domestic workers: Socially and statistically invisible, but substantial in number

What is child domestic work? Child domestic work is a general reference to children’s work in the domestic work sector in the home of a third party or employer. This general concept encapsulates both permissible as well as non permissible situations.

Domestic workers aged under 18 years of age are among the least visible of domestic workers. They are poorly captured by official labour force and employment surveys, which typically cover only the working-age population (i.e. from 14 or 15 years old). In most developing countries, there is a tendency among employers and domestic workers to regard domestic workers not as employees but as “members of the family”, as mere helpers or servants. Some perform household chores for kin and social support networks in exchange for shelter, subsistence and/or education. Moreover, child domestic workers below the legal working age and those in unacceptable and slavery-like conditions will most likely be hidden.



Based on the data available in 2012, ILO global estimates point to at least 17.2 million children (aged 5-17 years) who are involved in paid domestic work with a third party (i.e. not his/her nuclear family) or employer (ILO-IPEC, 2013a). Girls tend to comprise the vast majority (67 per cent). Because domestic work is often regarded as easy, light, unskilled work, and safe given its home setting, it is one of the sectors where working children are concentrated.

### **1.1.2 Child labour in domestic work: A critical problem**

What does constitute child labour in domestic work? Child labour in domestic work refers to situations where domestic work is performed by children below the relevant minimum age (for light work, full-time non-hazardous work), in hazardous conditions or in a slavery-like situation.

Roughly two-thirds of child domestic workers are in child labour, that is, working below the legal working age, and/or working in hazardous conditions or in slavery-like conditions (ILO-IPEC, 2013a). About 65 per cent are under 14, while the legal working age in most countries is 15 and in some, 14 years old. Of this group, 7.4 million are between 5 and 11, and 3.8 million between 12 and 14 years old.

The distinct characteristics of domestic work – the hidden, isolated and inaccessible nature of the workplace, the deceptive family setting and fictive family relations, the close proximity and subservient quality of work relations, among other factors – create risks of rights violations and exploitative working conditions. Common problems that child domestic workers face are: excessive hours of work with heavy workloads; low wages, wage theft, or even no pay at all; limited freedom of movement for those in a live-in situation; inadequate accommodation with lack of privacy; lack of benefits and/or social protection; disrespect; and verbal, psychological and physical abuse from the employing family or co-workers.

### **1.1.3 Problems in respect of laws, policies and social norms**

The vulnerability of child domestic workers to exploitative, abusive work situations can be traced to a great extent to the lack of a policy and legal framework that effectively protects their fundamental rights as children and that recognizes and protects the rights of domestic workers. This legal lacuna reinforces and perpetuates social norms, values and structures that do not recognize domestic work as real work, or as work that could carry risks to the health, safety, morals and human development of children. In some parts of the world, social practices and attitudes abet the exploitation of the cheap labour of child domestic workers.

Even in countries where there is legislation and policies to protect children against child labour, or domestic workers in general, children in domestic work tend to lack adequate protection. Their existence, and their need for special protection, tends to be forgotten. Some reasons are social: the acceptability of the phenomenon, traditions and customs surrounding “fostering” children with other families to perform household work, and notions that household work is safe and suitable for girls and young boys.



## 1.1.4 International normative framework on child labour and on domestic work

The Minimum Age Convention, 1973 (No. 138) [C138] and the Worst Forms of Child Labour Convention, 1999 (No. 182) [C182] are the main pillars of this framework. C138 requires countries to establish a minimum age for employment, which depends on the national context but should not be less than the age of completion of compulsory schooling, and in any case, may not be less than 15 years. However, countries whose economy and educational facilities are insufficiently developed may initially specify a minimum age of 14 years. It further defines “hazardous work” and specifies that hazardous work is not permissible for workers below 18 years of age.

C182, applicable to all persons under the age of 18, calls for the prohibition and elimination of the worst forms of child labour as a matter of urgency. With regard to the domestic work sector, this specifically refers to child domestic workers found in a situation of “[...] slavery or a practice similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour”, or carrying out domestic work “[...] which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Art. 3). Children in the worst forms of child labour should be removed, rehabilitated and reintegrated into society, as well as ensured access to free basic education and, where possible, vocational training.

The C189 and its Domestic Workers Recommendation, 2011 (No. 201) [R201] send out a specific message regarding child domestic work: domestic workers, like other workers, have the right to decent working and living conditions. These international instruments are unequivocal in their provisions, in the sense that child domestic workers are entitled to particular protection that is consistent with C138 and C182. Child workers below the legal working age, whatever their working conditions, and all children below 18 years old working in slavery-like or hazardous conditions, are in child labour situations and should be withdrawn from domestic work. However, C189 is also of the view that domestic work, when undertaken by workers of legal working age, is, by its nature, a valuable and respectable job. Both C189 and R201 include measures that promote non-hazardous and decent working conditions for domestic workers and prevent child labour. In the case of domestic workers facing hazardous conditions, it may be sufficient to remove these conditions in order for the work to be a permissible occupation for child workers / young workers of legal working age.<sup>2</sup>

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2 In line with recent ILO publications, this practical guide will refer to domestic workers who are under the age of 18 and above the minimum age of employment, i.e. child workers of legal working age, when and where they can legally be employed in domestic work, as “young domestic workers of legal working age”.



### 1.1.5 Ending child labour in domestic work: Sector-specific, multi-dimensional actions

Protecting domestic workers and fighting child labour in domestic work presents challenges because of the specific features of such employment: the setting in which it takes place, the private individual or householder as employer in the overwhelming majority of cases, and the strong traditions and social norms that structure relationships between employing householders, their domestic workers, and the parents, families and communities of origin of domestic workers. While general child labour policies and strategies are necessary to eliminate child labour in domestic work, sector-specific strategies are required to effectively address the challenges of child domestic work.

Action is required on multiple fronts to achieve two major objectives: first, to eliminate child labour in domestic work, which includes children below the age of 18 engaged in domestic work in hazardous conditions or in slavery-like situations, and children below the minimum age for admission to work or employment; and second, to protect the rights of young domestic workers of legal working age and promote decent working and living conditions for them. This Practical Guide presents a range of approaches and intervention models, as well as practical tools that have been developed and applied across the world to tackle the multiple issues associated with child domestic workers and child domestic work.

## 1.2 OVERVIEW OF THE PRACTICAL GUIDE

The Practical Guide draws from a wide range of countries to provide examples from diverse national, socio-cultural and economic contexts.

### 1.2.1 Objectives

The aims of this Practical Guide are:

- to enhance understanding of child domestic work and child labour in domestic work;
- to convince policy actors and decision-makers and practitioners that it is imperative as well as feasible to address the issues and problems posed by child domestic work: elimination of child labour situations and protection of young domestic workers when and where they can legally work;
- to raise awareness of the range of possible approaches and interventions to address the issues and problems of child domestic work in different socio-economic contexts;
- to share practical lessons and key principles that may guide others in developing their own responses to similar issues and challenges.

## 1.2.2 Target users

This Practical Guide has been prepared for use by the following individuals and organizations:

- policy-makers, decision-makers, policy advisers, rights experts and activists, policy researchers and experts, and practitioners/implementers of policies, laws and programmes on labour and employment issues, on the domestic work sector and on child labour;
- at the national level, governments, social partners, civil society organizations, and academia; at the international level, the UN System and international development and human rights organizations.

## 1.2.3 Structure and themes

This Practical Guide consists of nine thematic chapters, which follow this Introduction.

It is suggested that users of this Practical Guide take time to read Chapter 2, which provides the framework for this resource material, and shows the interconnections between the substantive areas covered by the thematic chapters.

The multidimensional and complex nature of child labour and child domestic work requires actions in many policy and technical areas, and at various levels, from international to local. However, this Practical Guide does not aim to cover all policy areas. Macroeconomic, labour-market and social-protection policies go beyond the phenomenon of child domestic work, and affect the transversal drivers of child labour, and are already tackled in detail by other guides and technical reports on the subject. For example, this resource cites the role of social protection floors in the chapters on law and policy action, and on the rescue of child labourers, but does not discuss these in detail. Although macroeconomic and labour-market policies play a role, indirectly or directly, in encouraging or discouraging the use of child labour, these will not be discussed in this resource material.

Moreover, in the policy areas covered by this Practical Guide, there are certainly interventions and methods which have been developed to address child domestic work that will be missed out. The purpose of this resource is to show the range of what is possible and feasible, to share as much experience as possible and to provide inspiration for more creative, innovative and effective strategies and tools.

Chapters 3, 9 and 10 are about three key cross-cutting themes. The measurement of child domestic work (Chapter 3) is indispensable if we are to understand the magnitude and complex realities of this social phenomenon, and design and implement effective actions. Enabling young domestic workers to form their own organizations (Chapter 9) is a cross-cutting strategy, a means of empowering domestic workers to claim and exercise their rights, and fight against the use of child labour as cheap and exploitable substitute for employing workers of legal working age in decent working conditions. The social partners, i.e. workers' and employers' organizations (Chapter 10), have a key role to play in promoting, supporting and implementing many of the actions presented in the preceding chapters. Sustainable social, policy and institutional changes are made possible by social dialogue and political ownership on the part of key stakeholders.





Chapters 4 to 9 focus on actions and interventions, which have been grouped by type of action, not by target group or category of child labour. The reason for this is that one target group often requires actions which are similar to those required by other groups of child workers, differing only in emphasis and specific content. In other words, a type of action, such as advocacy, or law and policy, is relevant to more than one category of child domestic workers. For example, eliminating the problem of working children below the legal working age calls for a range of actions: enhancing their statistical visibility, awareness-raising, providing accessible and affordable education, broader legal and policy interventions, and the rescue and rehabilitation of children already engaged in child labour in domestic work. Children living in slavery-like conditions need an urgent response; they need to be identified, reached, rescued and rehabilitated. But law and policy, advocacy and education are important in preventing others from falling into the trap. For young domestic workers of legal working age but below 18 years old, removing and preventing the hazardous conditions under which they work is especially relevant. This calls for policy and legal measures, practical measures, advocacy, education and skills development.

Each thematic chapter is organized so as to cover the key issues and challenges presented by a given subject, and the various strategies and interventions that have been applied to address or overcome these issues. Boxes, provide additional useful information, such as the provisions of ILO Conventions, specific cases, country examples and data. Tools provide guidelines, checklists, lessons and tips from the field, as well as manuals that can further guide practical actions.

## 1.2.4 Brief description

### → Chapter 2: Framework for addressing child domestic work

Helps the reader understand the Practical Guide's underlying logic and the connections between the various chapters. The chapter presents key concepts and definitions, the international normative framework concerning child labour and child domestic work, and the particularities and drivers of child domestic work, which call for a sector-specific approach. Finally, it outlines a framework for action on child domestic work, including the principal objectives to be achieved, and the key actions and policy areas these imply.

### → Chapter 3: Measurement and assessment of child domestic work

Deals with some statistical issues associated with measurement, including problems in measurement, approaches to the statistical classification of domestic workers and employment relationship issues. It also covers statistical data collection, in particular information requirements, data-collection methods, questionnaire design, sampling issues and making estimates from available data. This chapter also deals with some research concerns, including identification, access to and interviewing of child domestic workers, as well as ethical considerations. Some monitoring and evaluation concerns are also covered.



#### → Chapter 4: Advocacy and social mobilization in relation to child domestic work

Focuses on approaches and interventions implemented in various countries to raise the consciousness of the different parties who have an influence on child domestic work, and to mobilize them for action. Drawing from these experiences, the chapter highlights some of the lessons that might help concerned institutions and organizations carry out effective advocacy strategies.

#### → Chapter 5: Policy and legislative action: labour protection for child domestic workers

Focuses on legislative and policy issues and measures relating to the elimination of child labour in domestic work and the protection of young domestic workers of legal working age. The critical dimensions of national policy and legal frameworks concerned with child domestic work are: (1) the need for a minimum age for domestic work; (2) the protection of child workers and children from hazardous work and all forms of slavery or practices similar to slavery, as contemplated by C138 and C182; and (3) the protection of domestic workers, as contemplated by C189.

#### → Chapter 6: Rescuing child domestic workers from child labour situations

Focuses on strategies and actions on the ground — at the local and community level where child domestic workers work and live — which aim to rescue child domestic workers from child labour in domestic work and protect young domestic workers of legal working age from hazardous conditions. While legislative and policy actions are indispensable in eradicating child labour in domestic work, children who are subject to one of the worst forms of child labour in domestic work, namely a slavery-like situation or hazardous working conditions, or who are likely to suffer it, require an immediate and effective response, as a matter of urgency. In addition, for young domestic workers of legal working age, there is a need for practical measures to deal with working conditions that endanger their safety, health and moral well-being.

#### → Chapter 7: Enforcement and promoting compliance

Presents the approaches and tools that have been developed and used for enforcing laws and promoting compliance, taking into account the particularities of the domestic work sector and of domestic workers, as well as lessons learned from past experience. The approaches and methods that have evolved are of course conditioned by their specific national legal and the socio-cultural contexts.

#### → Chapter 8: Education and skills development

Focuses on interventions in various countries to secure the access of child domestic workers to education and skills development, the issues addressed by these interventions, and the lessons that have emerged from concrete experiences. Ensuring that child domestic workers have equal access to quality education and opportunities for skills development calls for action by the political and legal authorities, action by educational institutions and direct interventions at the local level.



### → Chapter 9: Organization of domestic workers

Focuses on the organization of domestic workers, which is indispensable in the fight against child labour in the domestic work sector and in protecting young domestic workers of legal working age. It presents the challenges and barriers to organizing, strategies that have proved effective in overcoming some of these difficulties, and an overview of the state of domestic workers' organization in the sector.

### → Chapter 10: Role of the social partners

Provides an overview of the roles that the social partners — employers' and workers' organizations — can play in eliminating child labour in domestic work and in protecting domestic workers of legal working age. It also identifies some of the mechanisms at the national and international whereby the social partners are able to do so more actively.

### Resources

Gives a thematic listing of available print and online resources concerning child labour, domestic work and child domestic work, to provide more information and ideas.





## CHAPTER 2:

# FRAMEWORK FOR ADDRESSING CHILD DOMESTIC WORK

This chapter provides a framework for this Practical Guide. It will help the reader understand the underlying logic of this resource and the connections between the various chapters. After defining key concepts, it presents the international normative framework concerning child labour and child domestic work, and identifies the particularities and drivers of child domestic work, which call for a sector-specific approach in addition to the general solutions for child labour. Following on from these points, the last section outlines a framework for action on child domestic work — the principal objectives that need to be achieved, and the key actions and policy areas these imply.

## 2.1 KEY CONCEPTS AND DEFINITIONS

### 2.1.1 Who is a child and when is it permissible for a child to work?

A child is herein defined as an individual under the age of 18 years, which is in accordance with the United Nations Convention on the Rights of the Child, 1989. The laws of some countries might set the legal age for adulthood lower than this, but the UN Committee on the Rights of the Child has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children below 18.

With regard to the employment of children, their age and the nature of the activities they perform, as well as the circumstances in which these are performed, determine whether or not the work children do is permissible or is a form of child labour, i.e. a situation which is not permissible and should be prevented and eliminated.

### 2.1.2 What is child labour?

The term “child labour” does not encompass all economic activity performed by children under the age of 18. Child labour simply refers to employment or work carried out by children that does not conform to the standards enshrined in ILO C138 on the Minimum Age for Employment and C182, on the Worst Forms of Child Labour. In effect, these Conventions establish the boundaries of the work done by children that is targeted for abolition.

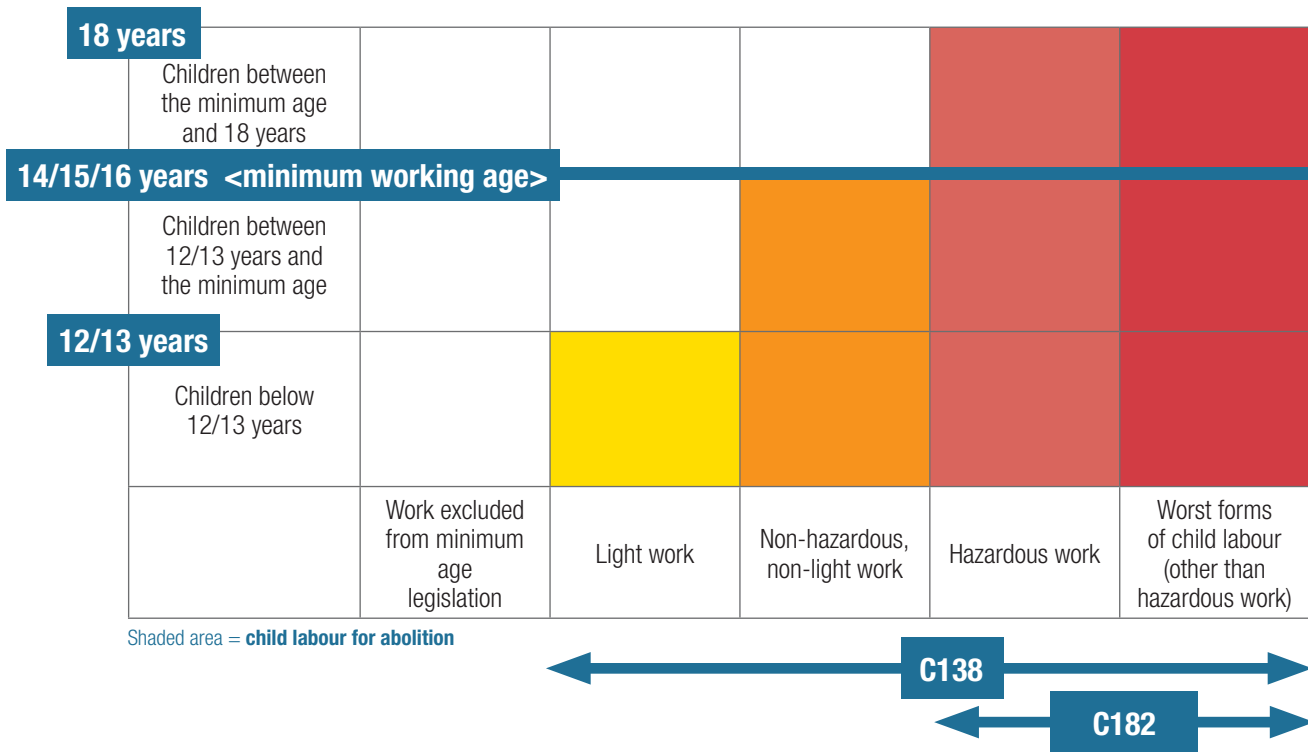
The ILO Conventions on child labour allow national authorities some discretion in setting boundaries for children's work. In consultation with the social partners, governments determine whether or not certain activities are appropriate for a child, taking into consideration the child's age, level of maturity and the national or local socio-economic development context. In particular, depending on their age, children may be allowed to carry out light work. C138 defines light work as work by children above a specified age, 12 or 13 years depending on whether the overall minimum age for employment has been fixed at 14 or 15 years, that is: "(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received." (Article 7).

Work in schools, while in principle subject to minimum age regulation, is also not prohibited, provided it is part of a programme of education, training or vocational guidance designed and supervised by a public authority in consultation with the social partners. Similarly, C182 requires that national authorities determine which occupations and processes are hazardous for children and must be eliminated without delay.

Child labour slated for abolition falls into the following categories:

- labour that is performed by a child who is under the minimum age for that kind of work (e.g. normal full-time work, light work, and hazardous or potentially harmful work) as defined by national legislation, in accordance with accepted international standards, and that is thus likely to impede the child's education and full development (covered by C138);
- the worst forms of child labour, as defined by C182, which comprise:
  - all forms of slavery or practices similar to slavery, such as the sale and trafficking of children; debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
  - the use, procurement or offering of a child for prostitution, production of pornography or pornographic performances;
  - the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
  - work which by its nature or by the circumstances under which it is carried out, is likely to harm the health, safety and morals of children [also covered by C138].

**GRAPH 2.1: Illustration of child labour to be abolished<sup>3</sup>**



### 2.1.3 Child domestic workers: Who are they?

In accordance with the ILO C189, domestic work is “work performed in or for a household or households.” It thus encompasses a wide range of tasks, including but not limited to cleaning, cooking, washing and ironing clothes, taking care of children, the elderly, sick people or people with disabilities, driving, guarding the home, shopping for the family’s needs, taking care of a family pet or gardening.

A domestic worker, within the framework of C189 and for the purposes of this Practical Guide, is anyone engaged in domestic work within an employment relationship, i.e. not for his/her own home or family, but in or for a third-party household.

Child domestic workers are, therefore, all persons below the age of 18 employed by a third-party household to perform domestic work in or for that household. A high concentration of children is employed in domestic work. Based on ILO estimates in 2012, child domestic workers account for 6.6 per cent of all children in employment aged between 5 and 17<sup>4</sup>.

<sup>3</sup> Work excluded from minimum age legislation can include, for example, household chores, work in family undertakings and work undertaken as part of education. In addition, depending on the use that Member States might make of the possibilities provided by Art. 4 and Art. 5 of C138, this might include other activities. For further information, please check ratifications of C138.

<sup>4</sup> As stated before, in line with recent ILO publications, this practical guide will refer to domestic workers who are under the age of 18 and above the minimum age of employment, i.e. child workers of legal working age, when and where they can legally be employed in domestic work, as “young domestic workers of legal working age”.



Under the broad definition of C189, employers of domestic workers may be private individuals (the household head, his/her spouse, any member of the household) who directly hire the domestic worker, or they may be a public agency, a private enterprise, or a non-profit organization that deploys domestic workers to render services to households.<sup>5</sup> The employment arrangements of domestic workers may be varied: full-time or part-time; with one or multiple employers; employed on regular, permanent or casual basis; living in the employer's residence or not.

### 2.1.4 What is child labour in domestic work?

Child labour in domestic work refers to a particular category of child domestic work. First of all, it is domestic work undertaken by a child below the minimum legal age for work or employment set by a country in accordance with ILO C138. Secondly, child labour in domestic work refers to domestic work performed by a child below the age of 18 in situations that constitute a worst form of child labour. The more commonly found instances of worst forms of child labour in domestic work involve work in hazardous conditions or in a slavery-like situation, as defined by ILO C182.

According to the ILO's 2012 estimates for child domestic work, there are at least 11.5 million children in child labour in domestic work in the world, of whom 82.6 per cent (9.5 million) are in the 5-14 age group. Almost two-thirds of all children in child labour in domestic work are younger than 12 (7.4 million). According to the same estimates, almost 3.7 million children in the 5-17 age group, almost 1.7 million in the 5-14 age group and 2 million in the 15-17 age group are in hazardous domestic work.

### 2.1.5 The employment relationship: Key element of domestic work

As C189 states, a domestic worker is one who performs domestic work in or for a household in an employment relationship. Although it may be defined in a particular national context, the employment relationship is a universal notion, which creates a legal link between a person, called "the employee" (frequently referred to as "the worker") and another person, called "the employer", to whom she or he provides labour or services under certain conditions in return for remuneration<sup>6</sup>. Children doing household chores in their own home and children performing domestic work for a third-party household perform similar tasks. But in the second case, there is an employment relationship.

The distinctive element of an employee/employer relationship, in contrast to self-employment (involving an independent or own-account worker), is its inherent hierarchical nature. This consists of three related powers exercised by the employer: (i) power to assign tasks and to give orders and directives to employees (directional power), (ii) power to monitor and control both the performance of such tasks and the compliance with the said orders and directives (control power), (iii) power to sanction improper or negligent performance

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<sup>5</sup> In some employment arrangements, a recruitment or employment agency may act as an intermediary or third party in the employment relationship, providing facilitation services to the private household or discharging some of the employer's responsibilities (e.g. payment of social security contributions) on behalf of the employing household. This triangular relationship may blur the identity of the party (the agency or the household) that has obligations to the domestic worker.

<sup>6</sup> For the scope of the employment relationship, see ILO, 2003.





of the assigned tasks and disobedience to given orders and directives (disciplinary power) (ILO, 2006b; Bignami, et. al, 2013).

Countries have different indicators for determining the existence of an employment relationship, and there are many cases where the employment relationship is neither easily established nor identified. There are various factors that could conceal, blur or disguise the employment relationship between the domestic worker and the employing family. These are tackled in more detail in section 2.4 below. The domestic work sector has one of the highest incidences of informal employment arrangements, such as non-declaration to public authorities and use of oral agreements, which could disguise or blur the rights and obligations of employee and employer.<sup>7</sup>

The ILO Employment Relationship Recommendation, 2006 (No. 198) (R198) suggests specific indicators that Member States may consider for determining the existence of an employment relationship (Box 2.1).

### **BOX 2.1: Employment Relationship Recommendation, 2006 (No. 198): Indicators of an employment relationship**

Countries have various ways and indicators for determining the existence of an employment relationship. The ILO Employment Relationship Recommendation, 2006 (No. 198) suggests specific indicators that Member states may consider:

“(a) the fact that work: is carried out according to the instructions and under the control of another party; involves the integration of the worker in the organization of the enterprise; is performed solely or mainly for the benefit of another person; must be carried out personally by the worker; is carried out within specific working hours or at a workplace specified or agreed by the party requesting the work; is of a particular duration and has a certain continuity; requires the worker’s availability; or involves the provision of tools, materials and machinery by the party requesting the work;

(b) periodic payment of remuneration to the worker; the fact that such remuneration constitutes the worker’s sole or principal source of income; provision of payment in kind, such as food, lodging or transport; recognition of entitlements such as weekly rest and annual holidays; payment by the party requesting the work for travel undertaken by the worker in order to carry out the work; or absence of financial risk for the worker.”

<sup>7</sup> The incidence of informal employment (based on country-specific definition) tends to be highest among domestic workers, as compared with other waged employees - agricultural and non-agricultural - in selected countries. See ILO 2016b.



## 2.1.6 Difference between household chores and domestic work

Household chores undertaken by children in their own homes or households, in reasonable conditions and under the supervision of those close to them, are an integral part of family life and growing up. These are therefore something positive. In some cases, however, household chores may interfere with a child's education, be excessive or have a negative impact on their health, in which case they might be tantamount to child labour as defined in ILO C138 and C182. Either way, these chores do not fall within the definition of domestic work (C189), and are not the subject of this Practical Guide.

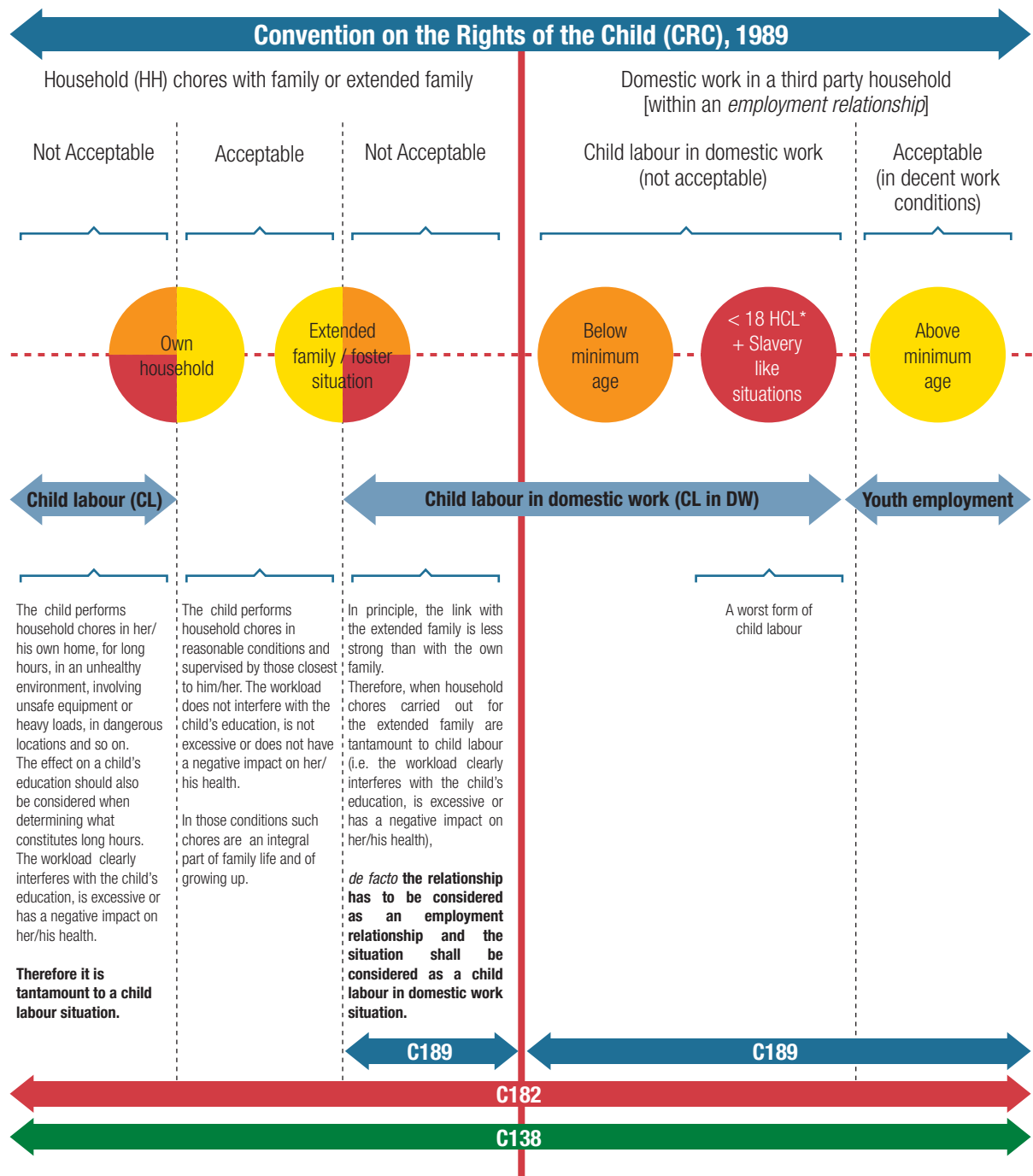
A definition of the concept of the household may be helpful in better understanding the difference between household chores in one's own home or household and domestic work for a third-party household. The international standard definition of a household is "a small group of persons who share the same living accommodation, who pool some, or all, of their income and wealth and who consume certain types of goods and services collectively, mainly housing and food" (System of National Accounts, see section 3.2.1). In practice, employers do not share their income and wealth with domestic employees as they do with family members.<sup>8</sup>

The diagram in Graph 2.2 provides indicators of the difference between child labour (i.e. unacceptable work) in the context of household chores performed in one's own home and child labour in the context of domestic work (section 2.1.3). The performance of household chores for one's extended family (i.e. in the household of a relative, sister, brother, aunt, etc.) may or may not be domestic work involving an employment relationship, and thus requires closer scrutiny as to its nature and conditions.

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<sup>8</sup> Chapter 3 of this Practical Guide discusses in detail the operationalization and statistical definitions of the concepts of child labour, forms of child labour and child domestic work.

**GRAPH 2.2: Diagram of household chores with own family and with extended family, and child domestic work<sup>9</sup>**



\* HCL: Hazardous child labour

<sup>9</sup> With regard to the fine line between household chores performed for one's own family and work in an extended family, please refer to ILO-IPEC, 2013d, chapter 4. For additional considerations on unpaid household services and on hazardous unpaid household services, please refer to ILO, 2008b, Resolution II, p. 56, paragraphs 13, 36 and 37.



In the case of a child who is not living with her/his biological parents and is performing household chores for an extended family (or who claims to be or is claimed to be a relative of the householder), how does one determine if she/he is a domestic worker under an employment relationship or not? See Tool 2.1 for proposed steps.

To decide whether a child living in a household other than her/his own home (i.e. a child not living with at least one of her/his biological parents), and performing household chores in exchange for food, lodging, clothes, education, even some money, is de facto performing domestic work under an employment relationship, and is therefore a (child) domestic worker, the operational starting point is to determine the presence of indicators of employment. The absence of an agreement, oral or written, defining the relationship should not preclude consideration of the indicators of employment.

Indicators of employment should not be considered, or should be attenuated, if the following two conditions are found to exist:

- The child is in an extended family arrangement, i.e. living with relatives other than the biological parents (grandparent, brother, sister, uncle or aunt, whether of full blood or half blood or by marriage, or step-parent); and
- s/he performs household tasks for the host home in reasonable conditions, similar to those of the biological children of that home, under the supervision of those closest to her/him. In any case, the workload should not interfere with the child's education, should not be excessive in terms of physical load and working hours, and should not have a negative impact on her/his health.

Consideration of the indicators of employment is a bias in favour of the protection of a child's rights, and is justified on two grounds: (i) child labour is easily concealed in a family setting, and (ii) children often have no means of expressing themselves, or are too timid and fearful to do so.

### **TOOL 2.1: Steps for determining if a child not living with his/her biological parents is de facto in an employment relationship**

To determine whether a child not living with at least one of his/her biological parents, and performing household chores in exchange for shelter, food, clothes, education, even some money, is or is not, de facto, performing domestic work in an employment relationship, the following steps should be considered:

1. Determine the degree of relationship / type of relationship between the child and the (head of) the household (HH);
2. Identify the reason for the child not being with his/her biological parents;
3. Compare the conditions of the child:
  - a. with the conditions of the biological children in the HH where she/he is living,
  - b. with the conditions of other children in the same HH where she/he is living, if there are no biological children in the HH,
  - c. with the conditions of other children in the same community where she/he is living, if there are no other children in the HH (either biological or non-biological).
4. If possible, the comparisons should be made with children of similar age and sex.



## 2.2 WHY IS IT IMPERATIVE TO ADDRESS CHILD DOMESTIC WORK?

Globally, roughly two-thirds of child domestic workers are estimated to be in child labour, while large numbers face hazardous work conditions or are in a slavery-like situation (ILO-IPEC 2013a). The numbers alone underline the urgency of action on the part of governments, social partners, policy-makers and families to address child domestic work. This phenomenon is likely to be a social issue for a long time to come in view of the increasing demand for the services of domestic workers in both developing and developed countries, the persistence of poverty and inequality in many countries, and the continuing exclusion of domestic workers from legal protection.<sup>10</sup>

### 2.2.1 Child domestic work concerns fundamental human rights

The distinct characteristics of domestic work – the hidden, isolated and inaccessible nature of the workplace, the deceptive family setting and fictive family relations, the close proximity and subservient quality of work relations, and other factors create risks of rights violations and exploitative working conditions. Empirical evidence of the reality of these risks is provided by numerous studies and reports from child domestic workers (ILO-IPEC, 2013d, chapter 2.2). Forced labour and domestic servitude are among the worst scenarios in domestic work (Box 2.2).

Because of the exclusion of domestic work from labour legislation or poor regulation of the sector, child domestic workers are difficult to protect.<sup>11</sup> Common problems they face are: excessive hours of work with heavy workloads; low wages, wage theft, or even no pay at all; limited freedom of movement for those in a live-in situation; inadequate accommodation and lack of privacy; lack of benefits and/or social protection; disrespect; and verbal, psychological and physical abuse from the employing family or co-workers.

#### **BOX 2.2: When does child domestic work become forced labour?**

##### **How foster children become victims of forced domestic labour**

In 2011, concerning C182, the CEACR observed that, “[...] the Committee has been commenting for many years on the situation of hundreds of thousands of *restavèk* children who are often exploited under conditions that qualify as forced labour. It noted that in practice many of these children, some of them only 4 or 5 years old, are the victims of exploitation, are obliged to work long hours without pay, face all kinds of discrimination and bullying, receive poor lodging and food and are often subjected to physical, psychological and sexual abuse. In addition, very few of them attend school” (ILO, 2011e). In relation to this observation, the CEACR requested the Government of Haiti to take “immediate and effective measures to ensure, in law and in practice, that children under 18 years of age may not be employed as domestic servants under conditions equivalent to slavery or under hazardous conditions, taking account of the special situation of girls”.

<sup>10</sup> All indications point to expanding demand for domestic workers: increasing labour force participation on the part of women, who need to outsource their unpaid work to someone else, usually women or girls; ageing populations who need care and company; lack of public childcare and elderly care services, resulting in domestic workers being employed as an alternative; widening inequality between households, between women who can pay for domestic workers out of need and/or as a status symbol and women and girls who need a job, even if it is low-paid and of low-status. See ILO, 2013a; UN, 2009).

<sup>11</sup> More information on such exclusion is provided in Chapter 5 of this Guide.



## **BOX 2.2: (cont.)**

### **Debt bondage**

This occurs when a child enters domestic work in exchange for money paid to a third party, or in repayment of an outstanding debt, often as a side effect of traditional feudal relationships between landlords and tenants, as well as on an individual basis. It is defined in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, as: “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined” (Article 1(a)). For example, families in agricultural bonded labour in Pakistan and Nepal have for centuries been required to send a daughter to the landlord’s house to be a domestic worker, and sometimes such children are sent away from the rural estate to work at the landlord’s city home or another urban household connected to the landlord’s family. There are also reports of parents pledging children into individual bondage as domestic workers (outside of any landlord-tenant relationship) due to the need to obtain money for survival or for some exceptional expense. Similarly, with regard to Mozambique, the ILO CEACR, in an observation published in 2010 concerning Convention 182, pointed to information referring to children in rural areas, who are sometimes used to settle financial and other disputes.

## **2.2.2 Child domestic work can constrain social and economic development**

The vast majority of child domestic workers come from families that are poor and without access to social safety nets that would mitigate the hardships caused by disease, death, disasters and conflicts. Domestic work can trap children in poverty. Children who enter domestic work from a very young age are likely to have no or insufficient access to schooling, while child domestic workers above the legal minimum age, if they have not completed their compulsory education, might have reduced chances of continuing their education. Both groups of child domestic workers are likely to end up with unpaid family jobs or low-paying jobs (ILO, 2015j, pp. 15-17). The current conditions of child domestic work thus prevent the overwhelming majority of child domestic workers from developing their potential and capabilities, and pursuing pathways out of poverty. Preventing child labour, and getting children out of child labour early and into school, is not only good for the individual children and families concerned, but also for the nation’s human capital and future economic and social development. Expanding social protection and labour market opportunities for young people of legal working age and adults in conditions of decent work, including work in the domestic sector, will help prevent child labour from being used as a household survival strategy and make education a worthwhile investment.

## **2.2.3 Child domestic work is a challenge for achieving equality**

The following gender-specific biases and inequalities, and the subordinate position of girls in many societies, channel girls into domestic work: (i) the gender-based division of labour that assigns unpaid household and care work to female members of the household, thus undervaluing their need for meaningful education and vocational training; (ii) discriminatory practices against women (and girls) in the labour market, resulting in lower pay and fewer benefits for women than for men, limited job opportunities, and disincentives to investing in their education; and (iii) training opportunities that are often limited to low-skill areas “suitable for women” (e.g. sewing, child care, food conservation, soap-making, cooking). Women and girls from



indigenous populations and ethnic and racial minorities, i.e. facing additional layers of discrimination, are over-concentrated in domestic work in many countries. Recognizing the social and economic contributions of domestic work and improving the employment conditions of domestic workers, including young domestic workers of legal working age, would therefore contribute towards raising the value of women's unpaid work at home, reducing gender inequalities in the labour market, and removing the social stigma attached to domestic workers. Secondly, strategies to protect female child workers should target child domestic work because it is in this sector that girls are over-concentrated.

## 2.2.4 Child domestic work often involves migration, displacement and trafficking

The majority of child domestic workers move from rural to urban areas, and sometimes across national borders. They form part of a wider pattern of population movements, and their situation should thus be addressed within broader policies regarding migration, displaced populations and human trafficking. Children move under varying circumstances and for many reasons. Some may take the decision to migrate in order to look for a job, earn money and go to school. Others are displaced, forced to move by conflicts, natural disasters and environmental pressures. Some move alone. Others have been trafficked [Box 2.3].

### BOX 2.3: Trafficking of working children

Traditionally, the term “trafficking of children” has referred to the displacement of children for sexual exploitation. The sex industry is not, however, the only reason that children are removed from their homes for pitiful sums to travel long distances. In many instances, child domestic work has also been identified as a trafficking issue. At its simplest, child trafficking can be described as the process of recruiting and moving a child for the purpose of exploitation. While prospective employers may approach the child or her family directly, more often than not it is intermediaries who broker the deals between parents and employers, and who transport the children to their employing families. Some intermediaries deceive or coerce the child or her parents/guardians – who are fed false promises about the working conditions, opportunities for education and about what life for the child will be like. This means that the way in which significant numbers of children (though by no means all) enter domestic work can legitimately be described as trafficking.

Trafficking for domestic work has been documented among and between the countries of West Africa (including Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Guinea, Ghana, Mali, Niger, Nigeria and Togo); from the Americas and the Caribbean to the US and Canada; and internally in Haiti, Indonesia and Morocco.

Trafficking is usually a combination or series of events rather than a discrete act. These events take place “in the child's home community, at transit points and at final destinations”. It occurs within countries, across national borders or between regions, and usually involves several actors. Although trafficking patterns vary, frequently the children are taken from rural areas and sent for exploitation in urban centres, or from poor countries and trafficked to wealthier neighbouring countries and beyond.

Poverty makes children and their families vulnerable to deceitful offers by agents in search of cheap and malleable child labour. But weak laws, lax enforcement, corrupt border police, and lack of information, facilitate trafficking and the subsequent exploitation of children.

*Sources: ILO-IPEC, 2002f, pp. 19-20; 2003a; 2013d, pp. 14-15.*



Child migrants tend to be more vulnerable to exploitative working conditions than their local or national counterparts (Box 2.4). The former may find themselves in places where they have no legal status, do not speak the language and do not know where to go for help. Those who have been trafficked are even more vulnerable to severe physical and psychological abuse and exploitation. Girls are disproportionately affected by trafficking. Though trafficked in many cases for domestic work, some eventually end up in commercial sexual exploitation.

### **BOX 2.4: Child migrants in Kenya, Nepal and Peru**

A 2011 study of child migrants in child labour conducted by the ILO and Child Helpline International in Kenya, Nepal and Peru found that working migrant children (many of whom were domestic workers) appeared to be worse off than local working children in a variety of ways. They had longer working hours, were paid less, were denied food more often, had greater exposure to hazards, were more prone to violence, and were more likely to be unable to leave their employer's household.

*Source: ILO-IPEC, Children Helpline International, 2012.*

## **2.2.5 Child domestic work is a challenge for achieving the Sustainable Development Goals**

For all the reasons elucidated above, addressing the problems associated with and resulting from child domestic work contributes directly to the achievement of the Sustainable Development Goals by 2030 (Box 2.5). Early child involvement in domestic work stunts their human development, reduces their chances of finding fulfilling, remunerative and decent jobs as adults, and traps them and their families in poverty. This is an especially high risk for girls, and children from indigenous, ethnic and racial minority populations.

### **BOX 2.5: Most relevant Sustainable Development Goals and targets by 2030**

#### **Goal 1: End poverty in all its forms everywhere**

Target 1.2: [...] reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.

Target 1.3: Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

Target 1.5: [...] build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.

#### **Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**

Target 4.1: [...] all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

Target 4.2: [...] all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

Target 4.3: [...] equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.





## BOX 2.5: (cont.)

Target 4.3: [...] equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

Target 4.4: [...] substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

Target 4.5: [...] eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.

Target 4.6: [...] all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

Target 4.7: [...] all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

### Goal 5: Achieve gender equality and empower all women and girls

Target 5.1: End all forms of discrimination against all women and girls everywhere.

Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

Target 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

Target 5.4: Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

### Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all

Target 8.5: [...] achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

Target 8.6: [...] substantially reduce the proportion of youth not in employment, education or training.

Target 8.7: [...] eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

### Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Source: Sustainable Development Knowledge Platform website.



## 2.3 THE INTERNATIONAL NORMATIVE FRAMEWORK FOR ADDRESSING CHILD DOMESTIC WORK IN A HOLISTIC WAY

There is a clear international normative framework to protect children from child labour, ensure their access to education and full development as persons and citizens, and protect the rights of child and young domestic workers (Box 2.6).

### 2.3.1 Key international standards

#### **ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and its Recommendation (No. 146), 1973 (R146)**

The overall purpose of C138 is twofold; to protect the children's right to education by setting up a general minimum age below which employment or work is not possible, and to protect them from hazardous work by doing the same, so that children and young persons can develop their physical and mental capacities to the fullest of their capacities.

The Convention requires countries to establish a minimum age for employment no lower than the age of completion of compulsory education; this should not in any case be lower than 15 years. However, a country whose economy and educational facilities are insufficiently developed may initially specify a minimum age of 14 years.

C138 leaves open the possibility for national legislators to permit individuals over 13 and under than 15 years of age to carry out so-called "light" work, as long as this does not affect their school attendance. However, a country that has initially specified a general minimum age of 14 years may substitute the ages 12 and 14 for the ages 13 and 15.

The Convention also defines "hazardous work" as "any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons". It further specifies that such types of work or employment should only be permissible for workers of at least 18 years of age. Two age cut-off points are therefore established for children's work: (1) a minimum age for employment or work, as defined by national law, but not lower than 15 years; and (2) 18 years of age, below which hazardous work is not permissible. For ease and clarity, children above the minimum working age but below 18 years old will be referred to from now on in this Practical Guide as "young workers".

#### **UN Convention on the Rights of the Child, 1989**

Article 1 defines a "child" as a person below the age of 18, unless the laws of a particular country sets a lower legal age for adulthood. The Committee on the Rights of the Child, the body which monitors the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 32 specifies that children have the right to be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.



### **ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour , 1999 (No. 182) and its Recommendation No. 190, 1999 (R190)**

Applicable to all persons under the age of 18, it calls for the prohibition and elimination of the worst forms of child labour as a matter of urgency. The Convention specifically refers to: “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Art. 3). Children in the worst forms of child labour should be removed, rehabilitated and reintegrated into society, as well as being ensured access to free basic education and, where possible, vocational training.

### **ILO Convention concerning Decent Work for Domestic Workers, 2011 (No. 189)**

A historic milestone that addresses a serious deficit and inequality in the protection of workers’ fundamental rights, C189 affirms that domestic workers are workers, and have rights like other workers. It recognizes their fundamental rights, requires Members to take measures that protect domestic workers against all forms of abuse, harassment and violence, and sets minimum standards of protection for domestic workers of all ages (Box 2.7).

Consistent with C138 and C182, each State is required to set a minimum age for domestic workers that should not be lower than the legal working age for workers generally. Domestic work performed by child workers below the legal minimum working age is child labour and should be eliminated. As regards child domestic workers below 18 years of age but above the legal minimum working age (referred to here on as “young domestic workers”), their special needs (including compulsory education and training opportunities) should be addressed and protected, and they should be provided with decent work conditions in line with C189.

C189’s broad definitions of domestic work and domestic workers affirm and ensure that all domestic workers, whatever their tasks, whoever their direct employer might be, and regardless of their working-time arrangements and number of employers, are “workers” and have the right to labour and social protection like other workers. There are, unfortunately, national regulations that adopt a narrower definition of domestic work and domestic workers. For example, national legislation might define domestic workers as those performing only a specific list of tasks, e.g. cleaning, housekeeping, and cooking. Some laws might limit the definition to those employed directly by private households and exclude those employed by agencies. Unless covered by other labour protection laws, workers who fall outside the narrow legal definitions of domestic work and domestic worker are, in effect, excluded from labour and social protection, and from access to complaints and dispute settlement mechanisms.

### **ILO Recommendation concerning decent work for domestic workers, 1989 (No. 201) (R201)**

R201 provides further guidance on measures for protecting special groups of domestic workers: young workers, migrant domestic workers and domestic workers in live-in employment arrangements.



## BOX 2.6: International standards on child domestic workers

<p><b>ILO Minimum Age Convention, 1973 (No. 138)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138</a></p>	<i>and its</i>	<p><b>ILO Minimum Age Recommendation, 1973 (No. 146)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312484:NO">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312484:NO</a></p>
<p><b>ILO Worst Forms of Child Labour Convention, 1999 (No. 182)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO</a></p>	<i>and its</i>	<p><b>ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312528:NO">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312528:NO</a></p>
<p><b>ILO Domestic Workers Convention, 2011 (No. 189)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO</a></p>	<i>and its</i>	<p><b>ILO Domestic Workers Recommendation, 2011 (No. 201)</b> Available at: <a href="http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551502:NO">www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551502:NO</a></p>
<p><b>UN Convention on the Rights of the Child, 1989</b> Available at: <a href="http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx">www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx</a></p>		

## BOX 2.7: Convention No. 189 lays down a framework of minimum standards

Aspects covered by standards:

- Promotion and protection of human rights
- Fundamental principles and rights at work
- Terms and conditions of employment
- Working time
- Remuneration
- Occupational safety and health
- Social security
- Groups with special risks: child domestic workers, live-in workers, migrant domestic workers
- Private employment agencies
- Dispute settlement, complaints and enforcement

For further details, see: Tool 5.4 (Chapter 5 of this Practical Guide); ILO, 2011a; and ILO Domestic Workers website.



## 2.3.2 The ILO approach to child domestic work: C138 and C182; plus C189

Before the adoption of the Domestic Workers Convention in 2011, the ILO approach to preventing and eliminating child labour in domestic work was guided only by the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). These instruments established three main typologies of child labour, in domestic work as in other sectors. These typologies are not mutually exclusive, in other words a child might be in more than one of these situations at one and the same time.

Two of these typologies have clearly defined parameters, namely: (i) work below the legal working age, i.e. 14, 15 or 16 years old, depending on national legislation; and (ii) work by children (i.e. below age 18) in the worst forms of child labour (other than hazardous work) that are related to all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour.

The third typology, hazardous work, i.e. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (i.e. anyone under 18), is open for further determination at national level. Which activities and conditions are hazardous to children should be determined by the State in close consultation with employers' and workers' organizations. R190 provides broad categories that may be used as a basis for such consultation (Box 2.8).

### **BOX 2.8: Broad categories of hazardous work according to ILO Recommendation No. 190**

- Work which exposes children to physical, psychological or sexual abuse
- Work underground, under water, at dangerous heights or in confined spaces
- Work with dangerous machinery, equipment, tools, or which involves the manual handling or transport of heavy loads
- Work in an "unhealthy environment" which may, for example, expose children to hazardous substances, agents or processes, or to temperature, noise levels or vibration dangerous to health
- Work under particularly difficult conditions such as long hours of work, work at night or work where the child is unreasonably confined to the premises of the employer

Since 2011, C189 has offered a framework specific to child domestic work, which is guided by C138 and C182. It not only addresses situations in domestic work that are unacceptable for children below the age of 18, and therefore should be abolished, but also provides measures for preventing child labour in domestic work and promoting non-hazardous, decent working conditions for domestic workers of legal working age (Box 2.9).

C189 is unequivocal in its provisions that child domestic workers are workers who require particular protection consistent with C138 and C182. Domestic work performed by child workers below the legal minimum age of employment (i.e. the minimum working age for workers generally, or a specific legal minimum age for domestic work, but not lower than for workers generally) is child labour, and child workers of this age group should be withdrawn from domestic work, whatever their conditions of employment. Similarly, those under the age of 18 and above the minimum age of employment ("young domestic workers"), when found in a hazardous-work or slavery-like situation, should be withdrawn immediately.



However, the Convention is also of the view that domestic work, when undertaken by workers of legal working age, is, by its nature, a valuable and therefore respectable job. Domestic work makes an important social and economic contribution to families, societies and economies, and domestic workers are entitled to the same rights as other workers. In some countries, depending on how domestic work features on the hazardous child labour list, if at all, young domestic workers may legally work in domestic employment. However, in some countries, domestic work is banned for all children under 18 (ILO-IPEC, 2013d, boxes 10, 11 and 12; pp. 46-48).

In situations where young domestic workers are found to face hazardous conditions, it may therefore be sufficient to remove such hazardous conditions, and instead promote decent conditions, for domestic work to be a permissible occupation for young workers of legal working age. The Convention sets the minimum standards for domestic work to be regarded as decent work for domestic workers of all ages. In addition, it requires States to take measures that ensure that the work performed by young domestic workers neither deprives them of the opportunity to complete compulsory education nor interferes with opportunities for further education and vocational training. Guidance from the Domestic Workers Recommendation (No. 201) highlights the conditions that could be particularly harmful to adolescent domestic workers: long working hours; tasks that are physically or psychologically demanding; poor working and living conditions (Box 2.9). These need to be monitored and regulated.

## **BOX 2.9: Key provisions of Convention No. 189 and Recommendation No. 201**

### **C189, Art. 4.1**

Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.

### **C189, Art. 4.2**

Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

### **R201, Art. 5.1**

Taking into account the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182), and Recommendation (No. 190), Members should identify types of domestic work that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour.

### **R201, Art. 5.2**

When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- (b) prohibiting night work;
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and
- (d) establishing or strengthening mechanisms to monitor their working and living conditions.



## 2.4 TRANSVERSAL FACTORS DRIVING CHILD WORKERS AND CHILD DOMESTIC WORK

Child labour in domestic work is the product of many inter-connected factors. Many of these factors are transversal, i.e. not specific to domestic work or any one economic sector or type of child work. These factors motivate and drive parents to send their children to work at an early age, and/or push and pull children and adolescents to seek work before having completed their basic education, regardless of the kind of work they end up with.

### 2.4.1 Transversal factors driving the supply of child workers

Among the transversal drivers of child work, poverty and associated household vulnerabilities to shocks, disasters and crises invariably underlie situations of child labour. Without adequate social security, including essential health care and income security, poor and disadvantaged households tend to rely on their children's work as a survival strategy. In Morocco, for example, the drought in the second half of the 1990s has been cited as one of the main reasons why parents sent their daughters into domestic work to top up family income as male members of the family suffered job or income losses in agriculture, and family plots dried up (ILO-IPEC, 2004d, p. 17). The vast majority of child domestic workers come from poor families. They are sent out to work to bring in additional family income, or to lessen the financial strain on their own families by being fed and housed by another family in exchange for performing household work. Some are sent to work to pay off a family debt. In many areas, particularly South Asia, it is not uncommon to find children working as domestic workers to repay family debts (ILO-IPEC, 2013d, p. 10). Household poverty and income insecurity are, in turn, the result of other inter-connected factors: problems faced by adult family members in accessing labour markets and finding remunerative jobs; low and irregular incomes from agriculture, on which many rural families rely; or poor economic performance and lack of jobs overall.

The HIV/AIDS pandemic has emerged as an important driver of child labour in a number of countries. AIDS-related deaths and illness result in children being sent away to live with relatives, and in AIDS orphans being forced to become providers for themselves and their siblings (ILO-IPEC, 2013d, p. 10).

Similarly, conflicts and the displacement of populations lead to loss of livelihoods, loss of close family members and the break-up of families. In these settings, children have to fend for themselves or are vulnerable to being recruited into labour or commercial sexual exploitation.

The inaccessibility of educational facilities - due to the distance from home, the high costs of schooling even when tuition is free, and the lack of girl-friendly school facilities - keep children out of school and available for child work. The poor quality of teaching and school facilities, abusive teachers and teacher absenteeism, together with the perception that formal education is unlikely to improve the economic situation of the family, discourage school attendance. Pulling children out of school is also a measure families use to cope with income shocks, and what begins as a temporary measure sometimes becomes permanent.

Many factors, such as the exclusion, discrimination and marginalization of families and communities on the basis of gender, race, ethnicity and geographical location, combined with poverty, lack of access to education, labour markets and resources, make the children of such families and communities vulnerable

to entering work in deplorable and unprotected conditions. Domestic violence and early marriage may also force girls and boys to leave their homes, and then seek work to survive. Without family and means of survival, these children are vulnerable to the illegal and irregular practices of recruiters, and to being trafficked into commercial sex and domestic work.

## 2.4.2 Transversal factors pulling children into work

On the other side, children are enticed into work by the opportunity to earn, to experience better living conditions, to continue their schooling, and to see the bright city lights. The pull of siblings, relatives and friends already working in the city is also a factor.

The demand for child workers is evidently an important pull factor. Without it, there would be little incentive for parents and recruiters of child workers. The nature of the demand, the type of employer and sector, the reasons for their preference: these are important factors where demand is concerned. One often cited reason for preferring child workers is the cheapness of their labour, and their malleability and docility to employer requirements (ILO-IPEC, 2011). Clearly, these factors are important for certain activities and employers, but not for all. Demand for child workers may also be high in activities that lie at the margins of state regulation and can thus easily escape detection, or where penalties for violation of labour standards are minimal, if not non-existent.

It is difficult to attract enough adult workers to perform certain domestic tasks, due to low wages, poor benefits and/or low social status (e.g. tasks considered “dirty”, or only for the uneducated and unskilled), and households thus resort to child workers. This last point is a “chicken-and-egg” situation, however. Employer preference for child workers may be motivated by a desire to pay low wages and benefits, which in turn perpetuates the low status of domestic work and discourages adult workers.

## 2.4.3 Transversal supply and demand factors call for transversal responses

To prevent child labour in domestic work, and to reduce its incidence in the long term, the transversal causes and drivers of child labour need to be addressed. The situation calls for broad and long-term policy responses. These include the establishment of social protection floors and the extension of social security coverage to as many people as possible, in particular to all domestic workers of legal working age; education for all children, with special schemes that make education accessible, affordable and worthwhile for poor households and children; labour market interventions and reforms that expand adult workers’ access to remunerative job opportunities in decent working conditions; and related macro-economic policy reforms.

The factors that make child labour profitable and attractive to certain employers need to be further determined and understood. The cheapness and docility of child labour, and the weakness of regulatory oversight, in particular in domestic work, are some of the factors that have been identified, but there may be other factors at work.





All of these socio-economic reforms and interventions will not be sufficient, however, if the socio-cultural beliefs and attitudes that underlie child labour in general, and child labour in domestic work in particular, on both the supply and demand sides, are not addressed as well.

## 2.5 THE PARTICULARITIES OF DOMESTIC WORK CALL FOR SECTOR-SPECIFIC STRATEGIES

Does child domestic work require a sector-specific approach in order to effectively address child labour? Are general strategies that address the transversal causes of child labour insufficient to deal with child labour in domestic work? How does domestic work differ from work done by children in mining, fishing or farming?

Certainly, there are also sector-specific aspects that need to be taken into account when tackling child domestic work. Firstly, particular features of domestic work present challenges to ending child labour that are not common in other economic sectors. Secondly, there are factors that specifically drive children, especially girls, into domestic work. General strategies to combat child labour therefore need to be complemented by sector-specific interventions.

### 2.5.1 Particular challenges to protecting child domestic workers

The particularities of domestic work – the household setting and the highly personalized work environment, with the private householder as the employer in most situations – carry specific challenges for strategies to combat child labour.

- a) Hidden, invisible, inaccessible: what takes place within the household is generally regarded by societies and governments as a private matter, the inviolability of private homes is one of the basic human rights, often protected by constitutional provisions. It is practically off limits to state surveillance, unless there is evidence of a crime being committed inside the house, and only then with court and police authority. Once a child is inside an employer's home, s/he is effectively hidden from view. Her/his age and conditions of work are effectively off the radar of labour regulatory mechanisms, and closed to surveys of labour conditions and informal scrutiny from neighbours, visitors, family, friends and other workers. Violence and abuse can take place unnoticed by the outside world.
- b) Historical exclusion from legal protection: up to the time of writing, millions of domestic workers remain outside the scope of labour protection legislation (Chapter 5). The exclusion of domestic workers from the legal minimum age for employment is a result of this exclusion. In domestic work, there continues to be resistance to the application of labour standards, such as limits on working hours, weekly day-off, paid overtime and social security. These are very often regarded as inapplicable and unrealistic for domestic work. The absence of weekly rest and limits on working hours are barriers to school attendance and training opportunities. Even in places where domestic workers are covered by labour regulations, their situation usually escapes the effective attention of labour inspectorates and judicial systems.



- c) Fictive family relationship: the parents of a child domestic worker may place her/him with a family, not as a worker but as a “daughter” or “son”, with the expectation that s/he will continue to be cared for in a family environment. An employer, meanwhile, may see herself/himself as a benefactor assisting the child and her/his family. The engagement of daughters and sons of relatives and friends as domestic workers may be subsumed under traditional arrangements of kinship and mutual assistance. Food and accommodation, payment of school fees, financial assistance to the parents of the child domestic worker are considered a form of reciprocity, not as remuneration. In some societies, the employer as benefactor has been legitimized by the description of the relationship as “adoption” by strangers or “fostering” by extended family members. Such practices still prevail in parts of Asia and Latin America, as well as in Africa. In some cases, they persist in branches of extended families resident in industrialized countries (ILO-IPEC, 2013d, p. 28).
- d) Households accept or perform their roles as employers with difficulty; household heads and private individuals are generally unfamiliar with labour laws and regulations, and with administrative authorities. Even if they know the laws, drawing up employment contracts, registering with social security, complying with administrative requirements and calculating social security contributions are often complex procedures, not always easy to understand or apply.

## 2.5.2 Driving factors specific to the domestic work sector

In addition to transversal factors driving child work, there are drivers which are specific to the domestic work sector.

- a) Domestic work is a principal option for out-of-school girls and parents who send out their daughters to work. It is “women’s work”, suitable preparation for marriage, and “light” work. The family setting is perceived as a protected and safe place for their daughters. Parents are often unaware of the risks their children may face in close, isolated quarters. They may believe they are further securing the welfare of their daughters by placing them in the homes of relatives, friends and members of the same village, or by relying on referrals from persons they know.
- b) Traditional customs of child fostering and kinship practices of mutual assistance and reciprocity feed the flow of girls from rural to urban homes, from poor households to wealthier ones.
- c) For employing households, a child domestic worker is not only a cheap alternative to adult workers. Because of legal exclusion and the prevalence of informal arrangements (mentioned above), hiring and dismissal are relatively easy. There is little likelihood that non-compliance with rules, if any, will be detected; and the employment of children under 15 can easily be concealed. For workers as well, informal arrangements offer a degree of flexibility in accepting and leaving a job.



## 2.6 A MULTIDIMENSIONAL FRAMEWORK FOR ACTION ON CHILD DOMESTIC WORK

Following on from the international normative framework, and taking into account the transversal and sector-specific drivers and challenges of child labour in domestic work, this section presents a multidimensional framework for action. This framework draws on the wide body of knowledge and experience of child labour, child domestic work and domestic work which has been accumulated over the past two decades.

The International Labour Organization, first through its International Programme on the Elimination of Child Labour (IPEC), established in 1992, together with other international organizations in the global alliance against child labour, has focused on building knowledge and methodologies for assessing and measuring child labour, awareness-raising and advocacy, protective legislation, national institution-building, improvement of education for children, mobilizing communities against child labour, and strategies for withdrawing children from child labour and rehabilitating them. Since 2015, this effort continues through the ILO Flagship Programme on the Elimination of Child and Forced Labour (IPEC+). Various approaches have been adopted: a country-level programme approach; an area-based approach, covering a geographical region; a sector-specific approach, targeting specific economic sectors with a high incidence of child labour; and an integrated area-based approach that combines actions in multiple aspects of child labour. Regional projects have addressed cross-border issues, such as the trafficking of children for labour and for sexual exploitation.<sup>12</sup>

There have also been many national efforts to regulate and formalize employment relationships and working conditions in domestic work as a sector, without focusing on a specific age group (ILO, 2012b). Initiatives to protect domestic workers' rights, including innovative ways of enforcing minimum labour standards, collective bargaining and the organization of domestic workers have evolved over the last decade, especially since the adoption of C189. A substantial body of knowledge on domestic work has also been developed (see ILO Domestic workers website).

### 2.6.1 Multidimensional Framework: Principal objectives and target groups

To recap the previous discussions, actions to end child labour in domestic work and protect young domestic workers are concerned with two principal objectives and two age groups of children.

Objective 1: The **elimination of all forms of child labour in domestic work**. This calls for actions aimed at two categories of child workers:

- For child workers under the general minimum age for employment (14, 15 or 16, depending on the country):
  - Prevention of children below that age from being engaged to perform domestic work for third-party households,

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<sup>12</sup> The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour (ILO, 2010b) identified the following policy priorities: national legislation and enforcement; education and training; social protection and labour markets, including access to vocational training for adults and young people, and support for employment creation; regulating and formalizing the informal economy, where most instances of the worst forms of child labour occur. The Brasilia Declaration on Child Labour (ILO, 2013g) reiterated support for the Hague Roadmap.



- Withdrawal from domestic work, with particular attention to those in one of the worst forms of child labour, i.e. in hazardous work or in a slavery-like situation.
- For young workers (14, 15 or 16 years old, depending on the country, and less than 18 years old):
  - Prevention of young workers from involvement in hazardous work or a slavery-like situation in domestic work,
  - Withdrawal of young workers from slavery-like conditions,
  - Withdrawal of young domestic workers from hazardous jobs, if there are no immediate means of eliminating the harmful conditions in which they are employed.

Objective 2: The **effective protection and provision of decent work for young domestic workers (of legal working age but less than 18 years old)**. This consists of two elements:

- Protection of their right to compulsory education and opportunities for further education and training,
- Promotion of decent working and living conditions for young domestic workers, and the elimination of hazardous conditions of work.

The withdrawal of children below the minimum age from domestic work and of young workers from slavery-like conditions is clearly a priority. Early intervention to get children out of child labour and back into school increases their chances of a fulfilling and productive adulthood.

Nonetheless, actions to withdraw children from child labour are limited by available resources and the practical barriers of identifying and ensuring outreach to child domestic workers. Once a child enters the employer's premises, it is difficult to meet the obligation of identifying and reaching out to children at special risk, and taking into account the special situation of girls, as specified under Article 7(d) and (e) of C182.

Prevention of child labour in domestic work and the promotion of decent work for domestic workers of legal working age should therefore be a long-term priority of national and international responses to child domestic work. Preventing situations of child labour implies addressing the systemic, structural causes and drivers of child domestic work and child labour.

## **2.6.2 Multidimensional Framework: At national and local levels, in multiple policy areas, on institutional, community and personal levels**

As the Multidimensional Framework for Action (Tool 2.2) below shows, achieving the objectives listed above requires actions that deal not only deal with policies, laws and regulatory institutions, but also with mind-sets, attitudes and long-held traditions and practices. Actions are called for both at the national level and at the local community level, where workers, their families and employers can be reached and mobilized to change.



For each principal objective (column 1), the Framework outlines the imperative actions (column 2) and the relevant policy or social dimensions (column 3) implicit in by these actions. The subsequent thematic chapters tackle many of these policy and social dimensions (relevant chapters are indicated in italics). While the importance of macro-economic, social and labour market reforms is recognized in the framework, these are beyond the scope of this present Practical Guide.

## TOOL 2.2: Multidimensional framework for action

PRINCIPAL OBJECTIVES (1)	IMPERATIVES (2)	POLICY AND SOCIAL DIMENSIONS (3)
<b>A. CHILDREN BELOW MINIMUM WORKING AGE</b> (14, 15 or 16, depending on the country)		
<b>Child participation/ Child empowerment</b>	Ensure that children capable of forming their own views can express them in all matters affecting them. The views of the child should be given due weight in accordance with the age and maturity of the child.	Real efforts should be made to involve child domestic workers. Their voices should be heard and taken into account in all matters affecting them.
<b>Prevention of recruitment and incorporation of children below minimum age into domestic work</b>	<p>Legally prohibit employment or work of children below minimum age and require compulsory education up to that minimum age. (Chapters 5 and 7)</p> <p>Establish legal minimum working age for domestic work (not lower than the general minimum working age for workers) and indicators distinguishing an employment relationship from child adoption or fostering. (Chapter 5)</p> <p>Promote school enrolment of children (with special attention to girls and indigenous, ethnic populations and racial minorities); enable families to invest in their children's education; and make this worthwhile for them to do. (Chapters 6 and 8)</p> <ul style="list-style-type: none"> <li>- <i>Long term</i>: "Education for All" measures.</li> <li>- <i>Short-term</i>: measures for poor households and communities.</li> </ul> <p>Discourage child labour as a household survival strategy. (Sections 5.3.1 and 6.5.2)</p> <ul style="list-style-type: none"> <li>- <i>Long-term</i>: Expand accessible &amp; remunerative jobs for adults; establish &amp; maintain social protection floor; targeted basic income safety nets for vulnerable households and children; expand social security.</li> <li>- <i>Short-term</i>: Special schemes for poor households to meet basic needs and cope with shocks and crises.</li> </ul>	<p>Regulatory framework, including enforcement and compliance mechanisms, regarding forms of child labour &amp; domestic work.</p> <p>Educational systems free, compulsory and of high quality accessible to children, in particular to girls and poor and rural families.</p> <p>Universal social protection, targeted social safety nets, livelihood and employment schemes.</p> <p>Labour market interventions.</p> <p>Knowledge, perceptions, attitudes and capacities of communities from which child workers originate.</p> <p>Knowledge, perceptions, attitudes and capacities of employers of domestic workers.</p> <p>Knowledge, perceptions, attitudes and capacities of children (especially girls) at risk of entering child labour in domestic work.</p> <p>Knowledge-building and research on families and communities of origin, and on employers of child domestic workers.</p>



## TOOL 2.2: (cont.)

PRINCIPAL OBJECTIVES (1)	IMPERATIVES (2)	POLICY AND SOCIAL DIMENSIONS (3)
<p><b>Withdrawal and rehabilitation of child domestic workers (CDWs) below minimum age (Chapter 6)</b></p>	<p>Make families and communities of origin of child workers recognize the negative effects of child work and the dangers of child domestic work, and the benefits of education for children. (Chapter 4)</p> <p>Make actual and potential employers of child domestic workers, and the general public, aware of and recognize the negative aspects of child labour in domestic work. (Chapter 4)</p> <p>Improve knowledge of vulnerable families and communities at risk of supplying child workers, and of the demand for child domestic workers. (Chapter 3)</p> <p>Identify, find and reach CDWs below minimum age.</p> <p>Withdraw CDWs below minimum age (Urgent action).</p> <p>Rehabilitate and reintegrate CDWs into their families and communities of origin (if possible) or into alternative safe families and communities.</p> <p>Educate and sanction employers and intermediaries who are exploiting CDWs.</p>	<p>Regulatory framework for the rescue and rehabilitation of child workers, and for enforcement of sanctions on the employers and intermediaries concerned. (Chapter 5)</p> <p>Framework for enforcing Hazardous Work List/monitoring working conditions.</p> <p>Institutional structures and mechanisms for identifying, finding and rescuing child workers, from national to local levels (e.g. surveillance networks, hotlines for domestic workers and neighbours, and safe houses for rescued children).</p> <p>Capacities of institutional structures at local level to work with rescued children, their families and immediate communities.</p> <p>Direct programmes with vulnerable families to prevent re-entry of their children into child labour.</p>
<p><b>Withdrawal and rehabilitation of DDWs below minimum age in slavery-like situations and hazardous situations (Chapter 6)</b></p>	<p>Establish indicators of WFCL in domestic work.</p> <p>Identify, find and reach CDWs below minimum age in WFCL.</p> <p>Withdraw CDWs (Urgent action).</p> <p>Rehabilitate and reintegrate CDWs into their families and communities of origin (if possible) or into alternative safe families and communities.</p> <p>Prosecute and sanction employers and intermediaries exploiting CDWs in WFCL.</p>	<p>Regulatory framework for the rescue and rehabilitation of child workers, and for the prosecution and enforcement of sanctions on the employers and intermediaries concerned. (Chapter 5)</p> <p>Institutional structures and mechanisms for identifying, finding and rescuing child workers, from national to local levels.</p> <p>Capacities of institutional structures at local level to work with rescued children, their families and immediate communities.</p> <p>Direct programmes with vulnerable families to prevent re-entry of their children into child labour.</p>



## TOOL 2.2: (cont.)

PRINCIPAL OBJECTIVES (1)	IMPERATIVES (2)	POLICY AND SOCIAL DIMENSIONS (3)
<b>B. CHILDREN ABOVE MINIMUM WORKING AGE AND BELOW 18 YEARS OLD</b>		
<b>Child participation/ Child empowerment</b>	Ensure that children capable of forming their own views can express them in all matters affecting them. The views of the child should be given due weight in accordance with the age and maturity of the child.	Real efforts should be made to involve child domestic workers. Their voices should be heard and taken into account in all matters affecting them.
<b>Protection of young domestic workers (mostly girls) from hazardous work &amp; slavery-like situations</b>	<p>Promote decent work for adult domestic workers in law and practice: set and enforce labour standards for the employment of young domestic workers of legal working age consistent with C189, C138 and C182. (Chapter 5)</p> <p>Raise the visibility of domestic work; raise awareness and recognition of domestic workers' rights among domestic workers, employers of domestic workers, recruiters, policy makers, enforcement agencies and the general public. (Chapter 4)</p> <p>Mobilize young domestic workers of legal working age; develop capacities to defend and articulate their rights, and negotiate for improved working conditions. (Chapter 9)</p> <p>Raise awareness of employers of domestic workers and support initiatives to improve working conditions and comply with labour standards. (Chapter 4)</p> <p>Improve understanding of entry/recruitment of adolescent domestic workers, and patterns of demand, as basis for further actions to promote decent work. (Chapter 3)</p>	<p>Regulatory and policy framework promoting decent work for young domestic workers of legal working age in line with C189, R201, C138, R146, C182 and R190.</p> <p>Awareness-raising and policy advocacy on domestic workers' rights.</p> <p>Organization and capacity-building of domestic workers.</p> <p>Capacity-building of employers of domestic workers.</p> <p>Platforms for social dialogue and collective bargaining.</p> <p>Knowledge-building and research.</p>



## TOOL 2.2: (cont.)

PRINCIPAL OBJECTIVES (1)	IMPERATIVES (2)	POLICY AND SOCIAL DIMENSIONS (3)
<p><b>Prevention of young workers (mostly girls) from entering into worst forms of child labour in domestic work (hazardous work and slavery-like situations)</b></p>	<p>Promote school enrolment of young people, with special attention to girls and indigenous ethnic populations, and racial minorities. (Sections 8.2 and 8.3)</p> <p>Provide poor and vulnerable families with opportunities to retain their adolescent children in school or training programmes. (Section 8.3)</p> <p>Enable poor and low-income families (adult members) to meet basic needs and secure an alternative source of income. (Sections 5.3.1, 6.5.1 and 6.5.2)</p> <p>Make families and communities of origin of child workers aware of the risks of hazardous conditions and slavery-like situations in domestic work. (Chapter 4)</p> <p>Work with formal and informal recruitment networks that move child workers from one area/region to another. (Section 7.5)</p>	<p>Educational systems - free, compulsory and of high quality - accessible to girls and poor and rural families.</p> <p>Universal social protection, targeted social safety nets, livelihood and employment schemes.</p> <p>Labour market interventions: expand opportunities for adults and young people.</p> <p>Capacities and institutions of communities from which adolescent domestic workers originate.</p> <p>Capacities of employers of adolescent domestic workers.</p> <p>Capacities of young people at risk (especially girls) of entering child labour in domestic work.</p> <p>Knowledge-building and research on families and communities of origin, and on employers of child domestic workers.</p>
<p><b>Withdrawal of young domestic workers from slavery-like situations (Chapter 6)</b></p>	<p>Establish indicators of worst forms of child labour in domestic work.</p> <p>Identify, find and reach child domestic workers in WFCL.</p> <p>Withdraw CDWs (Urgent action) from WFCL.</p> <p>Rehabilitate and reintegrate CDWs into their families and communities of origin (if possible) or into alternative safe families and communities.</p> <p>Sanction employers of child workers in WFCL.</p>	<p>Regulatory framework in line with C189 and C182.</p> <p>Regulatory framework for the rescue and rehabilitation of child domestic workers, and for the enforcement of sanctions.</p> <p>Institutional structures and mechanisms for identifying, finding and rescuing child domestic workers in a WFCL, from national to local levels.</p> <p>Institutional structures at local level to work with rescued children, their families and immediate communities.</p> <p>Direct programmes with vulnerable families to prevent re-entry of their adolescent children into child labour.</p>





## TOOL 2.2: (cont.)

PRINCIPAL OBJECTIVES (1)	IMPERATIVES (2)	POLICY AND SOCIAL DIMENSIONS (3)
<p><b>Elimination of hazardous conditions or withdrawal of young domestic workers in hazardous conditions, if these conditions cannot be eliminated</b></p>	<p>Establish indicators of hazardous conditions in domestic work.</p> <p>Identify, find and reach child domestic workers in hazardous conditions. (Chapters 3 and 6)</p> <p>Work with employers towards eliminating hazardous conditions of work. (Sections 6.1, 6.7 and 6.8)</p> <p>Withdraw CDWs in hazardous conditions if no immediate solution is feasible. (Chapter 6)</p> <p>Reintegrate CDWs into their families of origin (if possible) and offer alternative jobs or training opportunities. (Sections 6.5 and 6.6)</p>	<p>Regulatory framework in line with C138, C182 and C189. (Chapter 5)</p> <p>Institutional structures and mechanisms for identifying, finding and reaching and withdrawal of adolescent workers of legal working age in hazardous conditions, from national to local levels.</p> <p>Institutions and procedures for intervening with employers.</p>





# CHAPTER 3:

# MEASUREMENT OF CHILD DOMESTIC WORK

## 3.1 INTRODUCTION

Reliable data and statistics are of critical importance for the development of informed national policy and strategies to eliminate all forms of child labour in domestic work and protect child domestic workers. In particular, data and statistics are required to gauge the extent of child domestic work and its distributional characteristics (by gender,<sup>13</sup> age group, sub-national administrative geographical unit, and form of work relationship), and the scale of the child labour problem in this sector. Although the problems associated with child domestic work have attracted global attention in the past two decades, most countries lack reliable data on this category of child workers.

This chapter focuses on the issues and challenges inherent in measuring child domestic work, as well as alternative statistical approaches and methods for doing so.<sup>14</sup> The main challenge in the measurement of child domestic work is to correctly identify and count child domestic workers aged under 18, and to identify their employers. According to the UN Convention on the Rights of the Child, a child is defined as a person below the age of 18. Section 3.2 highlights the statistical problems in assessing the numbers of child domestic workers, and explains why identifying who is a domestic worker is a real challenge. In view of these issues, it discusses and evaluates alternative approaches to enumerating domestic workers, and explains the conceptual and statistical definitions of child labour in domestic work. Section 3.3, provides guidelines to assist in the design and implementation of surveys and rapid assessments to generate new data on child domestic work (surveys that may be devoted specifically to child domestic work or be concerned with child labour in general); it examines data requirements, as well as methodological aspects of questionnaire development and sampling. The fourth section considers ways of producing estimates and other statistics on child domestic work from existing household and labour force surveys. It takes Indonesia's official household surveys as an example. Section 3.5 looks at the use of the qualitative approach in studying worst forms of child labour which are sensitive and sometimes elusive, and briefly tackles the monitoring and evaluation of child labour in domestic work.

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13 As emphasized in this Practical Guide, distribution by gender is a critical aspect of the measurement of child domestic work for policy purposes, in order to protect the rights and interests of girls.

14 This chapter builds on the extensive research already carried out by the ILO, researchers and stakeholders in measuring domestic work, in general, and child domestic work and child labour in domestic work, in particular. Details of the existing research are provided selectively in the list of References.

Because Chapter 2 of this Practical Guide provides a comprehensive explanation of on what constitutes “child domestic work” and “child labour in domestic work”, the definitions of these terms in this chapter are brief and limited to references for statistical measurement purposes.

The intention of this chapter is to provide guidance, in a narrative style, for researchers involved in the measurement of populations of child domestic workers and their characteristics. The treatment of technical details is therefore brief, but links are provided to more comprehensive discussion and clarification of specific measurement topics relating to child domestic work. Several technical publications and ILO manuals are indicated in the References for consultation purposes.

## 3.2 STATISTICAL ISSUES IN MEASUREMENT

### 3.2.1 Overview of the problems inherent in measurement

The most critical challenge and constraint in studying “child domestic workers” is that the term itself has not yet been clearly defined, and that the definition, such as it is, has to be translated into statistical, operational terms. While there is no ambiguity in identifying who is a child (i.e. a person below 18 years of age), what precisely constitutes a “domestic worker” - whether adult or child - is not so easily amenable to reliable statistical measurement.

According to Art. 1 of ILO C189, domestic work means “work performed in or for a household or households”; and a domestic worker means “any person engaged in domestic work within an employment relationship”. It does not include a person “who performs domestic work only occasionally or sporadically and not on an occupational basis”.<sup>15</sup>

Many domestic workers perform tasks for households under informal arrangements in exchange for food and shelter. They may be compensated in kind and are unpaid, and therefore do not regard themselves, and perhaps are not regarded by their employers and others, as “domestic workers”. In some communities, domestic work is a continuation of old social structures and traditions, and thus is not perceived as “employment”. Also, where domestic work has a social stigma, domestic workers tend not to identify themselves as domestic workers. There is also a problem of human trafficking into domestic work or domestic servitude, which means that certain categories of domestic workers are likely to be deliberately concealed. All these factors make it difficult to estimate correctly the population of child domestic workers for any specified geographical area.

Thus, the task of translating domestic work and domestic worker into operational and statistical terms is subject to major constraints.

The first constraint concerns occupational classification. A domestic worker may be performing any of a variety of tasks for a household. But there is no unique and comprehensive list of activities (occupational categories or codes) that may be deemed as constituting “domestic work” and that, when performed by a person (whether adult or child) as a source of employment, serve to classify a person as a “domestic

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<sup>15</sup> See section 2.1 of Chapter 2 for concepts and definitions.



worker”.<sup>16</sup> Thus, child labour (and labour force) survey data, when analysed, fail to fully capture all of the workers whose principal occupation is “domestic work”.

Secondly, domestic workers may be asked to perform a wide range of tasks in the house of their employer. However, only tasks that constitute services to the functioning of the employer’s household fall within the scope of “domestic work”. Thus, cooking a meal for employees of the employer, where the meal is a part of the employees’ in-kind remuneration, cannot be construed as domestic work. Similarly, assisting the employer in executing an economic activity, e.g. preparing snacks and food items to be sold by the employer or a member of the employer’s household/ family in the market, is excluded from the ambit of domestic work.

The concept of household, for whose use and consumption domestic work is performed, is important for identifying a domestic worker, but what constitutes a household is not identical across countries. The System of National Accounts (SNA-93, paragraph 4.132) defines a household as “a small group of persons who share the same living accommodation, who pool some, or all, of their income and wealth and who consume certain types of goods and services collectively, mainly housing and food”. In this setting, a domestic employee who lives in the house of the employer might well be classified as a household member performing chores for the household, rather than as the employee of a third-party household.

A case in point is the situation of children who are engaged to provide domestic services. ILO-IPEC-supported child labour surveys in a number of countries have observed children who have been “adopted” or “fostered” by relatives (or non-relatives) and provided with lodging, food and so on in exchange for performing housework. They are often reported in survey data as household members performing unpaid household services in their own household (household chores) although they are, in fact, child domestic employees<sup>17</sup>. When the fostered child must spend long hours each day performing housework, such an arrangement may in reality be disguised child domestic work, even if not reported as such to a surveyor. Initial research suggests that, in many countries, ignoring disguised child domestic work may lead to substantial underestimates of total child domestic employees in surveys (Lyon, Valdivia, 2010).

This brings us to the fourth issue, namely, the concept of “employment relationship”, which is stipulated in the ILO definition of domestic worker. While employers of domestic workers may be agencies and enterprises which deploy workers to perform tasks for a certain number of hours in private houses, the private household is the most common employer, and this is generally the case for child domestic workers. There are factors that may conceal, blur or disguise an employment relationship involving child domestic workers. The above-mentioned example of fostered children illustrates how traditional arrangements of mutual support and interdependence between relatives, friends and members of the same community have ended up being used to disguise an employment relationship. Food and shelter, payment of school fees or financial assistance to the family of the child, provided by the household in exchange for domestic services, are regarded as a

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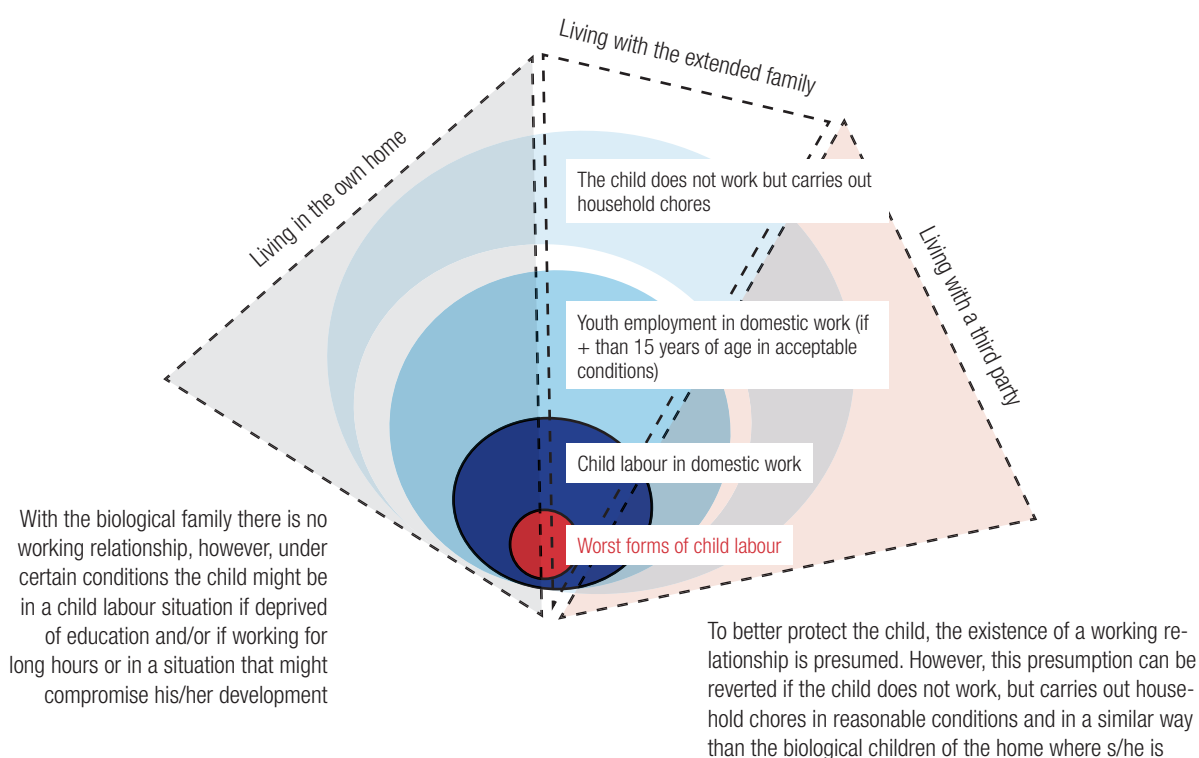
16 Furthermore, labour force surveys classify employed persons by their main occupation. This means that those who perform domestic work as a secondary job, e.g. fishermen/ fisherwomen and farmers who perform domestic work during the low season, are not classified and counted as domestic workers.

17 ILO-IPEC, Cambodia NIC, 2004: “In Cambodia, child domestic worker (CDW) is a concept that is not easy to define. Although children working as child-minders, maids, cooks, cleaners, gardeners and general house-helps are a familiar practice, not all of them would be reported by their employer as CDWs due to lack of general understanding of who is a CDW, or fear of legal action, or because the CDW is a relative of the employer. In fact, this survey found that more than half (60 per cent) of CDWs identified by the survey in terms of the definition adopted, were reported as relatives (niece, nephew, or other relative of the employer). In the context of the realities of socio-economic relations in Cambodia, and in consultation with Ministry of Labour, the survey adopted a broad concept in defining CDW”.

form of assistance, not remuneration.<sup>18</sup> Section 2.1, Chapter 2, undertakes an in-depth treatment of the concept of the employment relationship, and shows how to differentiate between a child who performs household chores for his/her own household and a child domestic worker in an employment relationship with a third-party household. The exclusion of domestic workers from the coverage – de jure and de facto – of labour legislation in many countries (see Chapter 5) reinforces these informal social practices. Employment may also be deliberately concealed from the authorities by the employer, worker or both for any of several reasons: the fact that a child is in servitude, a victim of trafficking, without papers, and so on. Young domestic workers (above the minimum age for employment) may have a single employment relationship or as many employment relationships as households for which they work.

The complexity of defining the concept of a child domestic worker for identification and measurement purposes is illustrated by a study of child domestic workers in Haiti that was sponsored by a consortium of UN agencies and civil society organizations, including the ILO and UNICEF. Graph 3.1 shows the conceptual framework and definitions adopted for the study of child domestic workers in Haiti (FAFO, 2015).

**GRAPH 3.1: Conceptual framework and definitions of child domestic work**



Source: FAFO, 2015.

18 Many children carry out housework and other duties for households that are not their own, for shelter, a meal or some cash. An example of this is child fostering, known as *confiage* in West Africa and *vidomegon* in Benin, whereby children from rural areas are taken in by family members in the cities. In Tanzania, urban middle-class women have drawn on the tradition of *undugu* (a Swahili term meaning “kinship”) as a means of obtaining the labour of “house-girls” from rural areas, while fulfilling their moral obligations to care for the extended family (Kiaga, 2012; ILO, 2014b).



### BOX 3.1: HAITI: Definitions of concepts regarding child domestic work according to the framework

Concept	Definition
Child living in own home	Child living with at least one of his/her biological parents.
Child living with the extended family	Child living with members of his/her family other than the biological parents up to the third degree.
Child living with a third party	Child living with people other than the biological family or the extended family.
Domestic work	Work performed in or for a household or households. It refers to work such as cook, waiter, chauffeur, housekeeper, child minder, gardener, washer person, guardian, etc. The tasks and services vary from country to country and may be different depending on the age, gender, ethnicity and immigration status of the workers concerned, and according to the cultural and economic context in which the work is performed (ILO, 2011d). <sup>1</sup>
Domestic worker	Means any person engaged in domestic work within an employment relationship. Domestic workers are employed by private households for which they provide services. <sup>2</sup>
Household services	Production of domestic and personal services by a household member for consumption within their own household.
Child domestic work	Refers to the situation where children, i.e. people under 18 years of age, perform domestic work in the home of a third party or employer, with or without pay. In some situations, the term employer may include the extended family, particularly when this family treats the child as if he/she was an employee (domestic worker). This general concept encapsulates both permissible and non-permissible situations. <sup>3</sup>
Child labour in domestic work	Means domestic work performed by children: <ul style="list-style-type: none"> <li>▪ below the relevant minimum age applicable in Haiti for non-hazardous forms of domestic work, i.e. 15 years of age;</li> <li>▪ for hazardous forms of domestic work: <ul style="list-style-type: none"> <li>- more than 6 hours per day between 15 and 16 years of age or</li> <li>- more than 8 hours per day between 16 and 18 years of age; or</li> </ul> </li> <li>▪ in a slavery-like situation (all persons below 18 years of age).</li> </ul>
Child in a worst form of child labour	An aggravated form of child labour. In domestic work, it includes the following: <ul style="list-style-type: none"> <li>▪ all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use [as domestic workers] in armed conflict;</li> <li>▪ work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (ILO C182 and R201).</li> </ul>
Hazardous child domestic work	Domestic work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. In Haiti, according to the draft “Order Establishing dangerous and prohibited forms of child labour” (MAST-2013), it is prohibited to employ children under 15 years of age in domestic work. In addition, child domestic work is considered dangerous, regardless of the conditions under which it is exercised, if performed: <ul style="list-style-type: none"> <li>▪ for more than 6 hours a day, for those in the 15 to 16 age group;</li> <li>▪ for more than 8 hours a day for those in the 16 to 18 age group;</li> <li>▪ if the work is performed between 18:00 and 6:00; or</li> <li>▪ if the work is excessively demanding, physically or psychologically.</li> </ul>
Youth employment in domestic work	Means the professional activities, as part of domestic work, carried out in Haiti by a young person of 15 years of age or more, in decent employment conditions.



### BOX 3.1: (cont.)

Concept	Definition
Children carrying out household services (in own home)	Household chores performed by children in their own homes, on reasonable terms and under close monitoring of adult members of the family, are an integral part of family life and personal development, that is to say something positive. However, when the workload interferes with children's education or is excessive, in such cases, these situations should be considered equivalent to a child labour situation, i.e. these are situations to be eliminated. Children performing household chores in their own homes, and children involved in domestic work (in the home of a third party) may perform similar tasks. In the first case, however, there is no employment relationship, so we should not refer to these situations as child domestic work.

1 From the ILO-IPEC website on child labour and domestic work available at: [www.ilo.org/pec/areas/Childdomesticlabour/lang--en/index.htm](http://www.ilo.org/pec/areas/Childdomesticlabour/lang--en/index.htm).  
2 ILO C189 and R201 concerning decent work for domestic workers: In line with C189, this was the definition used for this study. However, C189 does not limit the employment relationship to private-household domestic workers, i.e. those performing domestic work through an employment relationship with a third party, which means that employment agencies and enterprises that deploy domestic workers in private households are also covered.  
3 From the ILO-IPEC website on child labour and domestic work available at: [www.ilo.org/pec/areas/Childdomesticlabour/lang--en/index.htm](http://www.ilo.org/pec/areas/Childdomesticlabour/lang--en/index.htm).

The above definitions of “child domestic work” and “child labour in domestic work” mean that all domestic work “performed in the home of a third party or employer, with or without pay” by a child below the minimum age of 15 years falls within the category of non-permissible child labour. To put this in clear statistical terms, child labour in domestic work is all-inclusive of children below 15 years if it takes place in the house of a third party, even if the third party is a relative. In this perspective, even half an hour of domestic work per day qualifies child domestic work performed by a person under 15 as child labour in domestic work.

On account of the above factors, the collection of statistical information to accurately identify domestic workers and the type of tasks assigned to them is a significant challenge. Data collection items, instruments and modalities are discussed in a later section.

## 3.2.2 Approaches to the statistical classification of domestic workers

When setting out to estimate the number of domestic workers and analyse their principal characteristics, it is important to translate what is understood by “domestic workers” into an operational, statistical definition that enables the collection of appropriate data in a country context, and, as far as possible, facilitates the compilation of comparable data across countries. Herein lies the operational problem, since domestic workers are not a homogenous group: they perform tasks as varied as cleaning, looking after elderly people or children, guarding the house, driving children to school, gardening and cooking.





In spite of the heterogeneity of tasks performed, all domestic workers nevertheless share the characteristic that they work for a private household.<sup>19</sup> For the purpose of this chapter, “domestic work” therefore means any type of work performed in or for a household, and a “domestic worker” is any person engaged in domestic work within an employment relationship. As explained in the introduction, this implies that persons who perform domestic work only occasionally or sporadically, and not as a means of earning a living (such as occasional babysitters), fall outside the scope of this definition.

The two central elements of this definition, therefore, are that domestic work is performed within an employment relationship and in or for a household (regardless of the specific tasks that the domestic worker performs).

Alternative statistical ways of identifying and counting domestic workers, relying on different existing statistical classifications, are: the industry-based approach, the task-based approach, the status-in-employment approach and the household-roster approach. The potential for their application and their specific disadvantages are explained below. The employment relationship issue is expanded later.

**Industry-based approach (based on branch of economic activity).** According to economic statistics and the system of national accounts (SNA), a household with a domestic worker is an economic unit producing domestic services such as a clean house, cooked food, ironed shirts, etc. The product produced by the activity is consumed by the employing household. In this sense, domestic workers may be identified in terms their branch of economic activity. In general, branch of economic activity is a characteristic of an economic unit, or more precisely, an establishment. It refers to the kind of goods produced or services supplied by the establishment. An establishment is generally a farm, a mine, a factory, a workshop, a store, an office or a similar type of economic unit. However, for domestic workers, the household in which they are working constitutes an establishment. The household head or another member of the household is the employer, and the services provided (a clean house, cooked food, etc.) are the output of the establishment.

Although existing statistical classifications – whether by occupation, employment status or industry – were not designed with the primary objective of identifying domestic workers, by and large the International Standard Industrial Classification (ISIC), in its still widely-used Revision 3.1, fairly accurately matches the concept of domestic workers as it is now understood. ISIC Revision 3.1 Division 95 “Activities of private households as employers of domestic staff” 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.*  
(UN, 2002, p. 177)

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<sup>19</sup> While legislation in many countries specifies that the employer must be a natural person, in other cases the employer can be the entire family/household (e.g. in Brazil and Bulgaria), or even a representative or agent of the natural person (e.g. Barbados). Moreover, according to some legislation, the employer may be a third party, such as a recognized health-care agency (e.g. United States) (ILO, 2010a, p. 35). In this particular case, domestic workers – often migrants – still share the characteristic of working for a private household but, instead of being employed by the household directly, they are engaged in a triangular employment relationship in which the agency acts as an intermediary, i.e. it receives payments from the households concerned and subsequently compensates the workers, after making all the appropriate social security contributions.

It may be noted that, while the text of Revision 4 of the ISIC is largely unchanged, the relevant codes are Division 97/ Group 970/ Class 9700, all referring to “Activities of households as employers of domestic personnel”.

The main advantage of the industry-based approach is that it draws on the common characteristic of all domestic workers, i.e. that they are employed in or by a household, rather than on the type of task they perform. In fact, many of the occupations listed above can also be performed outside the home: a cook can work in a restaurant, a gardener in a flower nursery, a gatekeeper at an office building. Although some occupations are predominantly performed within households, this makes it difficult to distinguish domestic workers from other workers solely on the basis of their occupation.<sup>20</sup> Another advantage of the industry-based approach is that it imposes relatively low requirements in respect of the level of detail of statistical data (a disaggregation at the one- or two-digit level is sufficient).

A drawback of this approach is that domestic workers who have an employment contract with a service agency, rather than with a household, are, in theory, excluded from the scope of Division 95. In practice, however, due to the lack of a suitable alternative category, workers employed by an agency and deployed to a private household are often included in this division. The risk of under-counting is therefore likely to be limited.

In considering the concept of household employers of domestic workers, we also need to consider the concept of household suppliers of domestic workers. Only household suppliers of live-out domestic workers can be easily measured in surveys of domestic workers. The measurement of household suppliers of live-in domestic workers, although likely to be a “rare event”, requires additional information on the original household in which the live-in domestic worker was a member and may not be easily amenable to routine data-collection procedures.

**Task-based approach (based on occupation).** A domestic worker may have various tasks and duties in and for the household in which he or she works: cooking, cleaning, laundering, gardening and so on. The tasks and duties of the domestic worker define his or her occupation. According to the International Standard Classification of Occupations (ISCO), occupation refers to the kind of work done by an employed person (or the kind of work done previously or being sought if the person is unemployed), irrespective of the branch of economic activity or employment status of the person. An occupational classification system bundles together occupations involving similar tasks and duties or requiring similar skills to fulfil the tasks and duties of the job.

The International Standard Classification of Occupations (ISCO-88 and ISCO-08) is commonly used to identify domestic workers on the basis of their occupation. In particular, the occupations “Housekeepers and related workers” (ISCO-88, code 5121), “Home-based personal care workers” (5133), and “Domestic helpers and cleaners” (9131) include tasks typically performed by domestic workers. In addition, “Child-

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<sup>20</sup> In Revision 3 of the ISIC, Division 95 coincides with Section P “Private households with employed persons” and a disaggregation at the one-digit level is therefore sufficient. In Revisions 3.1 and 4 of the ISIC, “Activities of private households as employers of domestic staff” and “Activities of households as employers of domestic personnel”, respectively, were combined with undifferentiated production activities of private households into a single section (Sections P and T, respectively). Therefore, data at the two-digit level would be ideal. Nonetheless, most goods-producing activities of private households for own consumption are classified in Section A (“Agriculture, hunting and forestry”), and service-producing activities other than paid domestic work are mainly unpaid household work by members of the household (which is not considered employment). Conceptually, therefore, employment data classified in Section P (Rev. 3.1) or Section T (Rev. 4) should largely coincide with Section P under Revision 3 of the ISIC.



care workers” (5131) are often included because they “take care of employers’ children and oversee their daily activities” (ILO, 2010a, p. 30).<sup>21</sup> However, child-care workers also “engage in helping teachers to look after schoolchildren”, which falls outside the definition of domestic workers. Moreover, cooks, drivers and gardeners are not captured by the task-based approach because their occupation is not specific to households. Excluding these occupational categories would be to under-count domestic workers, but including them would mean also counting those not working for private households, which would lead to an over-estimate. Another drawback of the task-based approach is that it requires very detailed occupational data (at least the three-digit level, although greater precision is obtained at the four-digit level), which is difficult in practice, and time-consuming to apply in a large-scale household survey.

Nonetheless, given that it is used to classify domestic workers, including children, we include the following table, which presents the occupational titles and codes of the various tasks and duties of domestic workers on the basis of the International Standard Classification of Occupations (ISCO-88) (ILO, 1988), as well as the more recent international classification (ISCO-08) (ILO, 2008a).

### BOX 3.2: Occupations of domestic workers: Some examples from international standard classifications of occupations

Tasks and duties	Occupational title	ISCO-88	ISCO-08
Domestic work, general	Helper, domestic	9131 5-40.20	9111
	Housekeeper	5121 5-40.20	5152
	Housemaid, Houseboy	9131 5-40.20	9111
	Maid, personal	5142 5-40.30	5162
Cooking meals	Cook	5122 5-31.30	5120
	Helper, kitchen	9131 5-40.90	9111
Laundry	Launderer, manual	9133 5-60.10	9121
	Maid, linen	9133 5-40.90	9121
Cleaning house	Cleaner, domestic	9133 5-40.20	9121
Looking after infants	Nursemaid	5131 5-40.35	5311
Taking care of sick, disabled	Nursemaid	5131 5-40.35	5311
Gardening		6113 6-27.40	6113, 9214
Transporting household members	Driver, motor-car	8322 9-85.90	8322
Guarding house premises	Guard, security	5169 5-82.40	5414, 5419

21 The ILO Global Estimates of Child Domestic Workers (2012) rely on the task-based approach.

**Status-in-employment approach.** This is frequently used in Latin America, where many countries have adapted the International Classification by Status in Employment (ICSE-93) to distinguish between domestic workers and other employees. For example, Brazil's IBGE (Instituto Brasileiro de Geografia e Estatística / National Statistical and Geographical Institute) defines domestic workers as "persons who work in providing domestic services paid in cash or kind in one or more housing units". While this approach is useful and, for many countries, delivers the same results as the industry-based approach, the distinction between domestic workers and other employees is not commonly made outside Latin America. This approach is therefore usually applied mainly in that region (Tokman, 2010).

**Household-roster approach.** Some countries identify live-in domestic workers from the household-roster section of questionnaires used for household-based surveys, such as National Child Labour Surveys and Labour Force Surveys, which record the relationship of each household member to the household head. Where this is done, the household-roster approach can be used to identify domestic workers who live in their employer's household. However, this approach will not capture live-out domestic workers who do not live with their employer, but have their own household and commute to work (and thus appear as household heads or spouses in the same household rosters). Moreover, as explained earlier, it is not clear whether domestic workers should be considered household members, even if they live in the same dwelling unit as their employer.

Overall, the International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3.1), which groups "Activities of households as employers of domestic staff" in Division 95, is used for the majority of estimates of numbers of child domestic workers and their distributional characteristics. In some countries, however, to obtain a more precise estimate of the number of child domestic workers, a combination of the Industry-based (ISIC) and Task-based (ISCO) approaches has been adopted. The estimates thus generated comprise the number of child domestic workers in the target area in terms of the main job performed by all employed children aged 5 - 17 (i.e. excluding occasional babysitters and other child workers who have another primary job).

### 3.2.3 Child labour in domestic work

Child labour in domestic work is a narrower concept, covering a sub-set of children engaged in domestic work. As a component of child domestic work defined as "child labour" by the ILO Minimum Age Convention, 1973 (No. 138) and/or the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), it is slated for abolition. In accordance with the statistical measurement standards set by the Resolution concerning the statistics of child labour adopted at the 18th International Conference of Labour Statisticians (18th ICLS) (ILO, 2008b), and in keeping with the procedures followed in ILO's global estimate classifications, child labour in domestic work statistically includes:



- (i) all children aged 5-11 years engaged in domestic work (the range is 5-14 years for countries where the labour laws do not have a provision for “light work”);
- (ii) all children aged 12-14 years engaged in domestic work for more than 14 hours per week (where the labour laws have a provision for “light work” and 14 hours weekly is the upper threshold, which should be modified as per the country labour code provisions); and
- (iii) all children aged 15-17 years (assuming 15 years to be the legal minimum age for employment/entry to work) engaged in domestic work under conditions that may be deemed hazardous<sup>22</sup>, i.e. likely to jeopardize the health, safety and morals of children, or where the employment relationship is a form or practice similar to slavery/ debt bondage/ forced labour (see Art. 3 of ILO C182).

Surveys of child domestic workers conducted by the ILO-IPEC have revealed that the conditions under which a sizeable percentage are working would qualify for classification as child labour in domestic work. For example, the ILO-IPEC baseline survey of child domestic labour in Bangladesh (ILO-IPEC, ACPR, 2006) revealed that “about 6 percent of CDWs (child domestic workers) are aged below 8 years, 21 percent below 11 years and 74 percent in the age-range 12-17 years... More than 99 percent of the CDWs work 7 days a week... On average they work 9 hours a day.” Clearly, a significant proportion of CDWs in this case would qualify as being in a situation of child labour in domestic work.

### 3.3 ISSUES IN STATISTICAL DATA COLLECTION

This section is especially relevant for those who plan to conduct statistical surveys and rapid assessments to generate new data on child domestic work. It provides researchers in the field of child domestic work with guidelines on the range of questions that may be asked in surveys, alternative approaches to data collection, the design of questionnaires and interview schedules, and approaches to sampling.<sup>23</sup>

The major objective of statistical surveys on child domestic work is to estimate the number of such domestic workers and analyse the key socio-demographic characteristics of domestic workers and the households that employ them. These characteristics include the different types of domestic workers: live-in or live-out, paid or unpaid, formal or informal employment relationship, migrant or non-migrant, kin or not kin (not a member of the “nuclear family” but originating from another family or household). Other survey objectives may be to estimate the incidence and characteristics of households with domestic workers and the average number of domestic workers engaged by different types of household. It is also of analytical interest to obtain information on hours worked daily/weekly, wages received in cash and in kind, and other benefits, if any, such as rest or leave granted without deduction of pay. As will become evident later in this section, the survey objectives are closely linked to the design of the survey methodology and instruments.

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22 Hazardous work may be statistically measured in terms of weekly hours of work in excess of a threshold (e.g. 43 hours per week), and on the basis of responses to questions posed to child domestic workers about their workplace conditions and the equipment used for performing assigned tasks. It should be noted that working hours is used as indicator because such data is generally available in labour force and employment surveys. However, it is not the only characteristic/manifestation of hazardous child labour. Therefore, the statistical measure does not fully account for all situations that could be considered as hazardous, but is often the only feasible means of assessment for the time being.

23 This chapter, being part of a universal Practical Guide to child domestic workers, provides only guidelines. Researchers must refer to relevant publications, especially the ILO and ILO-IPEC publications indicated in the References section, for detailed and specialized treatment of the data-collection issues.



It was noted in the previous section that a serious difficulty in measuring child domestic work is the identification of children involved in domestic work. For the purposes of surveys of child domestic workers, the term “child domestic work” refers to domestic work performed by children aged 5 to 17 in the home of a third party during the reference period (with remuneration in cash or in kind). Domestic work is therefore considered as an economic activity, covering a subset of the “children in employment” group in statistical terms. Based on the above definition, together with the International Standard Classification of Occupations (ISCO) and the International Standard Industrial Classification (ISIC), an examination of the data from national household surveys provides a good overview of child domestic work, albeit with some limitations, as most national household surveys do not probe sufficiently to capture all aspects of child domestic work.

With a view to facilitating more and improved data-collection on child labour, over the past two decades the International Programme on the Elimination of Child Labour of the ILO (ILO-IPEC) has pioneered the development and implementation of research methodologies on child labour and children’s activities (ILO-IPEC, 2004b). While most have been large-scale national child labour surveys, ILO-IPEC has also implemented a large number of smaller area-focussed and sector-specific surveys (rapid assessments and baseline surveys), some of which have focused on child domestic workers. Sector-specific baseline surveys and rapid assessments of child domestic workers by ILO-IPEC have aimed to (i) estimate the prevalence and main characteristics of child domestic work, and of child domestic workers and their employers; and (ii) assess working conditions and employment practices in child work. These methodologies, applied in several countries, have illustrated the vulnerability of child domestic workers to low pay and poor working conditions, arising from a combination of factors which perpetuate the phenomenon.

However, estimates based on surveys of child labour probably underestimate the number of child domestic workers, for several reasons. Firstly, in most cases the available data refers to people’s main jobs. Some domestic workers are engaged in domestic work only as a secondary or subsidiary job. Secondly, there is an issue of response errors in conventional censuses and surveys. Response errors are non-sampling errors and may result from the failure of the respondent to report the correct value (respondent error), the failure of the interviewer to record the reported value correctly (interviewer error), or the failure of the instrument to measure the value correctly (instrument error). Thirdly, some child domestic workers may not know that their activity is in fact a form of employment, especially if no cash payment is involved. In such cases, they tend to be reported as outside the purview of employment and therefore excluded from the count of domestic workers. Fourthly, because in most countries domestic work is on an informal employment basis, it is often hard, if not impossible, to gain access to domestic workers and elicit direct responses from them. Experience has shown that, unless special probing questions are incorporated in the questionnaire, a substantial number of child domestic workers may be missed from the survey.



### 3.3.1 Statistical information requirements

The statistical information requirements of any survey of children's activities, i.e. the target items of data collection, are derived from the definition of the main target statistic for analysis from the survey data-collection process. The definition of child domestic worker adopted for the survey is therefore the first crucial factor.

The following example from an ILO survey of child domestic workers in Phnom Penh province in Cambodia is illustrative.

#### **BOX 3.3: CAMBODIA: Definition of child domestic worker**

Children aged 7-17 years who work in the household of people other than their parents are defined as child domestic workers (CDWs), regardless of the amount or kind of remuneration they receive. CDWs are expected to perform domestic chores, such as washing dishes, cooking, cleaning the house, looking after young children and other activities according to their employers' orders. For the sake of this survey, the "other activities" include only those that are performed within the employing households or their surrounding areas (residential). It does not include commercial activities that are performed in market places or any other economic establishment that involves stepping off the household premises. In this survey, all CDWs lived in the employing household, though very few actually received wages.

*Source: ILO-IPEC, Cambodia NIS, 2004, p. 7.*

The report also highlighted that:

*"In Cambodian culture, children are regarded as under the control and guidance of their parents. There is no widespread recognition that children have "independent rights". Thus, it is common for employers of child domestic workers to be seen as looking after them and providing them work experiences as well as food and shelter. As such, exploitation or even child servitude (in the case of ruthless employers) can escape public scrutiny and the real situations may never be revealed. Without knowing the actual situation, parents as well as society in general perceive child domestic labour as normal and find it acceptable to allow children to work as a domestic helper."*

The above illustrates the challenges involved in compiling reliable statistics on child domestic workers in order to estimate their prevalence and analyse their characteristics, and in estimating the extent of child labour in domestic work.

Notwithstanding the difficulties, as a starting point it is useful to make a complete list of the items of information to be targeted for collection by the survey. This list is dependent on the survey objectives, and the advance drafting of such a list by the research team provides clarity when it comes to developing the questionnaires and data-gathering schedules.<sup>24</sup>

<sup>24</sup> A data-gathering schedule is an open-ended questionnaire on which the items of information (qualitative and/or quantitative) are listed. For FGDs and KIs, this could be a list of topics for discussion with participants.



### BOX 3.4: HAITI: Research questions on child domestic workers

The research seeks to answer the following overarching questions:

- a) How many child domestic workers are there currently in Haiti? How can their demographic distribution be described?
- b) What are their working and living conditions?
- c) Which factors make children more or less vulnerable to recruitment into domestic work and related arrangements? Which factors make children and child domestic workers more or less vulnerable to exploitation and abuse?
- d) What are the characteristics of the children's original households and the households where they live and work? What are Haitian household heads' perceptions about child relocation and children's domestic work?
- e) What is currently being done to prevent children from entering into domestic work and to protect children already living as domestic workers? What should be done at present?

Source: FAFO, 2015, p. 10.

The key details to be extracted from household-based surveys,<sup>25</sup> to obtain information about child domestic workers and child labour in domestic work performed by children aged 5-17 years, should include:<sup>26</sup>

- age/gender of the child;
- whether the child goes regularly to school (formal/non-formal);
- if not going to school, the reasons for this, and age at which the child left school;
- if child has ever attended school;
- whether the child is engaged in an economic activity (employment);
- if in employment:
  - branch of economic activity/occupation/employment status,
  - type of employment relationship/contract,
  - hours of work daily/weekly,
  - remuneration amount and payment details (periodicity, and to whom paid),
  - additional benefits, if any, provided by the employer (weekly day off/paid leave/school attendance facility/medical attention),
  - working conditions, especially as regards hazards, risks to health and safety in the workplace,
  - underlying factors why the child is at work,
  - what happens if child stops working (impact on child and child's family),
  - recruitment process (how child entered present employment), and
  - whether child is free to leave employer at will and, if not, the reasons for this;
- household chores (unpaid household services in child's own household) with major tasks performed and hours devoted daily/ weekly; and
- main socio-economic and characteristics of child's household:
  - number and age/gender structure of all household members,
  - educational status and level of all household members,
  - employment/inactivity status of all household members,
  - total monthly household expenditure,

25 A generalized survey approach is illustrated here because large-scale dedicated surveys of child domestic workers are not common and are generally expensive. The usual procedure is to extract information from a more general child-labour or labour-force survey, or another household-based survey on socio-economic characteristics. For information, a labour-force survey is *always* a household-based survey.

26 It should be noted that clear responses on all of the information items listed might not be readily forthcoming.





- for each household member aged up to 17 years, whether or not the natural father and mother are also members of the present household,
- indicators of asset ownership/wealth (type of dwelling, land ownership), and
- perception of household head/parents of domestic work by children.

In principle, household-based surveys are designed to estimate both live-in (staying with employer) and live-out (staying with parents/family and not with employer) child domestic workers.<sup>27</sup>

Should the survey be a dedicated survey on child domestic workers, the additional information (additional to data-collection items noted above for general surveys) detailed below should be collected from both child workers and their employers:

- the specific tasks assigned to the child domestic worker in the sole/main household of work;
- the number of hours, on average, spent daily on the above-specified major tasks in the sole/main household of work;
- the number of domestic workers (including adults) engaged by the sole/main household of work;
- whether the child worker is related (or was known prior to entering into employment in the present household) to another domestic worker in the sole/main household of work;
- whether the child is in a live-in or live-out work relationship in the sole/main household of work;
- whether the child is engaged part-time or full-time in domestic work for the sole/main household of work;
- if part-time, what the other jobs the child does (maximum of two/three to be noted);
- whether the child performs domestic work in one or more households;
- the child domestic worker's ethnic group/nationality/caste (as relevant);
- whether the child domestic worker has freedom of movement (e.g. to go to market by him/herself);
- whether the child domestic worker is adequately fed and clothed;
- whether the child domestic worker gets some rest and leisure time;
- whether the child domestic worker is allowed to attend school;
- whether the child domestic worker has experienced physical/verbal abuse, sexual exploitation;
- any experiences of being left completely alone (perhaps even being locked in) for long periods (say, over 24 hours continuously) when employer and family are away; and
- how the child domestic worker perceives his/her future, say in 5 years' time.

The questions need to be adapted to the circumstances, but the responses of children and their employers to the same set of questions may be revealing. No advance notice of the interview should be given, since employers, if contacted in advance, may distort the reality of the workplace. It is also important for the researcher to make notes about the child's apparent physical health and spirits, the condition of her/his sleeping area and clothing, and so on. In addition, the employer should be asked if s/he is aware of the legislation on the engagement of children generally, and specifically in domestic work.

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<sup>27</sup> Please see Section 3.3.4 for an illustration on how household-based national survey data in Indonesia can be analysed to estimate live-in and live-out child domestic workers who are over the minimum age of employment.



The above list is indicative and, as noted earlier, the items of information listed for any particular survey will depend on the survey objectives and the target geographical area.<sup>28</sup> In addition, although the phenomenon of child domestic work is a socio-economic issue, different local customs and prevailing societal traditions may also have an impact on the practice of households engaging child domestic workers, and this will have a bearing on the information compiled prior to the analysis. Questions on family background, the work engaged in by elders/siblings and household circumstances are therefore often asked of the CDW in surveys.

### 3.3.2 Data-collection methods

Data-collection methods for child domestic work may be quantitative or qualitative.

The quantitative approach generates numerical data, generally from structured, pre-coded survey questionnaires, and analyses these data using formal statistical methods. Thus, the quantitative approach is concerned with the quantities (magnitude, incidence, rate) of a phenomenon. Its aim is to generate statistical estimates concerning the universal population; for this purpose, it requires a probability-based, statistically representative sample of the universal population. Censuses and household-based sample surveys, such as national child labour surveys, or other socio-economic surveys designed to collect information on persons aged between 5 and 17 years of age, should respond adequately to questions relating to the nationwide prevalence of particular forms of child labour. As these are quantitative approaches to data collection, the particular case of measuring the incidence of child domestic work may be addressed satisfactorily with a sufficiently large sample, since child domestic work takes place in a household context, but in statistical terminology is a “rare” event, i.e. among all children only a small fraction are engaged in this sector. Once the survey data-set has been collected, edited and verified, classification of children aged 5-17 years by ISIC and ISCO codes (as described in Section 3.2.2) should facilitate estimation of the numbers of child domestic workers in the survey area (ILO-IPEC, 2008).

Qualitative methods are geared to gaining insight and understanding a phenomenon; their aim is to determine and establish behavioural patterns within the population under investigation. For the purpose, specialized information-gathering instruments reflecting qualitative approaches have to be applied to investigate causes and consequences (for more detailed information, see ILO-IPEC, 2004b). The qualitative approach is suitable for investigations into difficult and sensitive issues that require the trust of the persons directly experiencing them, and for populations that are socially marginalized and hard to find and reach, such as child domestic workers. A widely applied qualitative method is the rapid assessment, used for investigating the nature and incidence of certain forms of child labour, particularly “invisible” or illicit forms of exploitation that are extremely difficult to capture in large-scale household samples.

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28 Researchers may consult reports on the rapid assessments and baseline surveys on child domestic work listed in References. In each report, the questionnaires used are provided. In dedicated CDW surveys, the objective is usually to collect comprehensive information on CDW characteristics and workplace conditions.



### **BOX 3.5: NEPAL: Application of the rapid assessment methodology to a child domestic workers survey**

The Rapid Assessment (RA) methodology is a combination of a broad range of qualitative and quantitative survey tools, which allow for adaptation to local conditions, required when researching the often hidden and invisible aspects of the worst forms of child labour. The specific research components employed in the 2001 Nepal Rapid Assessment include focus group discussions (FGDs), key informant interviews (KII), observation, and a door-to-door survey of 2,237 households in eight sub-wards of Kathmandu. It was completed in three months and the fieldwork took place in three wards of Kathmandu.

Despite some reservations as to whether the worst forms of child labour may be adequately understood through the use of household surveys and by filling in questionnaires on a door-to-door basis, the sample survey was a major part of the overall research process. Based on previous experiences of researching child labour in domestic work in other urban areas of Nepal, the household survey proved to be a powerful tool in generating reliable data within a short period of time, especially when combined with other RA tools.

The use of the survey sample further minimized the problems of purposive sampling, as all domestic child labourers within a given area were targeted for interviews. Finally, the idea of conducting a household survey on child labour in domestic work proved relatively easy to promote amongst local community leaders, thus ensuring their co-operation and support.

*Source: ILO-IPEC, 2001.*

It is important to note that, with so sensitive and elusive a subject for statistical measurement as child domestic work, although more challenging than household-based and baseline surveys using structured questionnaires, the in-depth key informant interviews and focus group discussions used in the ILO-IPEC rapid assessments and baseline surveys have shown the strengths and advantages of qualitative methods in generating knowledge about child domestic work that would have been difficult, if not impossible, to elicit through structured interviews. This is especially true with regard to the nature of the employment relationship, and the notions and attitudes to the relationship and their respective roles held by employers and domestic workers. For example, some employers took pride in referring to child domestic workers as “part of the family” and as equal to any other child in the household. At times, the child domestic workers also took pride in this, as it gave them a sense of value and a higher social status than being a hired worker. In some cases, this was associated with a positively rated work life: satisfactory working conditions, being trusted, a harmonious relationship with the employer (despite the occasional misunderstanding), no discrimination at meals, access to household amenities, freedom of communication and movement. In many cases, too, it was associated with very low wages or no wages at all, except for meals and shelter, long delays in payment of wages, and working hours on demand. But some domestic workers found these deficiencies less important than being treated and trusted like a family member. Others found the deficiencies acceptable and pardonable if the employer faced economic constraints, while others were unhappy about them but could not complain because of their status as family members. However, situations such as these, when child domestic workers are employed by relatives, is part of the reality of the entire domestic work sector. What is interesting is that there were cases where these workers were recognized and paid as employees, but often the arrangement was treated as a private social transaction. Qualitative research can measure the employment relationship more accurately.



Qualitative research is also capable of measuring the multiple variations in contractual, remuneration and working-time arrangements experienced by older child domestic workers who may work legally. For instance, live-out child domestic workers who work for a few hours or days per week or month for multiple employers may be regarded as own-account workers who are free to choose their clients, and may be less vulnerable to exploitation and abuse than live-in domestic workers.

ILO-IPEC-supported rapid assessments of child labour have used a combination of methods to generate data, including questionnaires for child workers (and also for their parents/guardians and employers), key informant interviews (KIIs), case studies, desk reviews and focus group discussions (FGDs). Because these methods are time-intensive, qualitative studies often rely on relatively small samples of the population or phenomenon under investigation. As such, they are not based on probability sampling and thus do not produce estimates or results that can be generalized to the larger population (ILO-IPEC, UNICEF, 2005).

Baseline surveys are an alternative approach to surveying child domestic workers and can be useful in producing sector/area-specific estimates of working children. They have the added advantage that the methodology includes critical elements of the qualitative approach, thus benefiting from a mix of the qualitative and quantitative approaches. Typically, the sample size is larger than for a rapid assessment. Therefore, when the sample selection is probability-based, the baseline survey provides estimates that may be generalized to the larger population of the geographical area targeted by the survey. Keeping in mind the cost factor, baseline surveys are focused on a given sector and a specific area. They also comprise elements of desk review of past research and are supplemented by questionnaires addressed to parents and/or employers of child labour, with the result that they also analyse the causal behaviour patterns that the survey data reveals.<sup>29</sup>

Sample surveys, household-based surveys such as a child-labour and/or labour-force surveys, and qualitative studies in the form of rapid assessments complemented by information from secondary sources, can therefore be used to investigate the causes and consequences of child domestic work and the contexts in which it occurs. Each approach has its respective strengths and limitations, which are summarized below.

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<sup>29</sup> IPEC has supported national partners in the implementation of baseline surveys of child domestic workers in Bangladesh (ILO-IPEC, ACPR, 2006), Cambodia (ILO-IPEC, Cambodia NIS, 2004) and Mongolia (ILO-IPEC, National University of Mongolia, 2005).



### BOX 3.6: Comparative assessment of alternative child-labour data-collection methods

Rapid assessment studies (RA)	Household-based sample surveys (national/regional/area-specific)	Baseline surveys (BLS)
<p>RA is a very useful method for gathering descriptive information on worst forms of child labour (WFCL) quickly and in a limited geographical area. RA mainly applies a participatory approach. More qualitative in content than household-based surveys, the RA is considerably easier, less costly, and faster to implement. The RA methodology is not designed to extrapolate data or generalize findings outside the scope of respondents.</p>	<p>These are large-scale surveys; the respondents are parents/guardians and children living in the same household. They are carried out as stand-alone surveys or as modules attached to other household-based surveys, such as labour-force surveys. The information generated from these surveys covers both the economic and non-economic activities (e.g. household chores) performed by children, the demographic and social characteristics of household members, working hours, the nature of the tasks performed, health and safety issues, including injuries at work, and parents' perceptions of children's work. Where WFCL are concerned, such surveys can capture only "hazardous work".</p>	<p>BLS aim to identify population attributes, and the consequences of child labour in specific areas/ sectors, at a specific point in time. Closely linked to action programmes for identifying project beneficiaries and monitoring their withdrawal from work over time. BLS generate quantitative and qualitative data, applying a mix of sample-survey and participatory approaches. If certain conditions are fulfilled, BLS data may be extrapolated.</p>
<p><b>Major advantages:</b></p> <ul style="list-style-type: none"> <li>Results can be obtained quickly;</li> <li>Can be applied to WFCL sectors;</li> <li>Provides qualitative information.</li> </ul>	<p><b>Major advantages:</b></p> <ul style="list-style-type: none"> <li>Detailed quantitative child-labour statistics obtained;</li> <li>Based on scientifically designed samples to ensure better control of data quality and accuracy of results;</li> <li>Extrapolation of results to entire target area/ population possible.</li> </ul>	<p><b>Major advantages:</b></p> <p>Can be applied to WFCL sectors</p> <ul style="list-style-type: none"> <li>Findings can be extrapolated to sector/ area surveyed.</li> </ul>
<p><b>Major disadvantage:</b></p> <ul style="list-style-type: none"> <li>Findings cannot be generalized, as results valid only for area/ sector studied.</li> </ul>	<p><b>Major disadvantage:</b></p> <ul style="list-style-type: none"> <li>Cannot apply to WFCL sectors, with the exception of hazardous work.</li> </ul>	<p><b>Major disadvantage:</b></p> <ul style="list-style-type: none"> <li>Requires the development of a sample frame, which is not always possible.</li> </ul>

### 3.3.3 Questionnaire design in sample surveys

#### *Child-labour and/or labour-force survey*

Child-labour and labour-force surveys<sup>30</sup> are usually large-scale household-based surveys designed to measure the economic activity status and characteristics of, respectively, children in employment (child workers) above the age of 5 years, and the working age population of a country. Under the labour-force framework, employment activities are measured in relation to a short reference period, such as the past

<sup>30</sup> In many countries, ILO-IPEC and ILO Department of STATISTICS have used a single questionnaire to collect and analyse data on both child and adult workers. Typically, most sections apply to all respondents, while some sections (unemployment and under-employment, social security) are asked only of adults, and others (educational status and engagement in household chores) are asked only of respondents aged under 18

seven days or the past calendar week. Employment activity, i.e. any activity producing goods or services for pay or profit, takes precedence over any other activity. Thus, even one hour of work for pay or profit during the reference period is sufficient for a person to be classified as in employment. Also classified as employed are persons who were “not at work” during the reference period due to temporary absence from a job (for reasons such as illness, public holidays or leave).

Child-labour and labour-force survey questionnaires typically include two or more questions for identifying persons in employment and a series of additional questions to determine the employment characteristics of the main and secondary jobs of the employed person in question (ILO-IPEC, 2007b). The minimal set of questions concerns status in employment, branch of economic activity and occupation (which facilitates the identification of those in domestic work). Many of these questions are often also covered in population censuses and other large-scale national household surveys, such as living-standard surveys and household income and expenditure surveys. Child-labour and labour-force survey questionnaires also include questions on earnings, additional benefits provided by employers, hours worked daily/weekly, and occupational health and safety (which further facilitates the identification of child labour).

The questions on employment characteristics are generally repeated for secondary jobs, if the child or adult worker carried out a secondary job during the reference period. For persons not in employment, follow-up questions on seeking jobs and the availability of work are asked to determine adult unemployment and children seeking work.

The use of a conventional child-labour or labour-force survey questionnaire for identifying and collecting data on child domestic workers has a number of advantages. It is based on a sound and time-tested framework. Supporting materials, such as training manuals and instructions for interviewers, coding schemes and editing rules, tabulation plans and data-processing software, already exist and are widely used across the world. Where it addresses both main and secondary jobs, the questionnaire can in principle cover the full scope of domestic workers. Finally, because it is designed for measuring all employed persons, the results enable consistent comparison of child domestic workers with other categories of workers.

However, it also has drawbacks. The general questionnaire may be error-prone in the particular case of domestic workers. Domestic workers who are performing domestic tasks for the household without pay but in exchange of other benefits may not understand correctly and therefore fail to respond to the general questions on work for pay or profit of the conventional questionnaire. Moreover, coders may miscode the branch of economic activity of domestic workers, especially if the interviewer does not properly recognize the business activity of the household employer of the domestic worker, or describes it inappropriately. There is also the risk that some domestic workers may not get listed on the household roster as members of the household in the first place and, as a result, the questionnaire is simply not administered to them. Finally, there is the problem of distinguishing between live-in and live-out domestic workers, and the coverage of domestic workers who are not members of the household. Especially in the case of persons below the age of 18 (children), care has to be taken to distinguish and correctly record household chores performed in a child’s own household (unpaid household services).



## **Dedicated surveys on child domestic work**

Another approach to questionnaire design is to start with a field operation to update the household lists in the targeted sample geographical areas. The aim is to obtain an updated sampling frame, plus such auxiliary information as household size, total number of household members, the number of persons in the 5-17 age group (children), and whether any persons in this group are engaged as (child) domestic workers.<sup>31</sup> For an entire country, the usual procedure is to adopt the frame provided by the latest available census, then make a randomized selection of a sample of administrative segments in which the survey field work for data collection is to take place. The household lists are updated for the sampled segments, using a structured questionnaire called the “listing questionnaire”, which will indicate households having child domestic workers.<sup>32</sup>

Thereafter, depending on the pre-determined aggregate sample size, a fixed number of “households with child domestic workers” is randomly selected from each sampled segment (generally called Primary Sampling Units, PSUs), which is a cluster of households. In each household, a structured “child questionnaire” is administered to the child domestic workers, and the adult who supervises their work is asked to respond to a structured “employer questionnaire”. In addition, if logistically possible (as the child domestic worker is normally away from his/her family), a “parents questionnaire” may be administered. The child questionnaire should have a section covering the basic family information of the child domestic worker (whether or not the child is living with his/her family), including, age, gender, relationship, education, and occupation. This may be followed by a section covering personal information and the current living conditions of the child domestic worker, and sections on work load and work environment, and also the employer’s behaviour.<sup>33</sup> The employer questionnaire is intended to obtain information on the socio-economic and demographic characteristics of the employer’s household, and to get an in-depth understanding of the employer’s attitude to child labour in domestic work. The parents’ questionnaire is required mainly to elicit information on the parents’ attitude to the child being engaged as a domestic worker, why the child was sent to work, and their assessment of the child’s working conditions.

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31 Since a dedicated survey of child domestic workers is a sensitive issue, it is prudent not to explicitly mention the term “child domestic worker” to potential respondents.

32 A complete and up-to-date list of all adult and child domestic workers in a country would be the perfect sampling frame for drawing randomized samples in a survey of child domestic workers. A list of this kind is, however, not generally available. In practice, therefore, one must reach child domestic workers through their households, or more precisely through household addresses. The updating of household lists, as explained here, is a commonly applied procedure for overcoming the problem.

33 For sample questionnaires used in dedicated child domestic worker surveys, please refer to child domestic workers baseline surveys in Bangladesh (ILO-IPEC, ACPR, 2006), Cambodia (ILO-IPEC, Cambodia NIS, 2004) and Mongolia (ILO-IPEC, National University of Mongolia, 2005). The questionnaires applied in Bangladesh are reproduced in Annex A.1 and Annex A.2 of this chapter.



### **BOX 3.7: CAMBODIA: Child domestic worker survey**

Five questionnaires were used for data collection:

**Form 1:** The household listing sheet was used to record all households in the village from which the sample set was determined. An updated list of households was necessary for selecting the sample households and as an input to derive household weights, or estimates

**Form 2:** The household questionnaire focused on demographics and household characteristics, expenditures and income. For households with domestic workers, it included questions seeking an employer's views on child domestic workers.

**Form 3:** The child domestic worker questionnaire focused on characteristics such as family background, education and health, recruitment and work experiences, daily work conditions, wages, history of injuries and the employer's behaviour toward the CDW.

**Form 4:** The parents/guardians (of CDWs) questionnaire asked about backgrounds, reasons for child working, the opinion of parents/guardians about work conditions faced by their children, and parents' perceptions about educational and life aspirations for their children who are working in domestic work.

**Form 5:** The village questionnaire sought data on the total number of CDWs and of households, as well as the employment status, work conditions and income of CDWs, the known impacts on young persons engaged in child labour in domestic work and recommendations for improvement of work and living conditions of CDWs. This form was used in interviews with a village leader.

*Source: ILO-IPEC, Cambodia NIS, 2004.*

The guidelines given in this section are intended to help in developing a set of questionnaires for a survey, general or sector-specific, to measure child domestic workers and their characteristics. The questionnaires should be finalized in the light of the measurement objectives and national circumstances, and field-tested in a pilot survey. In particular, the flow between the sections of the questionnaires should be reviewed to ensure that no extra response burden is imposed on the respondents. In a general survey, it is important to ensure that child domestic workers and other categories of child workers can be correctly identified in data processing.

Sample questionnaires are provided in the Annex to this Practical Guide.

The collection of data on child domestic workers using rapid assessments, which is primarily a qualitative approach, is done differently and will be discussed in the next section.





### 3.3.4 Sampling issues in child domestic worker surveys

With traditional child-labour and/or labour-force surveys, sampling issues are standard and follow a well-trod path (ILO-IPEC, 2008). The child domestic worker is identified by accurate classification of the collected data in terms of branch of economic activity and occupation, i.e. by correct assignment of the ISIC and ISCO codes, respectively.

Child domestic workers present certain particularities, which affect the sampling design of surveys. The main reason is that child domestic workers are not evenly spread over the country; they are generally more concentrated in urban areas and large towns than in rural areas and small towns. Also, in many countries older child domestic workers may be performing domestic work for more than one household: the multiplicity of their selection in a probability sample of households should therefore be taken into account. These issues, together with other general sampling issues, are discussed below.

Consider a household survey designed to estimate the total number of child domestic workers. A probability sample of households is drawn up and information is obtained on household members who are child domestic workers, as well as on other persons who are not members of the household but who are employed as child domestic workers by the household.

In conventional sampling, only the information regarding members of the sample household would be taken into account in estimating the total number of child domestic workers. But this procedure would not make use of all the information available from the survey, and would in fact reduce the effective sample size. It would be more judicious to make use of information on both members of the sample households and members of other households. However, this requires careful design of the sample selection and careful assessment of the sample results.

Where survey sample size is concerned, it may be noted that households with domestic workers are relatively rare. One must therefore maximize the use of available information and, as far as possible, increase the effective sample size. Multiplicity sampling is one such procedure. There are also other methods that may be adopted, such as oversampling of strata of concentration and adaptive cluster sampling.<sup>34</sup> It is useful to note also that, in practice, the final choice of sample size is determined by the desired precision of the estimates, as well as the available budget and type of survey organization, including the capacity and experience of the implementing agency.

It should be noted that sampling child domestic workers and employers of child domestic workers is a challenge in any survey, since a sampling frame is not readily available and has to be developed – a very difficult task. Therefore, resort to a spatial and targeted sampling strategy, which has proved to be a systematic, logical way of generating a sample from such populations (for which sampling frames do not exist), is recommended. At the lowest area unit of selection, local mapping or scanning of the target populations plays a critical role in identifying where they are and the best ways of reaching them. This stage requires time and, very often, the assistance of members of the local community and key informants. Depending on the target sample size, the geographical units covered may be expanded.

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<sup>34</sup> For an exhaustive discussion of sampling issues in multiplicity sampling, oversampling, and adaptive cluster sampling, see ILO-IPEC, 2013e.

## 3.4 ESTIMATING FROM AVAILABLE DATA SOURCES: EXAMPLE OF INDONESIA

### 3.4.1 A low-cost approach

A low-cost approach to the estimation of child domestic workers and their characteristics is to use data generated by existing housing and population censuses, and household-based socio-economic surveys, that many countries conduct on a periodic basis. Such surveys may not provide specific data on child domestic workers or on the full range of child age groups, but they may nonetheless contain useful information for estimating and analysing the problem. For example, a labour-force survey may provide statistics on working children engaged in domestic work for the upper age groups. Data analysis based on these sources is an option for countries wishing to compile basic data on child domestic workers at periodic intervals in situations where human and financial resources do not permit general or sector-specific child labour surveys to be conducted.

The application of this approach is illustrated by two ILO-supported analysis of data (ILO, 2013g; ILO-IPEC, 2013b) from two national data sources in Indonesia: the National Labour Force Survey (Sakernas-LFS) (Indonesia, 2012a) and the National Social Economic Survey (Susenas-SES) (Indonesia, 2012b). These surveys were selected because they provide the data necessary for estimating domestic workers, including the upper child age-group of 15-17 years,<sup>35</sup> at the national and sub-national levels on a regular basis. Sakernas-LFS is designed specifically to collect employment data on the working-age population, i.e. persons aged 15 years and over. Susenas-SES is a survey designed to collect data on the social and economic characteristics of the entire population. Its “Employment Information of Household Members” module is applied to all persons aged 10 and over. Both surveys are designed to provide an estimate of the relevant statistics at the national and subnational levels.

### 3.4.2 Country example: Indonesia

Making domestic workers statistically visible by using official national data sources is tremendously relevant for Indonesia. With Indonesian women in urban areas increasingly entering the workforce, there is a growing demand for domestic workers, including child domestic workers, to perform daily household tasks such as cooking, cleaning, laundering, and taking care of children and the elderly. However, domestic workers are commonly not considered to be workers/employees, but rather “helpers,” and consequently employers do not recognize the obligations that typically arise from an employment relationship. Domestic workers are not covered by national labour law: despite the significant contribution of domestic workers to the national and household economy in Indonesia, they lack basic labour rights and protection under the Manpower Act of 2003. Their wages are generally way below the prevailing minimum rate, since employers consider basics such as food and lodging to be a part of their remuneration. Moreover, domestic workers are vulnerable to a wide range of abuses and exploitation, including long working hours, non-payment of wages, forced confinement and even physical and/or sexual abuse.

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<sup>35</sup> The legal minimum age for entry to employment in Indonesia is 15 years.



## Questions in Sakernas-LFS

There are two questions (variables) in the Sakernas-LFS that can be used to estimate the number of domestic workers: (i) “relationship with the head of the household” (Block 4, Column 3) and (ii) the set of queries on “working status” (Block 5, Questions 2 and 3), supplemented by that on “main industry” (Block 5, Question 7).

In the first question (coded response only), 1 of the 9 responses is “pembantu rumahtangga” (code 8) which literally means “housemaid”. Although the term “pembantu rumahtangga” would normally include domestic workers who do not live in the employer household, as well as those that live with their employers, the survey manual indicates that the term “pembantu rumahtangga” or “housemaid” refers only to live-in domestic workers who perform all the usual tasks of domestic workers. The exception here is “drivers” who are excluded from the category of “pembantu rumahtangga”,<sup>36</sup> but statistically this exception would probably have negligible impact, as in most cases drivers live in their own households, rather than their employers’ households, (and would be captured by the next question on main industry). The Sakernas-LFS data thus indicate that the first question can identify only live-in domestic workers and their employers.

Unlike the first question, the second set of questions regarding “main industry” refers to all domestic workers – those who live in as well as those that who live outside the employer’s household. Additionally, unlike the first question, the second question has open answers, as the ISIC 4-digit concept is applied where the appropriate code for domestic workers is 9700 (ISIC Rev. 4). The questions in the Sakernas-LFS cover a range of areas: age, sex, educational attainment, schooling status, employment status, cash wage received and hours worked. With diligence, it is therefore possible to use the Sakernas-LFS data to identify child domestic workers aged 15-17 years and their characteristics, and, on the basis of weekly hours worked, those who are in conditions of child labour (ILO, 2013g).

## Questions in Susenas-SES

In the Susenas-SES questionnaire, there is only one question (variable) which can be used to estimate the number of domestic workers. This variable is the “relationship with the head of the household” and is found in Annex 3, (Block 4, Column 3). One possible response to this variable is “housemaid” (pembantu), with code 8, which, according to the survey manual, refers to domestic workers. The variable “employed status” (Block 5D Question 24), identifying “employed” and “others”, is used to ensure that the item refers to domestic workers as understood by international standards. It is possible to use the Susenas-SES data to estimate most domestic workers (not only for the working-age population, as with the Sakernas-LFS data), since in the Susenas-SES questionnaire the section on employment is applied to those who are aged 10 years and over. A close inspection of the survey manuals indicates that the Susenas-SES and the Sakernas-LFS use the same concepts of common variables.

The Susenas-SES questionnaire contains another question related to domestic workers who do not live with their employer (Section 4B). The question is translated as follows:

*“Are there any housemaids, gate keepers, or drivers who were provided meals by the household but were not living in this household? If yes, what is the number of housemaids, gate keepers, drivers and others?” (ILO, 2013g)*

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36 In Indonesia, there is no legal basis for considering drivers as domestic workers.

The above question obviously refers to live-out domestic workers, but caution is required here. Firstly, the questions are not intended to estimate live-out domestic workers, but rather to improve the coverage of the consumption details of the sampled household. Secondly, even though they may be used to estimate live-out domestic workers, they are unlikely to reveal live-out domestic workers who are not provided meals. Thirdly, despite these limitations, the question may be used to estimate the number of employers of live-out domestic workers (though not the number of live-out domestic workers itself) (ILO, 2013g).

### ***Application of Sakernas-LFS and Susenas-SES for estimation purposes***

The ILO study (ILO, 2013g) concluded that both Sakernas-LFS and Susenas-SES can be used to estimate the total number of domestic workers, with a high level of reliability from a statistical point of view. The estimate can be produced using two variables: (1) "relationship with heads of household", which is available in the questionnaires of both surveys, and (2) "industry", which is available with sufficient detail only in Sakernas-LFS. While the first variable can be used to estimate live-in domestic workers, and not live-out domestic workers, the second can be used to estimate the total number of domestic workers, which includes both live-in and live-out domestic workers. In addition, there is a question in Susenas-SES that may be used to estimate live-out domestic workers (although this was originally not intended). The study also confirmed that the estimate of domestic workers (including child domestic workers aged 15-17), based on the ILO C189 definition, can be fairly accurately generated by using Sakernas-LFS and ISIC (Rev.4) category T, disaggregated by live-in and live-out domestic workers.

Sakernas-LFS yielded an estimate of 111,000 child domestic workers aged 15-17 (between 88,000 and 135,000, with a 95 percent confidence interval). Compared with employed children aged between 15 and 17 in general, child domestic workers aged 15-17 are less likely to participate in school, work mostly without holidays and work longer hours. About 81 percent of the child domestic workers aged 15-17 worked 7 days a week, and 75 percent of them more than 40 hours a week. By the standard of excessive hours of work, the sub-category working more than 40 hours a week may be regarded as being in situations of child labour in domestic work.

Susenas-SES provided an estimate of 1.1 million employers of domestic workers in total, regardless of the type of domestic workers. About 40 percent of these employers had only live-in domestic workers, 46 percent had only live-out domestic workers, and the rest (14 percent) had domestic workers of both statuses. It should be noted that the estimate of employers of domestic workers is very likely an underestimate because information was not collected for live-out domestic workers to whom meals were not provided. Employers of domestic workers are more likely to be found in larger households and in better dwelling units in terms of housing materials. They are more likely to have higher earnings and enjoy a higher socio-economic status, as measured by per capita expenditure. To illustrate, the median of monthly per capita expenditure in 2012 was almost Rp 2 million (USD 207.35) for employer households, as compared with Rp 492,000 (USD 51) for general households.

Overall, where Indonesia is concerned, the ILO research revealed that, if estimates of domestic workers aged 15 and above are required to provide policy-makers with disaggregated evidence and population-based information on a regular basis, Sakernas-LFS is highly recommended as a major data source. The survey, regularly carried out by BPS-Statistics Indonesia, is dependable and the only source of data providing robust estimates of numbers of domestic workers and their classification in terms of live-in/live-out/child (15-17 years) domestic workers.



## 3.5 ISSUES IN CHILD DOMESTIC WORKER MEASUREMENT

In addition to interviewing child domestic workers and their employers (i.e. heads of the households where the employment takes place) through structured questionnaires, ancillary information is valuable in analysing so sensitive a subject as child domestic work, which could potentially become a worst form of child labour. Reviews of past research and discussions with knowledgeable stakeholders (including international and national civil society organizations actively engaged in protecting the rights of children, civil administrators and influential local citizens, such as elected legislators, doctors, primary school headmasters, trade union leaders and so on) have proved to be extremely useful in most studies on child domestic workers. (ILO-IPEC, UNICEF, 2005, part III, section 2).

### 3.5.1 Background research

The starting point should be the compilation of background information through an internet search and by networking with relevant researchers on the following:

- All published and informally obtainable information about the target area/region and its child population, including estimates of the working child population and any known estimates of girls and boys who are child domestic workers;
- All applicable legislation concerning working children in the region, especially children working in the homes of others;
- Organizations or agencies active on behalf of children in domestic work (which may also be serving other kinds of working children). The help given may include evening schools or drop-in programmes. What is the rate of child attendance, by age and sex? What is the estimated rate of attendance by child domestic workers, by age and sex? What activities are these children pursuing in these programmes?
- Individuals working in these organizations may know some details of the children's work situations. They may also be aware of violence and sexual exploitation in particular households, its frequency and extent. They may have an idea of how many girls and boys are "hidden" child domestic workers, who are not allowed to move about freely and who do not attend any of the centres.
- Knowledgeable informants, both women and men, should be asked to make their own rough estimates of numbers of child domestic workers and their gender distribution, and especially to identify their geographical and social origins. They should be asked whether there is an active current demand for such child domestic workers and, if so, among which kinds of local households. Is active recruiting of boys and girls for domestic work from outside taking place? If so, who is doing it and is trafficking involved?
- The recruitment process, and contact persons linking the employer and the child domestic worker: recruitment agencies and brokers can provide important information.
- Rates of police intervention, if any, in cases of domestic worker abuse involving child employees, and the nature of the cases concerned. These figures will be an undercount because domestic violence affecting a child domestic worker will be concealed by the employer, unless it is quite severe. Police should be asked whether any informal information has come to their attention, even if the households concerned must remain anonymous.



- Enquire of health clinics and examine hospital records to identify any child domestic workers who may have come to the clinic/ hospital for treatment. This will provide an undercount of child domestics who have become ill or had serious accidents, as many will remain untreated or be treated by the employer. However, it may provide some idea of the health status and accident rates at work of child domestic workers.

Investigation of these issues must involve a sufficiently large number of children if the findings are to have research validity as to the nature, extent and incidence of child domestic workers in the area. These determinations are not always straightforward and may also give rise to additional research questions, which the researchers must decide whether or not to pursue. For example, since many child domestic workers do not live in their family households but have migrated away (whether voluntarily or involuntarily), the researchers will need to decide whether to restrict their research to the communities and neighbourhoods where these children now live and work (i.e. the “host” area) or whether also to undertake research among their families in their places of origin (i.e. their “source” area). If the latter, travel to the various “sending” communities will be part of the research, for which costs will be incurred for travel and for the engagement of interviewers familiar with the culture and local dialect of the sending areas. Only through such source area research, in many cases, can the dominant parental motivations and community attitudes to sending young girls and boys to work in the households of others far away be adequately understood.

Although, as already indicated, child domestic work is not always a worst-form occupation, its investigation is difficult because the boys and girls working in this activity work individually in private homes, where access to the child may be restricted or impossible. Especially in such cases, an attempt should be made to determine whether or not the child domestic worker concerned is in a worst-form-of-child-labour situation or not. This requires careful attention on the part of both researchers and activists, because it often turns out that the child is in such a situation, with serious implications for his/her well-being.

### **BOX 3.8: NEPAL: Child domestic labour as a worst form of child labour**

Although there is a general belief that domestic work provides disadvantaged children with a relatively safe, comfortable option for escaping poverty or other forms of child labour, case-by-case investigation of the working conditions of child domestic workers in Nepal points to this occupation turning out to be a worst form of child labour. Specifically, based on the research, 47 per cent work excessive hours (over 16 hours in the case of school-goers and 14 hours for non-school-goers – see the note below) and 79 percent work at night (until or beyond 9 p.m.). About 10 in every 100 CDW are probably bonded: their parents have incurred a debt with the employer and the children are not free to leave the employer until the debt is paid back. 53 percent do not receive any pay, although many are given the opportunity to go to school, which from the viewpoint of the employer justifies the lack of wages. Seven percent are employed before the age of 10. (Note: School-going child domestic workers are still required to complete domestic tasks. Thus, their labour begins earlier in the morning and ends late at night. It is likely that children calculated their working hours from the time they wake up until the time they go to sleep.)

*Source: ILO-IPEC, 2001, pp. 26-27.*



### 3.5.2 Identifying, accessing and interviewing child domestic workers

There are various ways to identify, access and interview child domestic workers, some of which are described below:

- Visits by researchers to the night schools and drop-in centres that serve some child domestic workers; frequenting open areas where they tend to socialize and meet their friends (parks, railroad stations, cafes, etc.) will also provide occasions for observation and perhaps interviews.
- The use of trade union members and personnel both identify and access child domestic workers (ILO-IPEC, 2003e). For the Sri Lanka rapid assessment, the task of questionnaire administration was assigned, in part, to representatives of the national trade union, which had offices in all the districts selected for investigation. They collaborated with governmental and non-governmental organizations in order to gain access to the respondents.
- Those child domestic workers who can circulate freely and are not held under close surveillance by their employers may be a source of information about the others in their neighbourhoods who are “hidden”; they may have come to know a great deal about the others’ lives and backgrounds over time.
- Child domestic workers can be observed and possibly approached while they are doing errands in the local marketplace or in shops. They often accompany their employer’s children to school and can be seen and perhaps interviewed during these twice-daily trips. Working children may collect water for the household at the local fountain or water source.
- The personnel of NGOs and members of women’s groups and community organizations who are familiar with local families may be able to indicate which families employ child domestic workers, and whether these children are kept under close surveillance. Teachers will often know which young children are accompanied to school by child workers who do not themselves attend school. Neighbours, local shopkeepers, street market workers and others familiar with the neighbourhood, including local religious leaders, may be able to indicate households with working children who are tied to the household. Individuals who provide services to the homes concerned (plumbers, deliverymen, garbage collectors, porters, etc.) may also be approached. These inquiries all aid in identifying the neighbourhoods and households where child domestic workers (including ‘hidden’ child domestic workers) live and work, and in forming some estimate of their numbers.
- School classroom surveys are useful in indicating the incidence of child domestic workers in a community or neighbourhood,<sup>37</sup> including the existence of “hidden” child labour. In Sri Lanka, an extensive school survey was carried out to assess the use of child domestic workers in private households in five major urban centres and to gather data on the age, gender and ethnic origin of the working children, as well as their employers’ socio-economic status. Although the findings yielded a low rate of employment of child domestic workers, the methodology is valuable and the results might well be different in other countries.

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<sup>37</sup> It should be noted that this method of estimating is effective only at local level. It is not probability based. However, where engaging a CDW is illegal, it is usually not possible to get access to the CDW since there are likely to be few, and where they do exist, access for interview will not be allowed. This approach is to obtain information on CDWs in the target area by an alternative method, taking into account the circumstances.



### **BOX 3.9: SRI LANKA: School surveys to collect data on child domestic work**

As part of the RA on child domestic workers in Sri Lanka, data collection was facilitated by means of a school survey. Administering a questionnaire to schoolchildren in the selected districts necessitated obtaining high-level permission. Entitled “Who lives in my house?” the questionnaire was answered by over 7500 Grade 4 and 5 students. The third page asked the students whether there is a ‘helper’ in the household, and a positive response led to questions about the name, gender, age, ethnic origin and the kind of household work performed. Space was provided for information on up to three ‘helpers’. Questions also concerned family composition, occupation, and other salient employer characteristics. The questionnaires were administered in the classrooms by appropriately trained university students. The researchers had hypothesized that the middle and upper class households in these urban centres would have a large concentration of children in domestic work. It was found however that less than two per cent of the households employed child domestic workers under the age of 18. The researchers explain this as follows: “There have been several awareness-raising campaigns on child domestic work over the past decade in Sri Lanka and a lot of individuals are aware of the existing laws in the country pertaining to child domestic work”. (It is legally forbidden to hire children under the age of 14 for such work).

*Source: ILO-IPEC, 2003e, p. 30.*

- Rehabilitation centres for young children and adolescents may be able to provide introductions.
- Lastly, household surveys are important in research on child domestic workers because they often identify those households that employ household helper children. They are especially useful when the research areas are limited in size (communities, neighbourhoods). The surveys are more successful during holidays and weekends, and if done by local interviewers who are known to the community. Countries such as Brazil and South Africa have gathered national information on child domestic workers through household surveys (ILO-IPEC, 2002e; 2003a).

### **3.5.3 Interviewing “hidden” child domestic workers within the household**

Once households where “hidden” girls and boys are living and working have been identified, interviews must be attempted (although obtaining a large sample under the circumstances may be difficult). In some countries – legal provisions notwithstanding – it is considered neither shameful nor embarrassing for an employer to have a child domestic worker in service; it may even be a status symbol. Employers will therefore not necessarily conceal their child workers from visiting interviewers (it may be important however that the interviewer be female, if dealing with a female householder/employer, and also of the same ethnic affiliation as the employer). A problem may arise in attempting to interview the working girl or boy when the employer is not present. Child domestic workers must be interviewed privately, so that they feel free to talk openly about their problems and express their feelings, but employers will frequently refuse any request for privacy.

Two techniques have proven to be of some value for getting around this obstacle. One technique involves fielding two interviewers to visit a selected house, so that one can interview the employer while the other interviews the child in a different room. This was used in the investigation of child domestic work in Nepal (ILO-IPEC, 2001).





A second technique, which is useful when researchers and interviewers have acquaintances and friends in the area, involves drawing on these contacts to provide introductions to the household. Local interviewers with good contacts may succeed by gaining the employer's trust and allaying fears about their motives. Access to the household may perhaps then occur even when the employer is out, so that the child domestic can be interviewed alone, or an appointment can be made to interview her later outside the home, perhaps at the market or in the school playground.<sup>38</sup>

Former child domestic workers residing in the area can perhaps serve as contacts and interviewers. They may be able to provide introductions to the households where they worked or are known, as long as they left on good terms. However, researchers should take care to differentiate any interview replies given by these ex-child domestic workers from those provided by current workers, as there are age and time differences that will affect the responses and need to be clearly stated in the tabulations. Young people aged eighteen or over may provide information that can be included in the findings, as long as it is tabulated separately from that obtained from those under the age of 18 years. These young adults can also act as interviewers.

### 3.5.4 Research in the sending communities

Researchers who have already carried out research in the places where girls and boys work will have an approximate idea of their gender distribution and ethnic and geographical origins. The researchers may want to travel to the sending communities. Some researchers have also found this to be a good way of accessing the "hidden" children who may be so hard to access in their working environment. For example, in the Sri Lanka rapid assessment cited previously (Box 3.9), researchers were able to conduct structured interviews with "hidden" child domestic workers when they returned to their villages for a major holiday. Contacts for doing this were made through the trade union, which supplied local interviewers who were given training to administer the questionnaires. They visited the households and identified the children who had come home for the festive season and obtained consent from both the parents/guardians and the child to conduct the interview. The interviews were held at a place where both the child and the administrator were comfortable, at the same time ensuring privacy for the child. Researchers should keep in mind, however, that this technique has an ethical dimension, namely that the time such working children can spend with their families is very limited and needs to be respected, as does their leisure time.

An important focus for child domestic worker research should continue to be learning the mothers' and fathers' reasons for sending their girls and boys into domestic work – the "push" factors. How much is the family or household responding to a poor or desperate economic situation, to the persuasion of agents, traffickers or relatives from the city, or to specific family difficulties such as parental abandonment, remarriage, heavy indebtedness where the child's labour may be used to repay a loan, and so on. The motivations of one family may be different from those of another, but learning the causes that predominate in a community is essential to planning prevention and intervention programmes on behalf of the children. Another principal focus, often overlooked, should be the degree of parental knowledge of the living and working conditions of their son or daughter, the degree of concern about it, and whether the parents feel able to improve a bad situation for their child.

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<sup>38</sup> Therese Blanchet, working alone, managed to interview eighty children in domestic service in Dhaka, Bangladesh, using this technique. Her method and findings are described in her book: see Blanchet, 1996.



### 3.5.5 Ethical conditions

Respecting ethical standards during the data-collection process is essential in child labour surveys. According to Paragraph 6 of ILO Recommendation No. 190, the compilation and processing of information and data on child labour should be carried out with due regard for the right to privacy. National statistical authorities wishing to measure child labour should establish a set of ethical guidelines for child-labour data collection, keeping in mind Article 2, paragraph 2, and Article 13, paragraph 1, of the United Nations Convention on the Rights of the Child. As a minimum requirement, care should be taken to ensure that the children in employment, especially those who are respondents, are not harmed as a consequence of the survey. Also, as for all statistical surveys, the respondent should be assured that the confidentiality of the information provided will be respected, as well as his or her anonymity.

It should be ensured that survey participation by child respondents is voluntary and that enumerators do not face any risks during data collection. The field enumerators should in turn respect the cultural traditions, knowledge and customs of the respondents. In addition, when interviewing children, enumerators should be sensitive to children's ways of behaving and thinking and avoid raising unrealistic expectations. Child labour data collection should be undertaken by persons specially trained for the type of survey being conducted.<sup>39</sup>

### 3.5.6 Monitoring and evaluation

Monitoring and evaluation (M&E) is about being clear regarding the difference policies and interventions are expected to make, how the changes can be measured, and learning from the exercise to improve and sharpen the interventions and policy focus for even greater impact in the future. Guided by the best interest of the child as the primary consideration, the objective is to increase efficiency and ensure that policies and interventions are as effective as possible.<sup>40</sup>

“Monitoring” describes the process of reviewing activities and checking on progress at regular intervals. There are many ways of doing this, depending on what activities are undertaken, who is targeted, who the activity intervention partners are, and the indicators chosen for measurement of the impact. Monitoring data can be collected via surveys, through interviews and discussions, or by counting the numbers of people involved in your activities, for example. There are several issues to keep in view when considering how to monitor any intervention to assess its impact, for example:

- How is the monitoring data being collected and stored?
- Is evidence being collected that the intended goals have been achieved, or significant progress towards their achievement has been made?
- Are the costs of activities being monitored? Are costs being analysed alongside results?
- Are your intervention objectives being adapted based on learning?
- Are any of the stakeholders involved in identifying achievements and benefits? How are their perspectives included?

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<sup>39</sup> For an in-depth discussion on this issue, see ILO-IPEC, 2003d.

<sup>40</sup> This section is adapted from ILO-IPEC, Global March Against Child Labour, 2014.



Assessing (evaluating) the impact of any intervention (e.g. an awareness-raising effort to propagate new legislation to control the employment of children as domestic workers) usually relies on comparing a situation “before” and “after”. This requires the collection of baseline data by conducting a survey of child domestic workers in both the before and after situations; the data collection will focus on pre-determined statistical indicators of the intervention(s) targeted for monitoring and evaluation. This is another reason why – apart from ensuring that intervention(s) to mitigate/ control child domestic work are accurately targeted – collecting good-quality information (for example, through a baseline “knowledge, attitude and practice (KAP)” study) is important before the start of any programmed intervention.

Learning lessons from M & E work is important, to provide information for the planning of future activities and to help others relevant stakeholders to avoid the same pitfalls. Therefore, from the start the researcher will need to have thought about and decided on the statistical information required for M & E purposes, and plan ahead on how to collect, store, analyse and apply the learning experience. As the intervention(s) are implemented, the relevant statistics will have to be gathered to help understand, for example:

- What difference/impact is being made? What has changed? For whom? For how many?
- How is the difference/impact occurring? What methods are working? What relationships have been developed and how are they helping or hindering the interventions? What is the implementing agency’s role in making change happen? Who/what are the other influencing institutions/policies?



## 3.6 KEY MESSAGES

- Child domestic work persists widely in several countries, has myriad aspects and assumes various forms intended to avoid public scrutiny. In this situation, the issue of how a “child domestic worker” is defined for identification and statistical measurement purposes is critical, and this should be decided before any data-collection exercise commences. For this purpose, a prior situational analysis of existing information and research on child domestic work in the target area is recommended.
- A child domestic worker is a person aged under 18 who provides domestic services to a third-party household in an employment relationship; the data-collection instrument must therefore include questions on the person’s age, gender and whether or not s/he is in employment, as well as ensuring that distinction is made between domestic work and household chores in children’s activities.
- The approach to measuring child domestic work (a potential form of child labour in which payment of a wage or salary may not be a sufficient indicator of an employment relationship) requires careful prior deliberation, since quantitative methods and qualitative research both have advantages and shortcomings.
- When deciding between using a dedicated survey on child domestic work or a standard household-based child-labour/labour-force survey, much will depend on the research objective. Should the objective be to obtain comprehensive information on the characteristics of child domestic workers in a designated geographical area, as well as estimates of its prevalence, a dedicated survey on child domestic work should be chosen. If only an estimate of its prevalence is required, then a general child-labour/labour-force survey will suffice.
- Given that child domestic work is a sensitive subject, and that child domestic workers are an elusive population not easily reached for interview purposes, the rapid assessment approach is very appropriate when time and funds are limited, the target geographical scope is small, and details of child domestic workers’ employment characteristics are required.
- Regarding questionnaire development, a good practice based on ILO experience is to ensure that research questions are clearly stated at the start, followed by a listing of the related statistical indicators. The questions should be such that child domestic workers and other categories of child workers are correctly identified in data-processing, and the flow of sections should be such as to minimize the response burden for the respondents.
- Success in getting domestic workers and their employers to participate in the research is often very difficult to achieve. Innovative and creative methods will need to be devised, tried, assessed and fine-tuned according to particular local situations. The ILO-IPEC country rapid assessment studies and baseline surveys have used various methods (door-to-door surveys, referrals by local contacts, dedicated recruitment teams, area-specific snowballs, etc.), more and less successfully.



- The interviewing, probing and moderating skills of researchers/interviewers are crucial in eliciting in-depth, quality information. Adequate time should therefore be devoted to ensuring that field researchers possess these competencies. Gender parity in the composition of the data-collection team is also important. For interviews and focus group discussions, topic guides<sup>41</sup> are useful as aides-memoire for interviewers and discussion moderators.
- Lastly, as data from interviews with key informants and focus group discussions are generated, unforeseen themes, issues and interesting patterns are occasionally identified by the research team. New and unexpected themes and issues should be noted down for further investigation in subsequent key-informant interviews and focus-group discussions and for later analysis. It may therefore be prudent to begin the survey with a small number of cases (or interviews), in order to test thematic codes and ways of exploring connections between themes or aspects of the social phenomenon, before moving on to the full sample.

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41 Please see Annex A.3, which provides a comprehensive checklist for gathering information.



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in travail



## CHAPTER 4:

# ADVOCACY AND SOCIAL MOBILIZATION ON CHILD DOMESTIC WORK

Advocacy means any activity intended to raise consciousness about an issue among relevant policy actors and stakeholders who have an influence on the issue, leading them to action. In respect of the domestic work sector, the relevant stakeholders and actors are policy and law-makers, employers and families of child domestic workers, child domestic workers themselves, social partners, and the general public. This chapter focuses on approaches and interventions that have been implemented in various countries to raise the awareness and understanding of these parties, and move them to change behaviours and take action. It highlights key lessons that have been culled by organizations and experts who have planned, led and assessed many advocacy initiatives over the past two decades. Practical examples of advocacy on child domestic work are given.

## 4.1 RATIONALE AND ROLE OF ADVOCACY

Advocacy is the first stage in combatting child labour in domestic work and protecting domestic workers. It makes child domestic workers visible to society and thus more accessible to public scrutiny and public action. But advocacy does not end there. It is needed throughout the process of change, to break down deep-rooted perceptions, attitudes and norms, and to stimulate and sustain new responses to issues and situations as they arise.

### 4.1.1 Importance of advocacy in combatting child labour in domestic work

Child labour situations, and poor working and living conditions in domestic work, will continue – even with protective legislation – for as long as social norms, perceptions, biases and attitudes condone these practices and impede real change in the behaviour of employers of domestic workers, parents, families and communities of child domestic workers, and children and young people themselves; for as long as many are unaware of the deprivations suffered by child domestic workers; and for as long as the perceived and real benefits far outweigh the costs of complying with regulations regarding child domestic work.

Advocacy campaigns are thus an indispensable component of effective strategies to put an end to child labour in domestic work.



## 4.1.2 Advocacy campaigns are not one-shot deals

Attitudes, perceptions and behaviours change slowly, over many years. Advocacy campaigns planned to achieve these changes are therefore not one-shot deals, and should be envisaged over a period of time, with objectives, messages and methods that change with changing situations. Morocco (Box 4.1) is a case in point: after more than a decade, there have been incremental changes, but the process is not yet complete.

It may help to refer to behavioural change models and theories. These attempt to explain why behaviours change and have been used in campaigns to change behaviours in respect of public health, education, energy and other issues. The path from awareness to behavioural change is neither short nor linear and direct. One of these models, the trans-theoretical model, describes behavioural change as consisting of five stages, between which individuals may oscillate before reaching complete change. The stages are “pre-contemplation” (an individual may or may not be aware of a problem, but has no thought of changing his/her behaviour), contemplation, preparation for action, action and maintenance.<sup>42</sup>

### BOX 4.1: MOROCCO: Breaking through a tabooed subject

In 2001, in Morocco, national constituents did not want to specifically address the presence of children (mostly girls, called “les petites bonnes”) performing household tasks for third-party households as a problem of child labour.

Domestic workers have been excluded (up till the effect of the new law) from Morocco's labour law, leaving them no legal rights to a minimum wage, limits on their hours, and not even a weekly day of rest. Human Right Watch investigations in 2005-2012 into working conditions of labourers under the age of 18 showed girls as young as 8 years old were subjected to physical abuse and worked long hours for as little as US\$11 per month.

The ILO-IPEC project undertook awareness-raising activities against child labour and in favour of children's rights and education in general. Initial successes in withdrawing children from employment and in reintegrating them into the public system reinforced advocacy efforts. The process was slow at the start but in 2007-2009, with sponsorship from the Royal Princess Lalla Meryem (Chairperson of the National Observatory of Child Rights), the ILO and national collaborators organized two big national campaigns on the negative impacts of girls working in domestic work. The campaigns targeted the public, and consisted of TV spots, radio and TV programmes, information caravans that visited cities, distribution of leaflets and posters. These had one message: girls should be in school and in their own homes, not at work. The same message was carried in regional and local awareness-raising activities. Its objective was to make everyone responsible for eliminating child labour in domestic work.

Other international and national human-rights organizations have undertaken advocacy campaigns against child domestic servitude in Morocco for many years.

By 2015, “les petites bonnes” were on the public agenda and a law reform was under way. The Moroccan Government made a commitment to eliminate child labour in domestic work, and towards this end, prohibit children below 16 years old in domestic work and ensure protection for child domestic workers between 16 and 18 years from hazardous work.

42 An unpublished online ILO paper looks at models that have been applied in public health campaigns to change public health behaviours and health outcomes among difficult-to-reach population groups. It proposes learning from these campaigns in order to address the behaviours of employers of domestic workers. Behavioural models are discussed in this ILO paper.





### BOX 4.1: (cont.)

In July 2016, Morocco's House of Representatives adopted a new law to regulate work for domestic workers, a move that could protect thousands of underage labourers from exploitation and abuse. The new law raises the minimum working age from 15 to 18, with a phase-in period of five years during which children between 16 and 18 are allowed to work, and requires written contracts. It also sets a limit of 40 hours a week for 16-17 year-olds, while adult hours stand at 48 per week. Some weaknesses in the law have been cited (e.g. the long transition period for phasing out child work among 15-18 year olds, minimum wage lower than for other workers generally), but the new law is ground-breaking.

Sources: Note from Ms Malak, former IPEC NPC for Morocco; HRW, 2016.

## 4.1.3 Advocacy is not an end in itself

Advocacy is meant to eventually lead people to action. Publicity campaigns can heighten sentiments, create expectations and generate debate, but without means of following up on these reactions, the efforts that go into such campaigns will mostly go to waste.

By disseminating information, knowledge and new perspectives about the realities of child domestic work, advocacy can achieve the following:

- Raise awareness of child domestic work, thus making the situation of child domestic workers visible;
- Deepen people's understanding of the many aspects and angles of the realities of child domestic work; destroy myths and "accepted truths"; thus, change the perceptions and attitudes of the target group, and, hopefully, change their behaviour;<sup>43</sup> and / or
- Influence and shape public opinion and the public agenda, and, hopefully, lead to collective action.

To ensure that changes in knowledge, perceptions, attitudes and public opinion eventually lead to changes in behaviour and to action, advocacy strategies need to be part of an integrated action programme, not undertaken in isolation.

Advocacy and practical interventions should support each other by aiming to achieve the same objectives. For example, prior to a media blitz that condemns the employment of under-age children in domestic work and that calls for their removal from employing households, consideration should be given to the readiness of the relevant institutions and organizations to respond to what may result from this campaign. There need to be hotlines to receive queries and complaints from child domestic workers, employers and parents; organizations which can offer temporary shelter to children facing child labour situations and help them return home; government agencies and legal assistance services that can deal with legal actions and denunciations. To encourage children to leave a post without taking any responsibility for what happens to them would be irresponsible.

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<sup>43</sup> This has been referred to as "educative communication" (Roeder, Hinostroza, 2004).



## 4.2 TYPES OF ADVOCACY

Advocacy techniques can be classified into two broad types: quiet advocacy and loud advocacy. In most situations, advocacy strategies should employ a combination of the two because they reinforce each other [Box 4.2].

### **BOX 4.2: CENTRAL AMERICA: Combining loud and quiet advocacy in national and local media campaigns**

In different countries of the region, under the IPEC programme in the 2000s, mass media campaigns were carried out, aimed at one or several of the following objectives:

1. Look at child domestic work as a hazardous activity and show the effects it has on working children and adolescents and their employers, to influence the public agenda on hazardous work.
2. Disseminate information on national and international legislation that protects child domestic workers from child labour, and promote the human rights of children and adolescents in domestic work.
3. Promote among relevant sectors and key allies the search for alternatives for the child domestic workers in child labour situations.

In Costa Rica, DNI, an NGO, developed a communications strategy that lasted five months and aimed to reach the public in general, relevant public and private entities, the media, and families in the Greater Metropolitan Area, especially the populations of Cartago and Pavas, which had been identified as having the highest incidence of child labour in domestic work. The active participation of the Ministry of Labour and Social Security (MTSS) in designing and implementing the media campaign improved the legitimacy of, and institutional support for, the messages. The strategy worked on two levels:

- Nationally, efforts were first made to raise the awareness of journalists and reporters, and encourage them to include child domestic work issue in their communications agenda. Radio spots were broadcast through the National Chamber of Radio (with more than 75 radio station members); TV spots were broadcast on the country's main television channels; and the main implementing agencies and IPEC staff were interviewed on radio and television shows.
- Locally, in Cartago and Pavas of the Greater Metropolitan Area, discussions were organized with children and young domestic workers to educate them on their rights and help them build their self-esteem. At the same time, officials of local entities in charge of dealing with domestic workers were trained to improve capacities for handling issues raised by workers and their employers.

In Veraguas, Panama, a local media campaign was carried out to raise awareness and prevent child labour in domestic work. The campaign began with a public event that involved local authorities and key players in the community. Community stations aired radio spots and information segments without cost. Members of the local committee participated in radio and television interviews, so the problem was approached from a multi-sectoral perspective. In addition, the Catholic Church was involved, so that the provincial Bishop transmitted a message against child labour in domestic work.

In San Pedro Sula, Honduras, a campaign was also carried out with the local media. A series of visits to the local media were made to heighten awareness and provide information materials produced by the IPEC project. Free radio time was obtained to carry out several one-hour radio forums with open telephone lines for public participation. Officials from different agencies in the local working group dealing with this issue participated in these forums. As a result of the media campaign, the pertinent agencies received many complaints from children and young domestic workers.

*Source: Roeder, Hinostroza, 2004, pp. 36-37.*



## 4.2.1 Quiet advocacy

Quiet advocacy is used in circumstances where more intimate or face-to-face discussion and personal persuasion are likely to produce results, and where public criticism and confrontation are best avoided.

### *Interpersonal techniques*

These involve direct interaction with the key actors in the domestic work sector: employers of child domestic workers, the parents of the workers, child domestic workers themselves, private recruiters of domestic workers, and others engaged (or have the potential to be engaged) in addressing issues in the sector, such as school teachers and supervisors, community and village leaders, religious leaders, government officials and employees, parliamentarians, trade-union officials, and radio and TV commentators. There are various methods of engaging any of these parties in face-to-face discussions, such as group meetings, focus group discussions and forums. To enhance successful outcomes of interpersonal discussions, see pointers in Tool 4.1.

### **TOOL 4.1: Some pointers to enhance successful interpersonal discussions**

**First:** Identifying child domestic workers and employers of child domestic workers, and inviting them to group discussions, will most likely be a challenge. Domestic workers are not easily visible because of the circumstances in which they work; and national or local registries of domestic workers or employers of domestic workers are rare. However, there are various creative and effective ways of identifying and making contact with domestic workers and employers. Many of the methods that have been used to reach domestic workers are presented in detail in Chapter 6 of this Practical Guide.

**Second:** Domestic workers and employers of domestic workers will have time constraints, and it may be difficult to secure their participation for a meeting of even a few hours. Live-in and young domestic workers may not be able to leave the house without the employer or an adult; may have difficulty obtaining permission from their employers to attend a meeting on domestic workers' concerns; or may have little or no time-off. Employers may not be interested in the issue, and may not have time to attend meetings. A great deal of flexibility and creativity in scheduling and organizing meetings is needed. A series of small group meetings, half-day meetings, and/or venues of close proximity to participants would probably be the most feasible solutions.

**Third:** A participatory approach to facilitating these meetings should be used to encourage open, frank dialogue and critical reflection. The use of real-life cases, for instance a video featuring the life history of a particular child domestic worker, or empirical data from a respected source, helps participants focus on situations external to their own personal experiences, and thus to discuss issues more openly and objectively than when they feel exposed to criticism and shaming.

### *Sketches, drama, video documentaries*

Sketches, plays and video documentaries can be effective communication instruments for depicting the real-life problems and risks faced by child domestic workers, making child labour visible through examples, and reminding key individuals of their responsibilities for protecting children from child labour (Box 4.3). They are suitable for group meetings, and awareness-raising activities in schools and other community settings. Video documentaries are also useful for mass-media campaigns. Life histories of girls and young domestic



workers give an integral view of the whole problem of child domestic work and child labour. When child workers themselves take part in the sketches, dramas and videos, especially if they conceptualize and write them, they will come over as more authentic and compelling (Black, 2002, p.12). In Zanzibar (Tanzania), the domestic workers' trade union (CHODAWU-Zanzibar) staged short plays during awareness-raising events held in two districts in 2015.<sup>44</sup>

### **BOX 4.3: ZAMBIA: Using drama to engage and reach child domestic workers**

In Zambia (2004-2006), the Tasintha Programme and the Ministry of Labour implemented programmes that used debates, drama and music to reach audiences in schools and market places, and the general public. Drama groups consisting of former child domestic workers, who had been previously withdrawn from child labour and were undergoing skills training, chose messages for the plays, wrote the scripts, and performed in the plays. At least 11 drama performances were produced.

What they did:

- i) Identified a topic of interest or of community concern that needed to be addressed.
- ii) Identified a group of children who had talent, and involved former child domestic workers.
- iii) Supported the children in composing messages on child labour. These messages could be conveyed in the form of song, dance, drama, sculpture, pictures or leaflets.
- iv) Encouraged former child domestic workers, and child actors in schools, to compose plays that depicted the problems of child domestic workers; provided an artist to guide and train them.
- vi) Translated the scripts into English and other local languages to reach a wider audience.
- vii) Made the events interactive to give the audience a chance to give their verdict and to share experiences about the CDW issues raised in the play.

*Source: ILO-IPEC, 2006b.*

### ***Building a network of like-minded individuals and organizations***

Networks of individuals and organizations which share similar views and visions on fighting child labour in domestic work can lead or support more widespread, louder advocacy. These networks are established as a result of talks with individuals, meetings with small groups of key actors, or workshops or conferences to which potentially like-minded individuals and organizations are invited.

## **4.2.2 Loud advocacy**

Loud advocacy is used to reach a wider audience. It is less time-intensive than interpersonal techniques, and potentially more cost-effective in terms of the size of the audiences reached.

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<sup>44</sup> Report submitted by CHODAWU Zanzibar to the ILO. An ILO national survey of domestic workers conducted in 2012-13 revealed that in Zanzibar the percentage of domestic workers under the age of 15 is very significant (19% male and 11% female), indicating a high risk of child labour in domestic work.



## **Media campaigns via radio, TV and the press**

It is important to attract and sustain the interest of journalists, radio and TV newscasters and their managers in child domestic work issues, so that they will cover these not only once but repeatedly over a substantial period of time. Tool 4.2 suggests various ways of engaging the mass media. It is equally important that they convey the “right” messages. There is always a risk that they will focus only on the more sensational issues and aspects of child domestic work, and neglect the rest of the problem, sometimes to the detriment of the advocacy objectives. Such stories can also set a “low bar”, making other, less sensational abuses seem acceptable, though they are still abuses. Finally, the choice of newspapers and radio and TV stations and programmes matters. Some are more widely read, listened to or watched by the campaign’s target audience than others; and are more able to handle the topic fairly and well.

### **TOOL 4.2: Several ways of engaging the mass media industry, at national level and local level**

- Invite them to attend and cover a conference or event (such as the celebration of a national Domestic Workers’ Day, a rally, or the launch of an important publication), where they can get information and possibly also interview domestic workers. This is quite a standard method.
- Approach journalists individually to see whether they are interested in the subject and persuade them to write about it. Aim to secure the support of at least one influential person in the mass media who could be an advocate against child labour in domestic work.
- Invite journalists to visit a child-labour programme and meet child domestic workers. The press prefer human stories to general and theoretical discussions.
- Invite journalists and media people to a forum or seminar especially organized for them on the topic, and their role in addressing a very important social issue. Testimonials from domestic workers will be valuable at such meetings.
- Prepare information materials that the press may need for their stories: press releases, briefing notes, statistics, and the names and contact details of individuals willing to be interviewed or speak on the topic on radio or TV.
- Hold media training sessions for journalists on how to speak about a particular issue (e.g. changing their use of the term “domestic servant” to “domestic worker”).

## **Lobbying and political pressure**

The objective of lobbying is to exert pressure on policy- and decision-makers (parliamentarians, labour ministry officials, the President’s office and the Cabinet) to pass and implement policy, laws or regulations, or issue a high-level position on a social practice. Lobbying can be done quietly – directly with the political figures, individually or in groups, in private and without media coverage. Political pressure can also be exerted loudly, for instance by inciting public opinion against or for an issue or proposal through a media campaign, or by mobilizing the public to sign a petition or send letters to the government officials concerned. Public statements issued with a lot of publicity, especially those that are critical of politicians’ positions and failures, are another “loud” form of political pressure. Depending on the situation and the subject of concern, one method, or a combination of quiet and loud methods, may be more suitable and effective than another.

Politicians and legislators are generally sensitive to what their electorates think. However, domestic workers, and in particular child domestic workers, very often have little or no political “voice”: they do not form a united electoral base, are largely unorganized and invisible, and wield much less economic power



than their employers, who make up the economic and political elite and the middle class, and, not least, include political leaders and government officials. On their own, therefore, domestic workers are unable to exert political pressure. They need organizations and advocates among policy- and decision-makers to put their interests on the political agenda.

In the Philippines, for example, the campaign for the ratification of the ILO Domestic Workers Convention (No. 189) and the adoption of the Domestic Workers' Act by the national legislature was successful in great part because both legal measures had the active support of the Labor Department Secretary and the Office of the President, as well as advocates in the House of Representatives and the Senate.<sup>45</sup> This impressive political support had been built over a period of time, especially since 2009, through media campaigns and national domestic workers' day celebrations, quiet lobbying of parliamentarians by NGOs, trade unions and members of the national Tripartite-Plus Working Group on Domestic Work, and alliance-building.

## 4.3 KEY ELEMENTS IN DESIGNING AN EFFECTIVE ADVOCACY STRATEGY

### 4.3.1 What, how, who?

Devising appropriate, effective advocacy strategies depends, first of all, on the objectives of the advocacy, i.e. what is the desired outcome of the campaign? The next step is fitting together the "what", the "how", and the "who". Adequate information about the objectives and target audience is indispensable. A number of other factors have to be taken into account, including the capacities of the organization(s) leading the advocacy, and the chances of success or failure.

For further guidance, Tool 4.3 provides a quick checklist for planning an advocacy campaign, while Tool 4.4 lists manuals that provide detailed suggestions for designing and implementing effective campaigns. Tool 4.5 brings together lessons learned from advocacy campaigns on child domestic work undertaken in various countries.

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<sup>45</sup> C189 was ratified by the Philippine Government on 5 September 2012, and the comprehensive Domestic Workers Act was passed by the national legislature in 2015 and signed into law by the President on 13 January 2016. Details of the legal process are further presented in Chapter 5 of this Practical Guide.



### TOOL 4.3: Checklist for drawing up an advocacy plan

1. Identify overall objective and subsidiary objectives
2. Prioritise objectives for short-, medium- and long-term; set time frames
3. Work out how advocacy interacts with other programme activities
4. Identify target audiences for advocacy
5. Set measurable goals, and work out how to monitor progress
6. Ensure adequate information on which to proceed
7. Select advocacy strategies, combining silent and loud techniques, direct and indirect approaches, within available skills and resources
8. Approach partners to build an alliance and strengthen advocacy base
9. Develop advocacy messages and begin preparation of materials
10. Finalise advocacy plan, including time-bound targets, with partners; build into the plan the review and revision process based on results

Source: Black, 2002.

### TOOL 4.4: Manuals on advocacy

The following manuals provide detailed guidelines, based on years of practical experience, on how to design, plan, implement, monitor and assess advocacy campaigns.

Black, M. 2002. *A handbook on advocacy. Child domestic workers: Finding a voice*, Anti-Slavery International, UK. Available at: [www.antislavery.org/includes/documents/cm\\_docs/2009/a/advocacyhandbookeng.pdf](http://www.antislavery.org/includes/documents/cm_docs/2009/a/advocacyhandbookeng.pdf).

Roeder, E.; Hinostroza, S. 2005. *Contribución al ABC de la comunicación para prevenir el trabajo infantil doméstico en Sudamérica*, ILO Country Office for Chile, Santiago. Available at: [www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_4870/lang--es/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_4870/lang--es/index.htm).

ILO-IPEC; Global March Against Child Labour. 2014. *Tackling child domestic labour and protecting child domestic workers: A global resource manual*, ILO, Geneva. Available at: [www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_24857/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_24857/lang--en/index.htm).



## TOOL 4.5: What makes advocacy effective? Lessons from the field

1. The legitimacy and credibility of the content and the “messenger” make advocacy effective.
  - Based on facts, not on suppositions; authoritative, not sensational.
  - Claims are drawn from practical experience.
  - Closely involves, and honestly represents, any group on whose behalf it is undertaken.
  - Allows the group (e.g., child domestic workers) being represented to speak for themselves whenever possible.
2. Use of research results gives greater credibility to messages, while at the same time provides well-grounded bases for the arguments given by key actors in the media.
3. Testimonials and life histories of girls, boys and adolescents in domestic work tend to “deeply touch” the audience.
4. Advocacy campaigns should be carefully and strategically planned, over the short- and longer-term.
5. Build partnerships with the media – make efforts to heighten awareness among and/or train journalists and reporters; seek help from key individuals (e.g. a renowned journalist or reporter). Media partners can broadcast and disseminate information for free, or provide platforms for reaching the public.
6. The local media are effective in reaching and stimulating dialogue among key players and the community because they can identify with local issues and are closer to the audience.
7. Frequent presence in the media does not necessarily mean a greater awareness of the problem and mobilisation of individuals.
8. Media campaigns could lead to indifference among the audience when solutions are not given and the audience feels incapable of doing anything to change the situation.
9. When a mass campaign on child labour in domestic work is carried out, responsible entities should be ready to deal with the increase in demand for information and intervention resulting from the campaign.

Source: Roeder, Hinostroza, 2004

### 4.3.2 Setting objectives for advocacy

Advocacy can play many roles and achieve different objectives. The first step is therefore to define the objective or objectives of the advocacy campaign. The choice of objectives will be guided by a number of considerations, primarily by:

- an informed assessment and analysis of the situation of child domestic workers in the target area, their socio-demographic characteristics, and the social organization of domestic work,
- the changes in the situation of child domestic workers that the organization or alliance wants to help bring about,
- the stated priorities of child domestic workers themselves,
- the other interventions being undertaken or planned to advance these changes and how advocacy might contribute to the overall efforts, and
- the capacities and resources of the organization or organizations intending to undertake the advocacy.





Bringing about changes in the social and economic structures of child labour and domestic work, and in the lives of child workers, those at risk of entering child labour and their families, will take time. It cannot be assumed that media actions alone will change people's perceptions, attitudes and behaviours. Thus, the scope and impact of campaigns should be visualised over the long term, and as a contribution to more holistic processes of intervention.

One may conceive of a hierarchy of objectives: long-term objectives may take 20 or more years to achieve, while intermediate objectives in the medium- and short-term are stepping-stones to this end. A clear vision of desired outcome changes is necessary to guide the definition of long-term and intermediate goals. An advocacy strategy may contribute towards the achievement of long-term and intermediate objectives, but it will be more effective and meaningful if it is carried out in conjunction with other policy and practical interventions. Its immediate objectives (i.e. the results expected at the end of the advocacy activities) should therefore complement the immediate objectives of other interventions.

### 4.3.3 Involvement of child domestic workers in advocacy campaigns

Real efforts should be made to involve child domestic workers. Their views should be canvassed in research studies, and their voices should be heard and taken into account when planning, designing and assessing advocacy strategies. The process of engaging girls and boys may be difficult and sensitive, and will require special methods. However, advocacy organizers would do well to invest time in building the capacity of teenaged, older children so that they can play more active roles in advocacy.

A worthwhile example is the Domestic Workers Union of New York State, USA, which adopted strategies to remedy the exclusion of domestic workers from almost all federal and state labour laws. The Union's New York State Domestic Worker Bill of Rights (DW BoR) campaign, was very successful. Although DWU members are adult workers (Caribbean, Latina and African nannies, housekeepers, and elderly caregivers), the strategies they adopted, which aimed at effecting both policy and cultural change, show how domestic workers can be engaged in a meaningful way in planning and implementing advocacy campaigns (Box 4.4).

#### **BOX 4.4: Domestic Workers United (DWU): Worker leadership**

The DWU campaign was fuelled by the engagement, drive, and perseverance of domestic workers themselves. Domestic workers played key roles in all aspects of the campaign, from planning meetings, to strategizing, to building with allies and meeting with legislators.

Very early on in the campaign, DWU formed a campaign organizing committee composed of DWU members. Weekly campaign meetings would stretch on until late at night, as DWU members, staff and legal advisors devised the campaign strategy, defined whom to target, and planned events that would draw attention to the campaign.

Part of the success of the campaign organizing committee was its ability to integrate the campaign strategy into all aspects of the organization's annual work plan. Leadership training courses taught campaign strategy, media spokesperson and public speaking skills to members; the leadership training showed its value when it came to making tough decisions about the campaign and content of the bill. The leadership development committee integrated trainings into its annual work plan to better train members to take on leadership roles. Participants in the Nanny Training Course were encouraged to come to campaign meetings, events and trips to Albany; and media and art produced in the cultural and communications committee



### **BOX 4.4: (cont.)**

was used to liven up campaign rallies and press conferences and to raise awareness about domestic workers and the DW Bill of Rights.

The campaign committee was responsible for making technical and tactical decisions on the campaign, whereas more strategic decisions were brought to the general membership. For example, when in 2007 it became clear that the legislature would not pass a bill that included a living wage of \$14 per hour, the campaign committee designed a questionnaire to survey the membership at the monthly general meeting. The decision was also brought to the members of the broader NYC Domestic Worker Justice Coalition. Thanks to this approach, DWU ensured continued domestic worker support for the bill, even when changes were made to the initial demands.

*Source: Hobden, 2010, p.16.*

Involving children in advocacy campaigns should be done with a lot of care and attention to their rights, views and expectations. Tool 4.6 sets out some Do's and Don'ts that need to be observed.

### **TOOL 4.6: Involving children in advocacy: Do's and Don'ts**

1. Respect children's dignity. Don't use negative, degrading or stigmatizing images of children, in pictures or in words.
2. Don't make promises to children that you cannot keep.
3. Don't raise expectations that you cannot fulfil.
4. Children's permission:
  - Ask permission to use their pictures, stories and their participation.
  - Explain and ask permission for the way these materials will be used.
  - Try to ensure they understand the nature and consequences of giving their permission, and that their permission is an informed one.
  - Respect their decision if they refuse to be interviewed or photographed.
  - Don't identify individual children or groups of children unless they and/or their carers have given permission; ensure that they will not be exposed to exploitation.
5. Accuracy:
  - Use best possible information - accurate, respectful, truthful, and not distorting.
  - Don't exaggerate or use unnecessary emotional language.
6. Beware of dangers to children who participate:
  - Retribution - Adults may exact retribution for the child speaking out.
  - Stigma and shame - Children may feel ashamed of having their stories and photographs used or being portrayed as victims. Children can be stigmatized by their stories.
  - Letting children down - Children might be given unrealistic expectations that their situation will improve as a result of their advocacy.
  - Stereotyping - Stereotypes that should be challenged might be reinforced.

*Source: ILO-IPEC, Global March Against Child Labour, 2014.*



### 4.3.4 Who is the target audience, what is the message, who is the messenger?

The immediate objective being pursued will pinpoint who the target audience of the advocacy campaign should be. It may be the child domestic workers themselves, their parents, their employers, or policy-makers or the authorities at several levels.

Different target audiences demand different advocacy strategies and techniques. Choosing the right message for the target audience is fundamental to successfully changing attitudes. However, choosing the right messenger is as important as formulating the message (Black, 2002, p.37). The messenger may be the organization(s) leading the campaign, but it may also be another group or person engaged to convey the message to the target audience. Points for review: If you were in the place of the target audience, would you find the messenger credible? Would you accept and take seriously the message conveyed by the messenger? What might your reactions be?

The SCREAM project in Paraguay chose schools and teachers as the messenger (Box 4.5).<sup>46</sup> Schools have often been used in advocacy strategies to reach children, their parents and the local community. Teachers, in addition to knowing their students, are among the most respected members of the community. Parent-teacher associations and student clubs are potential channels for conveying messages to children, their parents and local leaders. Among the student population are children who may enter domestic work before completing their basic education, who may already be child domestic workers, or who may know child domestic workers from their locality.

#### **BOX 4.5: PARAGUAY: SCREAM: Teachers and students as the messenger**

##### **SCREAM in action in Paraguay, 2005-2009**

Through teachers and students in schools, raised awareness in the community; eventually changed attitudes towards child domestic work and the commercial sexual exploitation of children (CSEC).

*Objectives:* Raise awareness among teachers and students in country's educational institutions; and progressively mainstream the child labour issue in schools.

*Target audience:* Teachers, students and the local community

*Strategy:*

- Approach journalists individually to see whether they are interested in the subject and persuade them to write about it. AimTeachers conducted sessions with students about the rights of boys, girls and adolescents, and enhanced knowledge of the child labour problem.
- Participating students contacted key community stakeholders (such as mayors, hospital managers, directors of educational facilities, entrepreneurs, social communicators and the media); conducted surveys of teachers, students and parents; organized meetings on child labour in educational institutions; developed awareness-raising campaigns on the radio; published articles in local newspapers and created murals; and organized discussions and debates on the issue in each district where the project operated.

<sup>46</sup> The ILO SCREAM programme aims to promote awareness of children's rights among young people, with the focus on child labour, so that they in turn can speak out and mobilize their communities to act [see ILO SCREAM website].



### **BOX 4.5: (cont.)**

Steps taken by SCREAM Project to operationalize the strategy in target schools:

- Conducted interviews with education supervisors, technicians and directors, who contributed to the understanding of the issues and the application of the methodology;
- Conducted training workshops for teachers on the modules to be given to their students;
- Trained departmental supervisors, directors and teachers in the application of the methodology;
- Held follow-up meetings with the teachers and project technical supervisors to share experiences and lessons learned from the application of the strategy;
- Held evaluation meetings with directors; carried out monitoring visits to the institutions involved in the project;
- Teachers prepared progress reports;
- Project technical staff, in collaboration with the Ministry of Education, monitored performance.

As of the end of the project, the Ministry of Education had a team working on the SCREAM methodology. The team was training teachers in various departments. The level of awareness among teenagers had been raised; the active participation of teachers, parents and the community at large had been achieved. There was an increase in the number of complaints of rights violations brought to the Municipal Councils of Childhood and Adolescence, and some children in participating districts either stopped working or worked for fewer hours.

*Source: ILO-IPEC, 2015.*

### **Advocacy with parents of child domestic workers**

Parents of child workers are crucial players in preventing children from ending up in child labour situations, and in reintegrating children who have been removed from such situations in domestic work. Advocacy campaigns that seek to contribute towards these ends may decide to target the parents and guardians of child domestic workers. The family contexts that channel children into domestic work and distressful situations are generally not straightforward. Parents may believe they are doing what is best for the child and the whole family when they agree to hire out or foster out their child. One should thus be careful with messages that categorically judge, blame and criticize parents for the plight of child domestic workers. It is therefore important that certain information be obtained: Where are the parents? What caused them to allow their children to go to work far away? Were they deceived in some way? What do they know about the situation of their children? Do they have contact with their children? What is their socio-economic situation? Would they be ready to take back their children and send them to school?

**Direct approaches** to reach the parents of child domestic workers require researchers to go where such parents are most concentrated, i.e. the principal communities of origin of child domestic workers. Possible methods that could be employed are:

- personal meetings with parents;
- engagement with local school teachers and supervisors in order to meet parents;
- engagement with community and traditional leaders in order to meet parents.

It is important to bear in mind that direct approaches to parents of child domestic workers require that some form of response to their questions and concerns is envisaged and prepared for.



**Indirect approaches** consist in raising awareness and disseminating information within local communities regarding the situation of child domestic workers in the cities. Community-level forums provide opportunities to discuss the conditions that have led to children going into domestic work, the problems faced by families and communities, and feasible solutions or actual programmes to address their concerns.

### ***Advocacy with child domestic workers and children generally***

**Direct approaches** to child domestic workers are bound to raise reactions from the children themselves and/or their employers. They should therefore not be initiated unless programmes or mechanisms to respond to their reactions, and to their concerns and problems, have been envisaged and are in effect.

Possible direct approaches to child domestic workers:

- Establishing or facilitating membership organizations for young domestic workers;
- Assisting them in self-organization, expanding their understanding of their rights, building their self-esteem, and enhancing their skills to articulate their needs and views;
- Bringing them into contact with services such as schools, training centres, health care, and counselling;
- Setting up hotlines which they can call free for problems, complaints and queries;
- Setting up drop-in and welcome centres where they can meet other child domestic workers, participate in activities and so on;
- Involving them in recreational activities, theatre, sports, art and photo competitions, and other forms of self-expression;
- Providing skills training and self-improvement opportunities;
- Running literacy classes, night or weekend classes, in collaboration with local schools.

Children and child domestic workers may be the most credible messengers for reaching other children in similar circumstances or at risk of falling into child labour in domestic work. Zambia provides an example of how children inside and outside school were engaged to raise awareness about child domestic work (Box 4.6).

#### **BOX 4.6: ZAMBIA: Engaging children and former CDWs as messengers**

In Zambia, the Tasintha programme engaged young people both in and out of school to create awareness on CDW through drama and debates. Children withdrawn from child labour actively participated in the development of drama scripts, media campaigns, awareness seminars, music and dance.

Reasons for engaging the children and schools in the awareness programme:

- a) Children's voices are very strong in appealing to the masses about their plight.
- b) The children were involved in proposing the kind of rehabilitation alternatives that would make them self-reliant.
- c) The children were instrumental in mobilizing and talking to their parents about child labour.
- d) The child domestic workers knew each other and were aware of where their peers worked. This made it easier to disseminate information that was useful for their peers.
- e) The schools were viewed as strategic venues for reaching children. Students were attracted to participate in discussions, drama and debates about child labour.
- f) It was easy to collaborate with schools.
- g) Pupils of primary schools were potential domestic workers. It was important to get information to them as early as possible.



### **BOX 4.6: (cont.)**

Key steps of the process:

- a) Established and sustained dialogue with school headmasters/mistresses to gain entry into schools.
- b) Officially wrote to the school and indicated what the programme was about.
- c) Selected the key target group, grades 5 to 9 (children aged 11-15), that was most vulnerable to child labour in domestic work.
- d) Child labour clubs were formed in the schools to continually create awareness on CDW issues in the schools.
- e) For older children (high school), debates were used to help the youth explore the causes of CDW, their own view about the problem, and to give suggestions.

*Source: ILO-IPEC, 2006b.*

### **Advocacy with employers**

Employers of domestic workers cannot be ignored in strategies to combat child labour in the domestic sector. Where national labour standards on domestic work exist, employers' compliance with the law should be promoted and facilitated. Where laws do not cover domestic workers, employers should be made aware of workers' fundamental rights and be motivated to apply practices that respect them, in particular with regard to minimum age requirements and child labour. Where domestic workers have been able to organize to improve their working conditions, employers should be enabled to negotiate with them fairly. Where opportunities are available for domestic workers to pursue their education, attend training courses, and participate in activities with other workers, employers should be made to see these positively rather than be threatened by them. Finally, where there are employers who abuse and violate their domestic workers, employers who respect human rights should be encouraged and given the space to denounce the rights-violators among them.

While there are employers who perpetuate abuse, disrespect and discrimination against child domestic workers (and domestic workers of any age) – practices which should be denounced –, most employers probably do not see themselves as employers, but rather as benefactors or pseudo-parents to their child domestic workers. This feeling may be authentic, but it should not be at the expense of child and worker rights. Advocacy with employers should therefore speak to this particular group, and aim to secure their participation in combatting and preventing child labour situations. Messages that demonize all employers will most likely antagonize employers and block any form of cooperation.

**Direct approaches** to employers of domestic workers include:

- Organizing informative sessions with employers of a non-threatening, non-antagonistic kind, for example in government offices, big enterprises and universities, where most of the staff would be employers of domestic workers;
- Organizing short training courses to improve the literacy and skills of domestic workers, which employers can be invited support and contribute to (e.g. as trainers or speakers);
- Engaging employers to craft a code of practice that they could apply themselves and promote among other employers;
- Encouraging and assisting organizations, agencies and enterprises to adopt ethical guidelines for their employees in respect of the recruitment and employment of domestic workers.



The example of a group of employers of domestic workers in Malaysia shows how employers can be encouraged to develop a code of practice. In 2015, with the assistance of the Ministry of Human Resources and the ILO, a group of employers of foreign domestic workers identified good practices that could form the basis for a code of practice for employers. A participatory approach was adopted, involving a workshop with employers of domestic workers.<sup>47</sup> The effectiveness of this strategy lies in the fact that the employers themselves are speaking to own peers about good conduct as employers. Not only does this approach foster ownership, and change the attitudes of those who participate in the process, but employers then become good “messengers” in the sense referenced above.

In July 2016, the International Labour Office issued a circular addressed to its headquarters and field staff regarding the employment of domestic workers in accordance with the Domestic Workers Convention (No. 189). While ILO staff are bound by the UN Civil Service Code of Ethics, the ILO circular provides specific and practical guidelines, which are especially relevant in countries where no national regulations regarding domestic workers exist. Other international organizations may be encouraged to do the same.

**Indirect approaches** that could influence employers of domestic workers include awareness-raising sessions in schools (where most students come from households employing domestic workers), mass media campaigns, and public denunciation and prosecution of specific cases of child abuse. Legal obligations for employers to register themselves and the domestic workers they employ are useful in bringing their practices out of the shadows.

### ***Advocacy with policy-makers and decision-makers***

Reaching policy and decision-makers and their technical staff is indispensable in promoting reforms.

**Direct approaches** include: seeking one-to-one meetings with relevant officials; inviting officials to workshops and public rallies; distributing information materials to politicians and officials; submitting petitions to politicians and officials.

**Indirect approaches** include: promoting ratification and implementation of the UN Convention on the Rights of the Child, the ILO Minimum Age Convention (No. 138), the Worst Forms of Child Labour Convention (No. 182) and the Domestic Workers Convention (No. 189), and holding rallies and media campaigns.

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<sup>47</sup> This is presented in more detail in Chapter 6 of this Practical Guide.



### 4.3.5 Monitoring and assessing the results and impacts of advocacy campaigns

Monitoring is, briefly, a continuous process of tracking the implementation of a plan, the inputs, activities and outputs, against the expected outputs. This is all part of daily plan management, and is usually carried out.

Assessment of effects, however, is another matter. What difference has the advocacy campaign made? Were the expected changes realised or did the campaign have unexpected – and undesirable – effects? Sometimes these questions are not asked. But even when they are posed, very often they cannot be answered because the methodology for obtaining and analysing the data had not been put in place at the start of the advocacy campaign.

Assessing the effects of an advocacy campaign means determining changes in the target audience's perceptions, attitudes and/or behaviours that could be attributed to the advocacy. But changes in attitudes tend to take place slowly, and the pace at which they translate into behaviour is even slower. A publicity campaign, which gives an issue high visibility, will bring about a change in perception in some people, but once the issue disappears from the newspapers or television, it is often hard to know how enduring the effect is (Black, 2002, pp. 59-60). In addition, attribution when asking cause-and-effect questions entails methodological challenges.<sup>48</sup> Changes in attitudes, perceptions or behaviours are often the outcome of more than just one campaign or intervention.

Improving the effects of a campaign, rather than proving its effects, should most probably be the emphasis of the assessment. Improving effects puts the emphasis on using – rather than quantifying – the findings of the assessment in order to enhance an intervention (ILO, 2015h). This entails understanding the process of change brought about by the campaign: What worked and what didn't? What factors hampered the plan and what helped it? Tool 4.7 provides pointers for facilitating the assessment of an advocacy campaign.

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<sup>48</sup> Cause-and-effect questions imply the need to attribute particular changes to a specific intervention. According to one, widely held school of thought, the only rigorous and thus reliable way to do this is by determining the "counterfactual", i.e. what the situation (or outcomes) would have been had the intervention not taken place, and measuring the difference in outcomes between the group affected by the intervention and its counterfactual. Measuring the differences between the situation before the intervention and after the intervention is not sufficient because the "before" situation may be different in respects other than the intervention. Comparing beneficiaries with non-beneficiaries is not sufficiently rigorous, either, because both groups may be different in terms of unobserved characteristics. In view of these limitations, ex-ante randomized experimental and quasi-experimental designs are regarded as the best method for establishing a treatment group and a control group possessing similar characteristics (ILO, 2015h).





## TOOL 4.7: Pointers for facilitating the assessment of an advocacy campaign

- The immediate objectives of the campaign should be clearly articulated, and should have specific, measurable and time-bound indicators. An immediate objective is the expected change in the target audience as a result of the campaign. The change is generally expected to be tangible within the immediate term. The immediate effects of a campaign often contribute to intermediate and higher-order objectives or target outcomes (see section above on advocacy objectives).
- It is useful to understand how the advocacy campaign's immediate effects contribute to responding to a particular issue or problem (i.e. the intermediate and higher-order objectives). Findings regarding changes in these outcome areas will complement findings regarding the immediate effects of the campaign.
- There is value in integrating the advocacy campaign within a broader programme, and connecting its immediate objectives to those of the practical interventions. The effects of the advocacy campaign on the target group of the broader programme will thus be more visible and easier to measure than its effects on a wider audience.
- The framework for assessing the advocacy campaign should be an integral part of the advocacy plan, and should be put in place, with resources, before the start of the campaign.
- Baseline information on the target audience, specifically in respect of the campaign's immediate objectives, should be established before the advocacy begins.
- It is advisable to seek the help of individuals who have expertise in assessing advocacy campaigns. There are various alternative methodologies for measuring and assessing changes in attitudes, perceptions and behaviour.

Source: Black, 2002, pp. 60-64.

## 4.4 KEY MESSAGES

- Advocacy is any activity intended to raise the awareness of decision-makers, employers and families of child domestic workers, child domestic workers themselves, and the general public, leading to action.
- The particular features of child domestic workers' circumstances call for a strong emphasis on, and innovative approaches to, advocacy.
- To ensure that changes in knowledge, perceptions, attitudes and public opinion eventually lead to changes in behaviour and to action, advocacy strategies should be part of an integrated programme of action, not undertaken in isolation.
- For advocacy to be effective, its messages and messenger should be credible and legitimate.





## CHAPTER 5:

# POLICY AND LEGISLATIVE ACTION: LABOUR PROTECTION FOR CHILD DOMESTIC WORKERS

The elimination of all forms of child labour and the protection of young domestic workers cannot be achieved by State regulation alone, but these objectives certainly cannot be achieved without it.

This chapter will identify the issues and challenges of extending the scope of labour protection to child domestic workers, and discuss the various approaches and regulatory instruments adopted by various countries. In spite of the many obstacles to the legal protection of domestic workers, especially child domestic workers, it is feasible. This chapter will provide examples to illustrate the range of instruments adopted by countries across the globe. Legislation governing working children and child labour in general is indispensable in effectively protecting child domestic workers. This will be touched on only briefly in this chapter, as existing guides and manuals already deal substantially with this subject

Two dimensions of national policy and legal frameworks are critical in the case of child domestic work: firstly, the protection of child workers and children from child labour, as defined by C138 and C182; and, secondly, the protection of domestic workers, as defined by C189. When looking at a specific country, one should ask the following: Does it have policies and laws that protect children from child labour and do these frameworks extend protection to child workers in the domestic work sector? Does the country have policies and laws that protect domestic workers and do these frameworks extend protection to child domestic workers and take into account the special needs of young domestic workers of legal working age? Because of the particular situation of domestic work (see Chapter 2), child domestic workers and domestic workers in general quite often fall between the cracks of protective legislation and policies.

There is no single or perfect policy or legal approach to protecting child domestic workers. The phenomenon of child domestic work is complex, and national socio-cultural and economic contexts are quite diverse. Moreover, legislation is only one – albeit an indispensable – element in strategies to combat child labour. Because of the scarcity of empirical data on the impacts of labour regulations, this Practical Guide is unable to assess the results for particular regulations, whether in the short or long term.



A frequent question posed in relation to regulations on domestic work is whether such regulations can be enforced, given the peculiar circumstances of the domestic workplace. This is a valid concern. Chapter 2 identifies some of the difficulties involved. The issue of enforcement and ensuring compliance with the law will be mentioned in this chapter, but it will be tackled more substantially in Chapter 7 of this Practical Guide.

## 5.1 PROTECTION OF CHILDREN AGAINST CHILD LABOUR: THE BASICS

### 5.1.1 Introduction

The universal approach of States to protecting working children has been to define the type of work that a child can do depending on the child's age. It is generally believed that certain types of work carried out even at a young age can contribute positively to a child's development and pose no harm. At the other extreme, however, is work that is inherently harmful to children and therefore should be the subject of stricter regulation.

In accordance with the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182), the legislative response to child labour should comprise four main elements (ILO, IPU, 2002):

- clear legal definitions of the minimum age below which children should not be engaged in particular types of work;
- clear definitions of the hazards to which no child under 18 should be exposed;
- laws that ban unacceptable practices such as forced and bonded labour, the sale and trafficking of children, and the use and procurement of children for prostitution, pornography and illicit activities; and
- penalties for practising, encouraging or conniving in such situations and activities.

There is a risk that policies and laws, even when targeted at child workers in general, may exclude child domestic workers. This can happen when laws or policies name certain sectors of economic activity in which child labour is prohibited, while leaving out other sectors where the problem may be just as significant. Legal provisions are sometimes so specifically or narrowly drafted as to exclude from the regulation significant areas where child labour exists (ILO-IPEC, 2007a, pp.16-20). Convention No. 138 allows countries to make exclusions, as long as certain basic industries are covered.<sup>49</sup> For reasons discussed in Chapter 2 of this Practical Guide, domestic work is one area of child labour that is in danger of being left behind.

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<sup>49</sup> For instance, while commercial agriculture is one of the sectors that must be covered, an exception may be made for "family and small-scale holdings producing for local consumption and not regularly employing hired workers".



## 5.1.2 Legal minimum age for entry into work

The first important limitation on children working is the minimum age for entry into work or employment. While the UN Convention on the Rights of the Child broadly defines children as those aged under 18, virtually all countries have set limits to work by children younger than 18. C138 requires countries to establish a minimum age for employment not lower than the age of finishing compulsory education, but in any case not lower than 15 years.

The coverage of the minimum working age limitation depends on other elements of the law. As mentioned above, some national laws may limit application of the minimum working age to certain sectors, or exclude others. Another limitation may also be introduced, intentionally or indirectly, by how the terms “work”, “employment”, “worker” or “employee” are defined in law. Convention No. 138 does not distinguish between paid and unpaid work, whether or not it is for gain, or whether or not it is carried out within the family. However, there are national labour laws that define an employee or worker as one engaged in a “trade” or occupation carried out “for profit” or “for purposes of a gain”, but which focus only on “enterprises”. These effectively exclude domestic workers.

For example, Gabon’s labour code, as amended in 1978 and 1994, sets the minimum age for employment at 16 years, but this, and other regulations prohibiting various types of work for children under 18, refers only to work in enterprise settings (Mba-Owono, 2013, pp. 15-16). The country has a special law dealing with domestic workers, but this does not set a minimum age for domestic work. Another example is Haiti’s labour code, which defines work (“travail”) as activities performed under a contract (“contrat de travail”) (Jean François, 2014). It sets the legal minimum age for employment at 15, but only for agricultural, industrial and commercial enterprises. Domestic workers (“gens de la maison”) are therefore excluded from the scope of labour standards. Before 2003, Haiti’s labour code recognized the practice of parents entrusting their children at the age of 12 to another family to serve as domestic workers. This was repealed in 2003, but the Law of 2003 reframed it as a practice of assistance and solidarity, not of employment, and transferred its regulation to the Minister of Social Affairs (see Box 5.4). Both Gabon and Haiti have ratified Convention No. 138 and Convention No. 182.

The legislated age for compulsory schooling is an important corollary to the legal minimum working age (ILO, IPU, 2002, p. 81). If compulsory schooling ends before the minimum legal working age is reached, children are unable to work legally for a period of time. If the minimum working age is lower than the age when compulsory schooling ends, the possibility of working work legally may cause children to drop out of school. Where there is no compulsory schooling, the option of working before reaching the minimum working age is even more appealing.



### 5.1.3 Definition of “light work” for children below the general minimum age

How national laws define “light work” for children is another limitation on child work. Convention No. 138 leaves open the possibility for national legislators to permit individuals over 13 and under 15 years of age – or over 12 and under 14, depending on the country – to carry out so-called “light” work, as long as this does not hamper their school attendance. The definition of light work – where the concept has been applied – varies from country to country (ILO-IPEC, 2007a, p. 30). Some countries adopt this standard virtually word for word. Others add qualifications, e.g. setting an absolute limit on the number of hours worked, or a limit on hours in a work day or work week; or allowing children from a certain age to do occasional light work in enterprises where only members of the family of the proprietor are employed. In some cases, lists of occupations – implicitly light work – are drawn up specifying that children may not be employed in any occupation other than those included on the list. Alternatively, the types of work that are not considered “light” are listed.

### 5.1.4 Definition of hazardous work

“Hazardous work” – work, which “by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” – is one of the worst forms of child labour. It is prohibited to children below the age of 18. C182 leaves it to individual countries to define “hazardous work”, by drawing up a “hazardous work list”. Both this Convention and its accompanying R190 constitute the framework for drawing up this list.

The “hazardous work list” is extremely important because, once incorporated in the labour regulatory framework, it forms the basis for a wide range of actions that can prevent children and young workers from entering into these activities. As of 2011, 108 (of 183) countries had produced hazardous work lists, and several were in the process of drawing up a list (ILO-IPEC, 2011, p. 73).

Is domestic work hazardous work (Box 5.1)? Some countries have included domestic work as a whole, or a certain type of domestic work, in their hazardous work list (see discussion in Section 5.3.2).

#### **BOX 5.1: Is domestic work hazardous for children (persons below the age of 18)?**

Domestic work is often viewed positively as a protected and safe kind of work for children, especially suitable for girls. It is not always regarded as an economic activity. Thus, the chances that domestic work will be considered “hazardous work” are less than in other sectors and occupations. In addition, in the absence of legislated minimum labour standards for adult domestic workers to serve as benchmarks (a situation in many countries), hazardous working conditions for children and young workers may be difficult to define.

Various country studies have, however, documented common problems in the working conditions faced by domestic workers: long working hours, which result in fatigue; heavy loads for those tasked with fetching water and firewood and doing laundry; safety risks in handling knives, hot stoves and household detergents and chemicals; lack of public scrutiny and isolation, which means vulnerability to exploitation and violence; verbal and physical abuse.



### BOX 5.1: (cont.)

Some of these hazards may not be inherent in domestic work, but caused by the absence of labour regulations, ineffective enforcement of labour standards and discriminatory attitudes towards domestic workers, especially those from certain indigenous, ethnic, racial or caste backgrounds.

Some countries have included domestic work as a whole, or a certain type of domestic work, in their hazardous work list. Since 2011, when C189 and R201 were adopted, some countries have taken steps, within the framework of the ratification process of this Convention, towards considering whether domestic work should be included, in any way, in the hazardous child labour list.

### Need for an informed basis for the hazardous work list

To inform the “hazardous work list”, policy-makers need an assessment of the hazards, injuries, illnesses, and youth- and sex-specific risks to which girls and boys below the age of 18 are exposed, especially for the economic sectors in which they are concentrated. Initial evidence has been collected on the specific health, safety and moral hazards faced by children in domestic work, crop agriculture, fishing and aquaculture, manufacturing, mining and quarrying, construction and associated industries, and street work (ILO-IPEC, 2011, pp. 21-40). Further assessments of risks and hazards should be performed at national level.

Box 5.2 below presents a brief overview of the hazards and risks associated with common tasks performed by child domestic workers. A more detailed presentation of these hazards is found in Chapter 6.

### BOX 5.2: Hazards, injuries and health consequences associated with common tasks performed by child domestic workers

Tasks	Hazards	Injuries and potential health consequences
Cooking, cleaning, ironing and other household chores	Sharp blades, hot pans, stoves and other tools in poor repair; toxic chemicals	Cuts; burns; respiratory disease; rashes and other forms of dermatitis; allergies; ergonomic injuries
Gardening	Sharp objects; heavy loads; hot weather; stinging insects; toxic pesticides and fertilizers	Cuts; back and other muscle pain; heat stroke; sunburn; dehydration; insect and animal bites; developmental and neurological effects
Gathering fuel, water, groceries	Heavy loads; traffic and other urban hazards; long distances on foot	Back and other muscle pain; injury from traffic accident or urban violence; harassment
All tasks out of public view	Inadequate food and shelter; long hours; no privacy; physical, verbal and sexual abuse; humiliating or degrading treatment	Exhaustion; hunger; depression; behavioural disorders; suicidal tendencies; bruises; burns and other injuries incurred as a result of abuse
All tasks when working alone	Isolation; separation from family and peers	Disrupted psychological, social and intellectual development

Source: ILO-IPEC, 2011, Table 5.3, p.29.

## Implications for action

It is helpful to conceive of hazardous work in terms of two distinct groups:

- children who are under the minimum legal age for work and should be in school; and
- young workers who are of legal working age but less than 18 years old (ILO-IPEC, 2011, p. 5).

If children below working age are in hazardous work, they are a priority for action. If what they do is likely to put their health or development at risk, the only option is to remove them from the work concerned.

For young workers of legal working age, there is a choice: they may be removed from hazardous work; or the risks may be reduced by improving their working conditions to the point where the work is no longer “likely” to put their health, safety or morals at risk. The phrase “likely to harm” is significant. This means that it is not necessary to prove by research or other means that the work will definitely result in illness, injury or other negative consequences, but merely that there is substantial threat of it doing so. Article 5.2 of the Domestic Workers Recommendation (No. 201) gives a precise indication of the minimum safeguards that should be put in place to protect young domestic workers of legal working age from hazardous conditions in domestic work (Box 5.3).

### BOX 5.3: Minimum safeguards to protect young domestic workers from hazardous conditions

Article 5.2 of the Domestic Workers Recommendation (No. 201), states:

When regulating the working and living conditions of domestic workers, Members should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:

- strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;
- prohibiting night work;
- placing restrictions on work that is excessively demanding, whether physically or psychologically; and
- establishing or strengthening mechanisms to monitor their working and living conditions.

## 5.2 PROTECTION OF CHILD DOMESTIC WORKERS: MAIN ISSUES

### 5.2.1 Exclusion of domestic work from labour and social protection

The situation of adult domestic workers is an obligatory point of reference for understanding the conditions in which child domestic work takes place. If adult domestic work is devalued and unprotected, the situation of children, who are assumed to lack skills or to be only “helping”, will be worse.

Without legal recognition of domestic workers as workers with rights, and in the absence of a regulatory framework for the domestic work sector, it is difficult to extend effective State protection to child and young domestic workers. At the most basic level, they will not have the protection provided by a minimum legal





age for employment or by legal restrictions on the types of jobs that young workers below 18 years old can be made to perform.

Moreover, the legal exclusion of domestic work facilitates and reinforces negative employer attitudes and practices, which sustain unacceptable and hazardous working and living conditions for domestic workers. Child and young domestic workers can easily be regarded as cheap substitutes for adult workers.

Tool 5.1 provides a summary list of the possible gaps and weaknesses in the provision of labour and social protection for domestic workers. These deficiencies in law have severe repercussions on child and young domestic workers. It should be pointed out, however, that, even where labour and social protection does cover domestic workers, child domestic workers below the legal working age employed in hazardous conditions or in a slavery-like situation will be concealed by their employers from the State authorities and the public. These child workers have no access to the protections provided by law with regard to working time, minimum wages and other working conditions, and most likely they will have no recourse to justice.

### **TOOL 5.1: Possible gaps and weaknesses in the provision of labour and social protection for domestic workers**

Possible gaps in legal frameworks:

- Total or partial exclusion of domestic workers from labour and social security coverage due to limitations permitted by labour legislation;
- Exclusion of particular categories of domestic workers, explicitly or implicitly, on grounds such as their live-in or live-out status, the requirement of working a minimum number of hours or days per week, or the type of tasks performed (e.g. drivers and gardeners);
- Failure to provide specific protection against the employment of children below legal working age, and young domestic workers of legal working age but under 18;
- Weak enforcement institutions: inadequate capacities; ineffective or unsuitable procedures; no accessible mechanisms for receiving and addressing complaints from employers or workers; no accessible grievance and dispute resolution mechanisms;
- Absence of measures to inform the public about the regulations, and assist employers and workers to comply with the law.

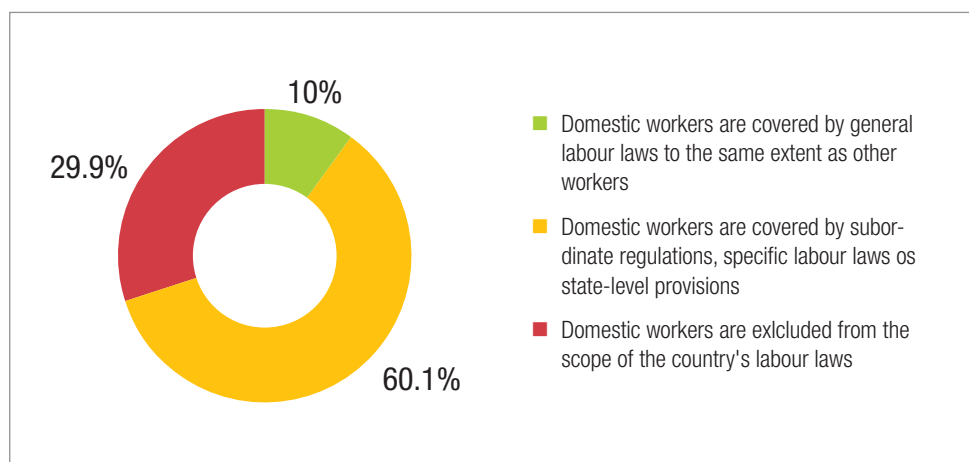
Potential barriers to compliance on the part of employers and workers:

- Lack of information and understanding of the regulations;
- Complicated, time-consuming administrative procedures;
- Cost of meeting obligations, e.g. contributions to social security, social charges, legislated minimum wage;
- Negative or threatening behaviour of public administration staff towards domestic workers and/or employers;
- Lack of confidence in social security institutions;
- Public mistrust of enforcement agencies and their officers;
- Language barrier; illiteracy.

## Total exclusion

As of 2010, almost a third of all domestic workers across the world aged 15 and over were completely excluded from the scope of national labour legislation (Graph 5.1). Only 10 per cent were covered by general labour legislation to the same extent as other workers; the rest were covered by regulations specific to domestic workers. In Asia and the Pacific, the part of the world that accounts for the largest number of domestic workers, virtually the entire sector is presumed to be informal due to the lack of legislation regulating the employment of domestic workers (ILO, 2013a).<sup>50</sup>

**Graph 5.1: Extent of legal protection of domestic workers**



Source: ILO, 2013a.

## Partial exclusion by design and implementation

Even where protective labour regulations cover domestic workers, the specific design of these regulations may exclude (intentionally or indirectly) certain categories of domestic workers from labour rights. For example, non-standard employment arrangements (e.g. casual and part-time domestic workers, workers with multiple employers) are not easily reconciled with the provisions of national labour regulations.

In Brazil, to date, labour courts have consistently considered that domestic workers who work two days or less for a household do not have an employment relationship with the employer, although the recently enacted Enabling Law 150 (2015) is silent on this.<sup>51</sup> The employer would therefore not have an obligation to contribute to the worker's social insurance, and the worker (in this case considered an independent worker) would have to pay for her/his own insurance (IPEA, 2015). In contrast, the legislation on domestic work in Uruguay (Act No. 18.065, section 1), and in Burkina Faso (Decree No. 77-311PRES/FPT of 17 August 1997), recognizes that a domestic worker may have multiple employers.

<sup>50</sup> It is worth mentioning that, since the adoption of C189 in 2011, a significant number of countries, 24 as of 31 December 2017, have ratified this Convention. Several other countries have taken steps towards revising their national law.

<sup>51</sup> Lei Complementar N° 150, de 1° de junho de 2015, available at [www.planalto.gov.br/ccivil\\_03/leis/LCP/Lcp150.htm](http://www.planalto.gov.br/ccivil_03/leis/LCP/Lcp150.htm)



The ways in which laws are implemented may be inappropriate to the actual employment arrangements in the domestic work sector, or to the profile of domestic workers. For example, live-in domestic workers, who account for a large percentage of the domestic workforce in some countries (e.g. 30 per cent in the Philippines, 75 per cent in Tanzania), may have little or no time to go to government offices during normal opening hours or to devote to lengthy administrative procedures. Administrative forms may be in a language unknown to the migrant worker or employer, and inaccessible to non-literate workers and employers. The costs of registration and other legal obligations attached to it (minimum wage, overtime payments, weekly day-off) may be seen by the employer as unaffordable.

## 5.2.2 Exclusion from working-time limitations

Working-time limitations are central to safeguarding young workers' access to schooling and training, leisure, and family and community life. They are also essential in protecting their physical and psychological health and safety. Moreover, minimum wage protection does not make much sense without limits on working hours. Yet, the average working hours of domestic workers in many countries, especially those in live-in working employment arrangements, tend to be very high (ILO, 2013a).

Although the vast majority of countries provide some maximum limit on hours of work, and guarantee minimum weekly rest and annual leave, domestic workers are often exempted from this protection. Exemptions relating to working time exist even where the labour laws, in principle, cover domestic workers. The exceptional nature of the job, i.e. responding to the flexible needs of the employer's family, is often cited as justification, but this overlooks the worker's right to personal time, adequate rest and sleep. Based on ILO 2010 estimates, 56.6 per cent of domestic workers worldwide have no limits on their normal weekly hours (ILO, 2013a, p. 61). The Middle East and the Asia and the Pacific regions have the highest deficits (100 per cent and 99 per cent respectively). Some 39.7 per cent enjoy the same or higher limits than other workers.

## 5.2.3 Exclusion from minimum wage protection

In all countries, the wages of domestic workers are among the lowest (ILO, 2013a). Low wages discourage adult domestic workers who need to earn decent incomes for themselves and their families, devalue domestic work and domestic workers, and open it up for child labour.

Low and precarious earnings perpetuate poverty and household vulnerability to child labour. However, domestic workers are frequently excluded from minimum wage protection, despite the fact that some form of minimum wage legislation is almost universally in place (ILO, 2013a, pp. 79-82). The same above-mentioned ILO study estimated that 42 per cent of domestic workers worldwide are excluded, and, as in the case of working time, the greatest deficits are in the Middle East (99 per cent) and the Asia and Pacific region (88 per cent). Low wages and abusive practices with regards to the payment of wages (such as delayed and irregular payment and unreasonable deductions) are major issues. Payment in kind, which remains customary in domestic work in many countries, can be abusive, when for instance the value assigned to in-kind benefits (lodging and food for live-in workers) is excessive, or when in-kind benefits are unilaterally imposed by the employer (see ILO Domestic workers website).



## 5.2.4 Huge deficits in social security coverage

The social security coverage of young and adult domestic workers is a key element of decent work for domestic workers, as well as of social protection for the families who rely on them. Worldwide, domestic work is a source of employment for millions of people. Some 80 per cent are women, who often carry the burden of survival strategies in times of crisis.

Based on a recent ILO study (ILO, 2016d) which mapped 163 countries, 63 per cent (70 countries) have provisions that extend some form of social insurance to domestic workers, at least in one of the contingency areas of social security listed in the Social Security (Minimum Standards) Convention, 1952 (No. 102) (C102).<sup>52</sup>

In scope, these countries' social security regimes differ in many ways. Some include domestic workers in the general social security system, while others have special schemes specifically designed for domestic workers. Affiliation is obligatory in some systems, purely voluntary in others. The number of contingency areas applicable to domestic workers may be limited. Foreign or migrant domestic workers may not be eligible. Financing and contribution arrangements also vary.

The design elements of social security schemes may, indirectly, exclude particular categories of domestic workers. For example, social security eligibility requirements and contribution structures may be appropriate for workers with single employers or who are employed on a full-time basis, but not for workers with multiple employers or for employers with part-time workers. In the Philippines for example, the current social security system does not provide a way for multiple employers of a domestic worker to contribute pro-rata according to hours worked and wage rates paid to the worker.

When reviewing the extent to which a national social security system extends protection to domestic workers, Tool 5.2 lists potential barriers to access which need to be examined.

### TOOL 5.2: Potential barriers to accessing effective social security coverage

Apart from legal exclusion, specific elements that might exclude domestic workers are:

- **Voluntary coverage.** Voluntary coverage is ineffective because it burdens domestic workers with the difficult task of convincing their employers to register them in a social security programme.
- **Coverage is limited to full-time workers.** This is a barrier where many domestic workers are employed part-time, by the day or by the hour.
- **Restrictive definitions of domestic work in legislation.** Such restrictions may exclude certain occupations within domestic work.
- **Exclusion resulting from the characteristics of domestic work.** In some countries, social security schemes establish differentiated access conditions for domestic workers, such as placing a minimum threshold on earnings or hours worked with a single employer to be able to access some social security benefits.

<sup>52</sup> The areas of social security listed in C102 are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, and survivors' benefit (ILO, 2016d).



## TOOL 5.2: (cont.)

- **Contribution rates equal to those of other occupational categories.** Although they seek the same coverage as other workers, domestic workers often have low contributory capacity and are often paid in kind, which limits their capacity to pay contributions.
- **Complexity of administrative procedures.** Procedures that are burdensome, costly or difficult to understand act as disincentives to registration.
- **Inadequacy of administrative mechanisms for registration and receiving benefits.** The absence of mechanisms for registering workers who work on an hourly basis, those who have more than one employer and those who work abroad, for example, exclude these groups from access to social security benefits.
- **Benefits under the responsibility of employers.**
- **Lack of information and organization.** The highly isolated and decentralized workforce makes it difficult for individual workers to meet and exchange information on the rights and entitlements they could be claiming.

Source: ILO, 2016d.

### 5.2.5 Legally blind to child labour in domestic work?

In many countries and societies all over the world, traditional views on domestic work, along with the perception of domestic work as a safe activity for children, in particular for girls, creates a serious risk of children below the legal minimum working age being employed as domestic workers. In addition, the lack of distinction between adult and younger domestic workers of legal working age may result in the latter not being granted adequate protection from working and living conditions that could be harmful to their physical, mental and moral wellbeing. While there may be legislation regulating domestic work, it can be blind to the situation and needs of children and young domestic workers of legal working age, and to the risks of child labour in the domestic work sector.

For example, Gabon's regulation which sets minimum conditions of employment for employees of private households (Decree #01378/77/PR/MTSS) does not set a minimum age for entry into domestic work and does not contain provisions to safeguard the special needs and well-being of young working children (Mba-Owono, 2013). Adopted in December 1977, before the country ratified C138 and C182, the law was blind to the issues of working children, and probably regarded child domestic work as "safe" and acceptable, as in many other countries.

Labour and/or child protection laws may explicitly exclude child domestic work from limitations on working age, or allow children below the minimum age for employment to be employed as domestic workers. Tanzania provides an example (Ackson, 2012). In Mainland Tanzania, Act No. 6 of 2004, issued in line with C138, defines a child as a person below the age of 14 years, except in the case of mines, factories, ships (being employed as a crew), non-formal settings and agriculture, which are considered hazardous sectors.<sup>53</sup> As for Zanzibar, Act No. 11 of 2005 defines a child as a person under the age of 17 years and, as in Mainland Tanzania, makes

<sup>53</sup> A child may nevertheless be employed in hazardous establishments where such employment relates to training and therefore contributes to the child's development. All worst forms of child labour are prohibited, including slavery, trafficking, debt bondage, prostitution and pornography, and forced recruitment of children for military purposes. See section 5 of Act No. 6 of 2004 of Tanzania.



provision for exceptional circumstances in which a young person may be employed.<sup>54</sup> However, section 6(2) of the Employment Act of 2005 states that “[n]o person shall employ a child in any type of work of work except domestic work”, effectively stating that a child below 17 years may be employed (barring the exceptions) in domestic work. The labour laws of Tanzania (Mainland) define domestic work by listing the activities considered to fall within this category,<sup>55</sup> while Zanzibar defines domestic work as “work in a family home”.<sup>56</sup>

Traditional practices that perpetuate domestic servitude and slavery-like conditions for child domestic workers may be left unaddressed. Haiti’s current legal framework does not address the age-old problem of *restavèk* children, entrusted by their parents to a third-party household to perform domestic work in exchange for subsistence (Box 5.4). Instead, its laws have legitimized this practice as a social system of assistance and solidarity, not as a form of employment, effectively removing it from the purview of labour regulation.

#### **BOX 5.4: HAITI: Gaps in protective labour legislation**

The government’s ratifying instrument for Convention No. 138 specified 14 years as the legal minimum working age and excluded the activities of children in family enterprises, particularly in the informal sector and agriculture, and work performed outside of school hours for a maximum of 3 hours per day. The labour code’s definition of “travail” applies to activities performed under a contract of work (“*contrat de travail*”), which might imply the exclusion of work done under informal arrangements.

Article 335 sets 15 years as the minimum age for employment, applicable only in agricultural, industrial and commercial enterprises. Article 341 of the labour code permitted (up till 2003) the entrusting of a child of 12 years old to a family to be employed in domestic work. A law adopted in 2003 (*Loi de 2003*), which focused on child labour, repealed this provision. In its stead, Article 3 of the 2003 law stipulates that a child may be entrusted to a family under arrangements of assistance and solidarity (“*un enfant peut-être confié à une famille d’accueil dans le cadre d’une relation d’aide et de solidarité*”). It also gives the mandate for overseeing this form of arrangement to the Ministry of Social Affairs, removing it from the Ministry of Labour.

The current legal framework in Haiti therefore does not address the age-old problem of *restavèk* children, children from impoverished families sent by their parents to live with other families and work for them as domestic servants. Over the years, the CEACR has commented on the situation of *restavèk* children as young as 4-5 years old, who are often exploited in slavery-like conditions, obliged to work for long hours without remuneration, poorly lodged and fed, and are often victims of physical, psychological and sexual violence. The UN Special Rapporteur on forms of slavery has also characterized some situations falling under the *restavèk* system as a contemporary form of slavery.

*Sources: Jean François, 2014; ILO, 2011e; OHCHR, 2010.*

54 In these exceptional circumstances, a young person may only be given light duties, must undergo a medical check-up, the medical officer must certify his/her fitness for the work, and regular medical check-ups must be performed until the employee reaches the age of 21; there are also other provisions in an industrial setting. The prohibition on engaging young persons or children does not apply where training is involved, although the latter must not be below the age of 14 years. See section 8 of Act No. 11 of 2005 of Zanzibar.

55 The types of work envisaged as being done by a “domestic servant” include cooking, house service, work as a waiter, butler or valet, bar-tending, working as a groom, gardening, washing and performing guard duties in a household set-up. See rule 2 of the Regulation of Wages and Terms of Employment Order of 2010, GN No. 172.

56 See section 3 of the Employment Act No. 11 of 2005.



## 5.2.6 Legal issues and vulnerabilities of child migrant domestic workers

The majority of child domestic workers are internal migrants, having moved from rural to urban areas, but some are international migrants, who have crossed national borders into another country. Migrant children and migrant domestic workers have been recognized, at international level, as being among the groups of migrants most vulnerable to labour exploitation (OHCHR, 2014; 2015). The risks of abuse and human rights violations that irregular migrants face are particularly serious among child migrant domestic workers, because of their young age, isolation from their families, and high dependence on their employers (Box 5.5).

Child migrant domestic workers are often unaccompanied migrants (OHCHR, 2015, p.17). The lack of legal channels through which children of working age can immigrate is a major reason why most independent child migrants are undocumented or of irregular status (Van de Glind, 2010, p. 5). Irregularity of migration status exposes child migrants to additional dangers in transit, and creates a dependency on adults who may take advantage of their vulnerability and dependency to abuse and/or exploit them.

### **BOX 5.5: Vulnerabilities of child migrant domestic workers**

“When they work as domestic workers, children are vulnerable to all the human rights violations and abuses risked by adult workers but, because they are children, these violations and abuses assume particular gravity. Child domestic workers may be exposed to dangerous and toxic substances or undertake dangerous tasks. They are particularly at risk of being subjected to forms of slavery such as forced labour and servitude. Migrant children can be particularly exposed to physical, psychological and sexual violence. Their conditions of life and work are often inhumane: they may be allocated substandard sleeping areas, asked to work as much or even more than adults, paid less than adults or not paid at all. Child migrant domestic workers are often children who have migrated alone, unaccompanied by parents or other caregivers, and who as a consequence generally lack support. Their situation of isolation and vulnerability prevents them from enjoying other human rights such as the rights to education and to leisure and play.”

*Source: OHCHR, 2015, p. 17.*

Migrants, and particularly irregular migrants or migrants of precarious status and economic means, are often willing to do the “dirty, difficult and dangerous” jobs - which nationals or individuals of higher social and economic status will not do - at the low wages that employers will offer. Similarly, migrants, and in particular those of irregular status, often have more limited access to grievance and other dispute-resolution mechanisms, not only on account of language and cultural barriers, and limited knowledge of their rights at destination, but also because of fear of retaliation, including detention and deportation.

The exploitation and abuse of migrant domestic workers generally arises from: (a) deceptive recruitment practices, by both employers and intermediaries; related to this is the risk of trafficking, which often means exploitative working conditions; (b) frequently, lack of social support systems; (c) unfamiliarity with the local culture, language, rights at work and national labour and migration laws in the country of employment; (d) limited access, or denial of access, to legal and administrative systems; (e) dependence on the job and employer due to migration-related debt, legal status, or restrictions on freedom to leave the workplace; (f) the fact that the workplace is their only place of shelter; and (g) family members’ reliance on remittances from the migrant (OHCHR, 2011; 2014, p. 14). For internal migrants, access to social programmes, such as

health care and education, may be tied to their birthplace or principal place of residence (e.g. State-based Welfare Funds in India).

The issue of the migration of domestic workers raises the question of other policy and regulatory frameworks: (i) legislation and institutional mechanisms regarding trafficking (which is a worst form of child labour), within the country and between countries of origin and destination; (ii) migration governance frameworks, including immigration and out-migration policies and laws, and recruitment regulations.

Immigration policies and laws establish different migration statuses, which are associated with different employment rights (Gallotti, Mertens, 2013). Some countries rely on domestic work being regulated by employment work contract only, rather than by law. It is difficult for migrant domestic workers to claim their rights when their work is frequently considered informal and not regulated by law. They fear retaliation and expulsion from the host country, especially if they are of irregular migration status or have migrated in spite of restrictions imposed by their countries of origin. Countries of origin sometimes impose restrictions on the migration of women for the purpose of domestic work (through age bans or total bans), which may push prospective migrants into irregular migration channels, including the falsifying of identity and travel documents, thus further limiting their access to justice in the event of abuse (ILO, 2016b). If the employer has diplomatic immunity, this renders the domestic worker even more vulnerable, as the employer may be immune from criminal prosecution and civil claims.

## 5.3 LEGISLATIVE AND POLICY RESPONSES TO CHILD DOMESTIC WORK

### 5.3.1 Recognize and protect the rights of child workers and domestic workers

The protection of child domestic workers often fails for two major reasons: (1) non-recognition of domestic workers as “real workers” with rights like other workers, in both legal and social terms; and (2) lack of awareness or recognition of the fact that household work performed by children and young workers could be a form of child labour. The first pillar in the fight against child labour in domestic work is therefore to put in place a legal and policy framework that recognizes and protects both groups of workers.

#### ***Ratification of Convention No. 189: A powerful stimulus to action***

The adoption of the Domestic Workers Convention No. 189 and Recommendation No. 201 in 2011 testifies to a shift in policy thinking on the labour regulation of this sector. It is based on the conviction that domestic workers are workers like any others and therefore are equally entitled to respect of their rights and dignity.

In addition to the ratification of C138 on the minimum age for employment and C182 on the worst forms of child labour, the ratification of Convention No. 189 is an important step towards protecting child domestic workers. When a country ratifies a Convention, it formally commits itself in international law to do what the Convention requires – in both law and practice. Through ratification, a country also becomes formally





obliged to report to the international community on the measures it has taken to bring its legislation and practice into line with the requirements of the Convention; and it is accountable before the international community for any allegation of violations.

Ratification is thus a powerful stimulus to action. It sends a clear message nationally and internationally, demonstrating the commitment of a country to pursuing a social policy objective in conformity with international standards, and submitting its actions to international scrutiny.

### **National legislation: Indispensable**

Even if ratification of the ILO C182 on child labour and C189 on domestic workers has not yet taken place, or is not yet contemplated, national governments and social partners can take steps to ensure that adequate policies and action programmes are in place to combat child labour in domestic work, and ensure decent working and living conditions for young domestic workers of legal working age.

C189 has stimulated a wave of legislative reforms in favour of domestic workers and boosted on-going policy processes. Since its adoption in June 2011, an increasing number of countries have adopted policy, legislative and institutional reforms (with and without ratification of C189), aimed at extending or improving the protection of domestic workers' labour rights and working conditions.

Some of these reforms are comprehensive, addressing all domestic workers in an employment relationship and many aspects of their terms and conditions of employment, including working and living conditions, occupational safety and health, and social security. Recent examples are the Royal Decree 1602/2011 and Ley 27/2011 on social security passed in 2011 in Spain, the Domestic Workers Act signed into law in January 2013 in the Philippines, and the law passed by Argentina in March 2013 (Box 5.6).

#### **BOX 5.6: Legal reforms extending recognition of domestic workers' labour rights**

<b>Argentina, 2013</b>	Law 26844 updated and expanded domestic workers' labour rights by according them maternity leave, paid holidays, special family and personal leave, a yearly bonus and compensation in case of lay-offs or firing. It restricts working hours to eight per day and 48 per week. It sets a minimum age of 16 for domestic work, limits the working hours of those between the ages of 16 and 18 to 36 hours a week, and prohibits domestic workers under the age of 18 from living in their employer's home. The law provides additional protections for live-in domestic workers: provision for breaks and a furnished room; a minimum eight hours' sleep at night and two hours of daily break. This reform also does away with discrimination based on the status of domestic workers by working hours, by now considering any number of hours worked in a private household as domestic work (Groisman, Sconfienza, 2013). <a href="http://www.trabajo.gba.gov.ar/informacion/empecemos_por_casa/documentos/Ley_26844.pdf">www.trabajo.gba.gov.ar/informacion/empecemos_por_casa/documentos/Ley_26844.pdf</a>
<b>Philippines, 2013</b>	The Domestic Workers Act (2013) is a comprehensive law that provides for the protection of domestic workers against abuse, debt bondage, and worst forms of child labour; sets minimum standards for wages, hours and days of rest, and other benefits for domestic workers; extends social security, public health insurance and a low-income housing scheme to the sector; and provides for mechanisms for labour dispute resolution and quick response to abuses. <a href="http://www.gov.ph/downloads/2013/01jan/20130118-RA-10361-BSA.pdf">www.gov.ph/downloads/2013/01jan/20130118-RA-10361-BSA.pdf</a>



### BOX 5.6: (cont.)

Spain, 2011

Royal Decree 1620/2011 set out requirements for a minimum wage, weekly and annual leave, maternity leave, and compensation for stand-by time. This new regulation puts domestic workers on a par with normal employees on issues such as wages (which must be no less than the minimum inter-professional wage), while ensuring a statutory working week of 40 hours and 12 hours' consecutive rest. Furthermore, it regulates the amount of that can be deducted for accommodation and maintenance. Spain has also incorporated social security for domestic workers into its General Social Security Scheme (Eurofound, 2013).

[www.empleo.gob.es/itss/ITSS/ITSS\\_Descargas/Sala\\_de\\_comunicaciones/Noticias/2011/Adj\\_not\\_20111117.pdf](http://www.empleo.gob.es/itss/ITSS/ITSS_Descargas/Sala_de_comunicaciones/Noticias/2011/Adj_not_20111117.pdf)

Other countries have introduced new or improved labour standards in one or more aspects of domestic workers' conditions of employment, such as remuneration or working time. For example, in Chile (2014), a limit on the working hours of live-in domestic workers; in Singapore (2013), a weekly rest day for domestic workers; and in Thailand (2012), provision for paid annual leave, paid holidays, and a weekly rest for domestic workers, under a Ministerial Order. While of limited effect, these changes reinforce the legal recognition of jobs in domestic work as work like any other, involving an employment relationship under State surveillance, not just a private matter.

### ***Extension of social security to domestic workers***

Mindful of the institutional and financial requirements of social security systems and the differences in capacity between countries, the Domestic Workers Convention provides for a flexible, progressive approach to extending social security to domestic workers, while recognizing the right of domestic workers to social security like other workers (Box 5.7). Paragraph 20 of Recommendation concerning the Transition from the Informal to the Formal Economy, 2015 (No. 204) (R204) calls on Member States to take measures to progressively extend coverage of social insurance to those in the informal economy, and if necessary, adapt administrative procedures, benefits and contributions, taking into account the contributory capacity of the different groups or sectors (ILO, 2016c).

### BOX 5.7: Convention No. 189 on social security for domestic workers

Article 14 establishes that "each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity."

These measures "may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers."



The ILO study of social security practices in respect of domestic workers (ILO, 2016c) identified mandatory social security coverage as a crucial and necessary element for achieving adequate rates of effective coverage for domestic workers. However, this is not sufficient. Barriers such as those mentioned in the previous section also need to be addressed.

The ILO study found that countries with high levels of social protection coverage for the domestic work sector had implemented a combination of strategies, including:

- the introduction of mandatory rather than voluntary coverage;
- differentiated contributory schemes in relation to those applied to other employees;
- government subsidies;
- fiscal incentives;
- registration plans for workers who have more than one employer (multi-employer) or who work part-time;
- education and awareness-raising programmes targeting domestic workers and their employers;
- intensive use of information technologies; and
- implementation of service-voucher mechanisms and presumptive schemes.

### 5.3.2 Addressing child labour in domestic work

A robust legal framework for child labour should also clearly acknowledge and address the presence of working children in the domestic work sector. It should:

- set a minimum age for employment in domestic work;
- if considered relevant, define light work for young persons;
- identify situations in which young persons can legally work;
- define and prohibit hazardous work or conditions in domestic work;
- adopt measures to address and protect the special needs of young workers.

These aspects are tackled in turn below. Several examples of how countries have extended these protections to child and young domestic workers are set out in Boxes 5.8 to 5.13.

Different countries have adopted different regulatory approaches to extending protection to domestic workers and working children (ILO, 2012b). In some countries, general labour laws encompass domestic workers and thus apply to them the working age limitations applicable to workers generally; or they may apply a different legal minimum age for entry into domestic work. Other countries implement a special legal regime for domestic workers, which may or may not have provisions for child workers and child labour. These laws may or may not be supplemented by regulations dealing specifically with child labour. Separate child protection laws may also exist, and these may or may not deal with working children and child labour. In a few countries (e.g. France, Italy), collective-bargaining agreements are the principal instrument used to regulate the working conditions of domestic workers.



## Minimum age for employment in domestic work

Setting a minimum age for admission into domestic work is a critical regulatory instrument for eliminating child labour in the domestic work sector (Box 5.8). Existing labour laws that set a minimum age for employment should not exclude domestic work, explicitly or implicitly; nor should laws against child labour. C189 states that the minimum age for admission into domestic work should be consistent with C138 and C182, and not lower than the age established by laws and regulations for workers generally.

### BOX 5.8: Country examples: Minimum age for employment in domestic work

Age 14 years	
<b>Malawi</b> , Employment Act (2000 as subsequently amended)	Children below 14 years are not allowed to work, and this includes work “done in homes”.
Age 15 years	
<b>South Africa</b> , Sectoral Determination 7, section 23(1) (1997)	Provides for a minimum age for admission to domestic work that is the same as that established in the generally applicable labour law and consistent with compulsory education requirements: “(1) No person may employ as a domestic worker a child (a) who is under 15 years of age; or (b) who is under the minimum school leaving age in terms of any law, if this is 15 or older.”
<b>Ecuador</b> , Código de Niñez y Adolescentes (CNA, 2003), which replaced Código de Menores; and Labour Code, the child labour provisions of which supplement the CNA	CNA explicitly includes domestic work (servicio domestico) and sets the minimum age for work at 15 years. The Labour Code follows the CNA and sets the minimum working age at 15 years. Following a previous CAN resolution on hazardous work, both the CNA and Labour Code exceptionally set the minimum working age for live-in domestic workers at 18 years.
<b>Philippines</b> , Act Instituting Policies for the Protection and Welfare of Domestic Workers (Republic Act 10361)	Children below 15 years of age are prohibited from being employed as domestic workers. The law allows the employment of children aged 15-17 years old, as long as the working conditions conform to the standards (including reference to worst forms of child labour) set forth in Republic Act 9231 or the Anti-Child Labor Act 5 (Section 16). The stipulated exceptions: when a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed, or where a child's employment or participation is in public entertainment or information through cinema, theatre, radio, television, or other forms of media.
<b>Thailand</b> , Ministerial Regulation No. 14 (B.E. 2555) (November 2012), issued under the Labour Protection Act B.E. 2541 (1998)	Applies to employers employing workers to perform domestic work which does not involve business operations; states that no employer shall employ a child under the age of 15 in domestic work.
Higher than the general minimum age:	
<b>Côte d'Ivoire</b> , Decision No. 009 MEMEASS/CAB of 19 January 2012	Prohibits the employment of children below 16 years in domestic work. Where domestic work is performed as part of vocational training, children may perform it as of 14 years (section 6).



## BOX 5.8: (cont.)

### Age 18 years

**Uruguay**, Act No. 18.065, section 11 (2006)

Establishes a minimum age of 18 for domestic service, while permitting a competent authority to authorize employment as of 15 years of age in individual cases.  
 “The minimum age for employment as a domestic worker is set at 18 years. Without prejudice to the foregoing, the Uruguayan Institute for Children and Adolescents (INAU) may authorize the employment of young people aged 15 or above, where there are justified grounds for doing so.”

Sources: ILO, 2012b; 2013c; 2013e; Romo, 2013; Simon-Arroyo, 2013.

## Light work in domestic work

National laws and regulations may permit children below the minimum age to perform “light work” (Box 5.9). The nature and duration of light work should be strictly regulated.

## BOX 5.9: Country examples: Regulating “light work” done by children below the minimum working age

**France**, National Collective Agreement of Employees of Individual Employers, article 24

Strictly limits the duration and kinds of tasks performed by children between the ages of 14 and 16 engaged in domestic work:  
 (a) Adolescents from 14 to 16 years old may be hired only for half of their school holidays, and only for light work. ...

**Finland**, Young Workers' Act, sections 2 and 4

Allows for the employment of young workers below the age of 15, as well as those in school, but limits the timing, duration, and kind of work:  
 2. Admission to work  
 A person may be admitted to work if he [or she] has reached the age of 15 and is not liable to compulsory school attendance.  
 Furthermore, a person may be admitted to work if he has reached the age of 14 years or will reach that age in the course of the calendar year and if the work in question consists of light work that is not hazardous to his health or development and does not hinder school attendance, as follows:  
 (1) for at most half of the school holidays, and  
 (2) temporarily during schoolwork or otherwise, for individual work performances of a short duration  
 ...  
 (4) Regular working hours  
 ... During the school year, the daily working hours of a person of school age shall not exceed seven hours on days when there is no school and two hours on school days. The total length of the school day and working hours cannot, however, exceed eight hours or the weekly working hours 12 hours.  
 In addition, the Act sets out special working time restrictions for workers aged 14 years (see chapter 2 of the Act).

Sources: ILO, 2012b.



## Prohibition of hazardous work

The relevant Conventions do not provide a definitive list of the types of work that are hazardous to children, but the Worst Forms of Child Labour Recommendation (No. 190) provides the criteria to be considered by national constituents. The tasks and duties involved in domestic work are wide-ranging and may be hazardous by nature, for example, lifting heavy loads and night work. Or they may be hazardous in the circumstances in which they are carried out, for example if they are performed during long hours of work, with no rest periods; if no protective gloves are provided for handling chemicals; or if the worker is confined in the workplace.

Some countries, such as Brazil, Panama, Togo and Côte d'Ivoire, have classified domestic work as a whole as "hazardous work" and accordingly have completely prohibited it for children below the age of 18. Other countries, such as Costa Rica, the Dominican Republic and Guatemala, have identified certain circumstances (sleeping in the workplace, and/or working beyond normal working hours) and tasks (jobs that require caring for dependent persons such as the elderly, the sick and children) as hazardous. See Box 5.10.

It is useful to point out that certain working conditions in domestic work, such as night work, live-in arrangements, or exposure to physical, verbal and sexual harassment, are not inherent in the nature of domestic work. It may be possible to remove these by prohibiting particular hazardous circumstances by law (as Costa Rica, Guatemala and the Dominican Republic have done) and ensuring effective legal enforcement. In the short term, putting domestic work as a whole on the "hazardous work list" might be regarded as an easier and faster route to protecting young domestic workers than regulating working conditions. This does not require changes to employer obligations and customary practices. However, simply classifying domestic work as hazardous, without tackling the fundamental causes of the hazardous circumstances in which they work, and without addressing the decent work deficits in the sector, may not effectively protect young domestic workers.

### BOX 5.10: Country examples: Domestic work, or segments of it, classified as hazardous

<p><b>Brazil</b>, Decree No 6.481 of 12 June 2008</p>	<p>Contains a hazardous-work list determined in line with Convention No. 182, which includes domestic service. This work is therefore generally prohibited for persons under the age of 18. However, domestic work may be carried out by children above the legal minimum age after the Ministry of Labour has made a careful assessment of whether sufficient protection of the young worker's safety, health or morals is provided. The hazardous work list describes the risks and repercussions of domestic work.</p>
<p><b>Costa Rica</b>, Law No. 8922 on hazardous work for adolescent workers (Ley N. 8922 Prohibición del Trabajo Peligroso e Insalubre para Personas Adolescentes Trabajadoras)</p>	<p>Prohibits employment of persons below age 18 in the following situations: (i) The adolescent is required to sleep in the workplace or to stay beyond normal working hours; (ii) work where the safety and security of the adolescent and of other persons depend on said adolescent worker, such as care of children, elderly and sick persons.</p>
<p><b>Dominican Republic</b>, Resolution No. 52/2004, concerning hazardous work for persons below age 18</p>	<p>It does not mention domestic work directly but prohibits employment of a child below 18 in activities where the safety of the adolescent or that of other persons is under her/his responsibility (care of children, the elderly and the sick). It also prohibits minors from night work or work that requires the minor to sleep in the place of work, which indirectly prohibits live-in arrangements for domestic workers below age 18.</p>



### BOX 5.10: (cont.)

<p><b>Guatemala</b>, Regulations implementing Convention 182 (Acuerdo Gubernativo No. 250-2006 of 18/05/2006)</p>	<p>Prohibits specifically domestic work or work in private households or any activity of the following types: (i) a child below 18 sleeping in the workplace or working beyond normal working hours; or (ii) work where the safety of the other persons (such as children, the elderly and sick persons) is under the care of an adolescent below age 18.</p>
<p><b>Panama</b>, Executive Decree No. 19 of 12 June 2006, section 3(11)</p>	<p>Includes a list of the worst forms of child labour, which recognizes domestic work in private households, both under live-in and live-out arrangements, as a potentially hazardous activity, particularly when it involves no or limited rest, long hours, no fixed hours, or care of persons and property.</p>
<p><b>Paraguay</b>, Decree No 4.951/05 issued pursuant to Act No. 1657/2001</p>	<p>Identifies a list of hazardous work, including child domestic work. However, the Decree allows the competent authority to permit such work for workers from age 16, as long as the health, physical and moral safety, and education of young domestic worker are protected. The Childhood and Adolescence Code (Act No. 1.680/01) recognizes the aggravated vulnerability of young migrant workers to hazardous and exploitative employment situations. Section 67 of the Code proscribes the recruitment of adolescents – defined as persons under the age of 18 – for domestic work abroad.</p>
<p><b>Peru</b>, D.S. No. 007-2006-MIM-DES, concerning hazardous work for adolescents aged 14-18 years old (Relacion de trabajos y actividades peligrosas o nocivas para la salud fisica o moral de las y los adolescentes)</p>	<p>Covers domestic work performed in third-party households, regardless of whether they are relatives or not, and prohibits live-in arrangements, which are considered to impede supervision and labour inspection.</p>
<p><b>Côte d'Ivoire</b>, Order No. 009 MEMEASS/CAB of 19 January 2012</p>	<p>Prohibits children under 18 from being engaged in guarding duties in urban areas, which is considered hazardous domestic work.</p>
<p><b>Togo</b>, Order No. 1464 MTEFP/DGTLS of 12 November 2007</p>	<p>Prohibits as hazardous any domestic work carried out in urban centres.</p>
<p><i>Sources: ILO, 2011b; 2012b; León, 2013; ILO-IPEC, 2012.</i></p>	

### Protection of young workers

Where adolescents under the age of 18 are legally permitted to engage in domestic work, special considerations should be given to their special needs in the light of the nature and characteristics of domestic work. Laws and policies should aim at ensuring that their working conditions and environment are suitable for their age and needs (e.g. education, training), and prevent the work from becoming hazardous (Boxes 5.11, 5.12 and 5.13).

R201 proposes restrictions on working time, night work and the performance of certain tasks, as well as mechanisms for monitoring the working and living conditions of young domestic workers. It is important to note that the problem of long working hours is often linked to a lack of legal working-time protection for domestic workers generally. Thus, it would be difficult to limit the working hours of young domestic workers, and ensure that they have sufficient rest and sleep, if there are no – or only poor – working time standards for the sector as a whole.



### BOX 5.11: Country examples: Limits on working time, including night work, of young domestic workers

<p><b>Austria</b>, Act Governing Domestic Help and Domestic Employees, section 5</p>	<p>Provides for enhanced daily rest periods for domestic workers below the age of 18:            (3) Employees residing in the employer's household who have completed their 18th year of age shall be granted a period of rest of at least 10 hours, which period shall include the time between 9 p.m. and 6 a.m., or, if they have not yet completed their 18th year of age, a period of rest of at least 12 hours, which period shall include the time between 8 p.m. and 7 a.m. ...            (4) Employees not residing in the employer's household who have completed their 18th year of age shall be granted a period of rest of at least 13 hours, which period shall include the time between 9 p.m. and 6 a.m., or, if they have not yet completed their 18th year of age, a period of rest of at least 15 hours, which period shall include the time between 8 p.m. and 7 a.m.</p>
<p><b>Cambodia</b>, the Prakas on the Prohibition of Hazardous Child Labour of 28 April 2004</p>	<p>Stipulates in Article 2 that a child who has attained 12 years of age, but not 15 years of age, shall not be employed during school hours or for more than eight hours a day including schooling hours. Further, s/he must enjoy a daily rest period of 12 uninterrupted hours, including the interval between 9 p.m. and 6 a.m., and they may not work on Sundays and public holidays.</p>
<p><b>Thailand</b>, Ministerial Regulation No. 14 (B.E. 2555) (November 2012) issued under the Labour Protection Act B.E. 2541 (1998)</p>	<p>Specific protections are envisaged for domestic workers under 18 years of age, including rest periods during the working day, prohibition of night work, and notification of the employment of such young workers to the labour inspector.</p>
<p><b>Finland</b>, Young Workers' Act</p>	<p>Includes several provisions regarding young workers aged 15 to 18, including the following:            Section 8. Periods of rest.            A person of 15 years or older shall be granted at least 12 consecutive hours of rest in every 24.            ...            Where the daily working hours of young workers are in excess of four hours thirty minutes, said employees shall be granted a rest period of at least thirty minutes in the course of their work, during which they shall be free to leave the workplace. ...            Young workers shall be granted a weekly break of at least 38 consecutive hours.</p>
<p><b>Spain</b>, Royal Decree 1620/2011, article 9(8)</p>	<p>Reiterates the working time limitations for workers under 18 years under the Labour Code as applicable to domestic workers:            a) Minors may only work for eight hours a day, with a break of 30 minutes for working days longer than four-and-a-half hours. If a minor works for more than one employer, the hours worked for each employer shall be taken into account when calculating the above-mentioned eight hours.            b) Minors shall not work overtime or perform night work, i.e. work between 10 p.m. and 6 a.m.            c) The period of rest between working days shall be at least 12 hours.            d) Weekly rest periods shall be at least two consecutive days.</p>

Sources: ILO, 2012b; 2013e.





### BOX 5.12: Country examples: Restricting excessively demanding tasks for young workers

<p><b>France:</b> The collective agreement covering domestic workers, article 24</p>	<p>Sets out the following: (d) It is prohibited to employ adolescents under the age of 18 for work beyond their strength and for handling hazardous substances.</p>
<p><b>Finland:</b> The Young Workers' Act, section 9</p>	<p>Requires that: The employer shall see to it that the work ... does not require more exertion or responsibility than can be considered reasonable with respect to [the young person's] age and strength.</p>
<p><b>Austria:</b> The Act Governing Domestic Help and Domestic Employees, section 7</p>	<p>Provides that "[w]hen young people are employed, special consideration shall be given to their physical capacities".</p>
<p><i>Sources: ILO, 2012b.</i></p>	

### BOX 5.13: Country examples: Requiring employers to keep records regarding workers under 18

<p><b>Cambodia,</b> Article 4 of the Prakas on the Prohibition of Hazardous Child Labour of 28 April 2004</p>	<p>The employment of children of less than 15 years in domestic work must be notified to the Ministry of Labour or one of its local offices. The employer and the child's parents are jointly and individually responsible for ensuring registration prior to the employment.</p>
<p><b>Paraguay,</b> Act No. 1.680/01, the Childhood and Adolescence Code</p>	<p>Establishes an Advisory Council for the Rights of Children and Adolescents (CODENI) tasked with maintaining a special register of adolescent workers. The law further requires that employers maintain and supply to CODENI detailed records regarding all adolescent workers employed by them: Section 60. – ON THE EMPLOYER'S OBLIGATION CONCERNING REGISTRATION. Employers of adolescent workers are obliged to keep a register recording: (a) The first name and surname, place and date of birth, address and place of residence of the adolescent worker; (b) The first name and surname and place of residence of the mother, father, guardian or person responsible for the adolescent; (c) The date on which the worker entered service, the duties performed, remuneration received, work timetable and social security registration number; (d) The educational establishment attended by the worker and class timetable; and (e) Other relevant information. ... Section 61. ON THE OBLIGATION TO REPORT ON EMPLOYMENT OF ADOLESCENTS: All employers are obliged to provide the information required by the Ministry of Justice and Labour and the Municipal Advisory Council for the Rights of Children and Adolescents (CODENI), as well as to register the employment of an adolescent within 72 hours.</p>
<p><b>Finland,</b> Young Workers' Act</p>	<p>Covers all persons under 18 in an employment relationship; sections 12 and 13 stipulate that such workers must produce evidence of their age and liability to compulsory schooling prior to commencing work, and that the employer of such young workers must keep records regarding such employees, including a job description and "the name and address of the person having care and control of the worker".</p>
<p><i>Sources: ILO, 2012b.</i></p>	



## 5.4 REFORMING NATIONAL LEGISLATION: KEY ELEMENTS

Where national governments, social partners and/or civil society organizations envisage efforts to enhance the protection of domestic workers' rights through labour law, careful consideration should be given to the various steps required in the course of such a reform process.

### 5.4.1 Analysis of the domestic work sector in the country concerned

The aim should be to obtain an adequate understanding of its magnitude, the characteristics of domestic workers and their employers, and the prevailing patterns and arrangements under which domestic work is performed. It is important to distinguish and differentiate the characteristics and working and living conditions of sub-categories of domestic workers, not only by sex and age group, but between those in live-in and live-out arrangements, those with a single employer and multiple employers, and those who work full time and part time.

Special attention to the situation of child workers below the age of 15 and between ages 15-17 is indispensable. Alternative methodologies and key pointers for identifying and enumerating child domestic workers, and assessing their situation, are presented in Chapter 3 of this Practical Guide.

### 5.4.2 Analysis of the existing national policy and legislative framework in the country concerned

The aim here should be to (i) identify the policy objectives, instruments and legal provisions that already apply to domestic workers and to child domestic workers and children who enter the domestic work sector; and (ii) identify gaps in existing policies and laws by reference to the principles and standards set by C138, C182 and C189. Whether or not a country has ratified any of these Conventions, these international standards provide the framework for national policies and laws on working children generally, and children in the domestic work sector in particular. Taking into account the actual conditions of child and adult domestic workers and the gaps and weaknesses in protection, policy objectives can be set and a regulatory initiative prepared.

Tool 5.3 and Tool 5.4 provide guidelines which may be used for reviewing the extent to which national legislative frameworks meet the provisions of C182 and C189, respectively, and for identifying where the gaps are and how these gaps may be addressed. In both cases, it is important to examine how child labour laws take into account child workers in domestic work, and how laws regarding domestic workers take into account child and young domestic workers.



## TOOL 5.3: Checklist: Points to be considered in order to bring national legislation and practice into line with the provisions of Convention No. 182

### Article 1

- Is there legislation prohibiting the worst forms of child labour?
- Is the State taking effective measures to eliminate the worst forms of child labour?
- Is the State acting on this question as a matter of urgency?

### Article 2

- Does the prohibition of, and action against, the worst forms of child labour cover all children – boys and girls – under the age of 18?

### Article 3

- Has legislative or other action been taken to prohibit and eliminate:
  - all forms of slavery and similar practices affecting children;
  - the sale and trafficking of children;
  - child debt bondage and serfdom;
  - forced or compulsory child labour;
  - work which is likely to harm the health, safety or morals of children?

### Article 4

- Has it been determined by legislation or by other means which types of work are likely to harm the health, safety or morals of children?
- Were employers' and workers' organizations consulted in determining such types of work?
- Has account been taken of paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999 (No. 190) in determining such types of work?
- Has the State identified the places where such types of work occur?
- Has it consulted with employers' and workers' organizations in identifying the places where such types of work occur?
- Are there plans to periodically revise this list of types of work likely to harm the health, safety or morals of children, as necessary?

### Article 5

- Are there established or designated mechanisms for monitoring the implementation of the Convention?
- Have employers' and workers' organizations been consulted in establishing or designating such mechanisms?

### Article 6

- Has the State designed and started implementing programmes of action to eliminate the worst forms of child labour?
- Have relevant government institutions and employers' and workers' organizations been consulted in designing and implementing such programmes?
- Have the views of other concerned groups been taken into account?

### Article 7

- Is the State taking all necessary measures to ensure the effective implementation of the Convention?
- Has the State provided for penal sanctions or other appropriate sanctions to enforce the Convention?
- Are these sanctions being applied?
- Are effective and time-bound measures being taken to:
  - prevent the engagement of children in the worst forms of child labour;
  - provide direct assistance to remove children from the worst forms of child labour;



## TOOL 5.3: (cont.)

- provide direct assistance for the rehabilitation and social integration of the children concerned;
- ensure access to free basic education and, where possible and appropriate, to vocational training for such children;
- identify and reach out to children at special risk;
- take into account the special needs of girls?
- Has the State designated the competent authority responsible for the implementation of the Convention?

### Article 8

- Is the State cooperating with other countries to give effect to the provisions of the Convention?
- (For developed countries in particular) Is the State providing enhanced assistance to other countries in giving effect to the Convention, including support for:
  - social and economic development;
  - poverty eradication programmes;
  - universal education?

### Cross-cutting question relevant to all Articles

- Have all the above questions been addressed with due regard to their effect on equal treatment for boys and girls?

Source: ILO, IPU, 2002, p. 74.

## TOOL 5.4: Model Terms of Reference for a comparative analysis of national law and practice with reference to Convention No. 189

### 1. Methodology

To identify gaps and weaknesses in national law and practice with reference to vis-à-vis Convention No. 189, the study will:

- a) Cover and review all national laws, regulations, collective agreements and other institutional measures in the country;
- b) Collect and analyse data from available empirical studies, official administrative records (e.g. complaints, disputes) and other relevant secondary sources; Interview and/or hold consultative discussions with representatives of key parties and stakeholders, i.e. officials and representatives of key government offices, trade unions, employers' organizations, and, where they exist, organizations of domestic workers and employers of domestic workers;
- c) Hold focus group discussions with a sample of domestic workers and employers of domestic workers; and
- d) Engage and coordinate with tripartite partners to ensure thematic law reform issues of relevance to the domestic work sector are adequately addressed and reflected in the labour law reform process during the study.

### 2. Thematic scope

2.1 The analysis will cover themes in accordance with the subject matters covered by the provisions of C189 and R201, which are presented in the table below. Each thematic segment of the analysis will present the relevant national law, regulations or other measures, as well as relevant national institutions, and identify law and practice gaps and weaknesses with reference to C189, if any. Based on the issues and areas for improvement, possible ways of addressing these gaps will be identified, and feasible actions, which go beyond compliance with minimum requirements, in the medium- and longer-term, will be proposed.

2.2 The topics and issues to be covered, and the relevant provisions of the C189 and R201 are presented in the following table.



## TOOL 5.4: (cont.)

Subject matter	C.189 Article	R.201 Paragraph
<b>1. Definitions and scope</b>		
<p>1.1 <i>Definitions</i></p> <ul style="list-style-type: none"> <li>- What is considered to be domestic work and who is a domestic worker?</li> <li>- Do the definitions of “work”, “worker” “employee”, “employer” and/or “workplace” encompass or exclude domestic work and domestic worker, as defined by C189?</li> </ul>	1	
<p>1.2 <i>Scope:</i></p> <ul style="list-style-type: none"> <li>- Are there any categories of domestic workers who are excluded from the scope of relevant national laws?</li> </ul>	2	
<b>2. Recognition, promotion and protection of rights of domestic workers</b>		
<ul style="list-style-type: none"> <li>- Are there measures that ensure, promote and protect the following fundamental rights of domestic workers?</li> <li>- What is the actual situation of domestic workers with respect to their rights?</li> </ul>		
2.1 <i>Promotion and protection of human rights</i>	3	
<p>2.2 <i>Freedom of association, right to collective bargaining</i></p> <ul style="list-style-type: none"> <li>- Whether or not there are legal or administrative restrictions or obstacles to exercise of these rights.</li> <li>- Measures to strengthen workers’ and employers’ organizations.</li> </ul>	3	2
<p>2.3 <i>Non-discrimination</i></p> <ul style="list-style-type: none"> <li>- Elimination of discrimination in respect of employment and occupation consistent with international standards.</li> <li>- Confidentiality of personal data with regard to work-related medical testing; and discrimination related to such testing.</li> <li>- Whether or not domestic workers are obliged to undertake HIV or pregnancy testing, or to disclose status.</li> </ul>	3, 11	3
<p>2.4 <i>Forced labour</i></p> <ul style="list-style-type: none"> <li>- Measures to prevent forced labour and trafficking in persons, including bilateral, regional and global cooperation, and monitoring of private recruitment agencies.</li> </ul>	3	26(2)
<p>2.5 <i>Child labour</i></p> <ul style="list-style-type: none"> <li>- Consistent with C138 and C182.</li> <li>- Minimum working age for domestic work not lower than legal minimum working age for workers generally.</li> <li>- Legal working age does not deprive domestic workers of compulsory education or interfere with further education and training.</li> </ul>	3, 4	5
2.6 <i>Protection against abuse, harassment and violence</i>	5	7
2.7 <i>Fair terms of employment, decent working and living conditions</i>	6	17
2.8 <i>Information on terms and conditions of employment, written contracts</i>	7	6
2.9 <i>Workers’ right to keep their personal documents</i>	9	
2.10 <i>Medical testing</i>		4
<p>2.11 <i>Protection of domestic workers employed by diplomats</i></p> <ul style="list-style-type: none"> <li>- Policies and codes of conduct for diplomatic personnel.</li> <li>- Bilateral, regional or multilateral cooperation.</li> </ul>		26



## TOOL 5.4: (cont.)

Subject matter	C.189 Article	R.201 Paragraph
<b>3. Minimum conditions of employment</b>		
<ul style="list-style-type: none"> <li>- Have minimum standards been set for the employment of domestic workers as regards the following dimensions?</li> <li>- Are these standards the same, lower or higher than the standards enjoyed by workers generally?</li> <li>- What is the prevailing situation of domestic workers with respect to these dimensions, and vis-à-vis other workers?</li> </ul>		
<b>3.1 Working time</b> <ul style="list-style-type: none"> <li>- Limits on normal hours of work</li> <li>- Overtime compensation</li> <li>- Limits to overtime</li> <li>- Standby hours</li> <li>- Periods of daily and weekly rest</li> <li>- 24-hour weekly rest</li> <li>- Paid annual leave</li> </ul>	10	8 to 13
<b>3.2 Remuneration</b> <ul style="list-style-type: none"> <li>- Minimum wage coverage</li> <li>- Frequency and manner of payment</li> <li>- Limits on in-kind payment</li> <li>- Permissible wage deductions</li> </ul>	11, 12	14 to 16, 20(3)
<b>3.3 Occupational safety and health</b> <ul style="list-style-type: none"> <li>- Protection from, elimination or reduction of work-related hazards and risks</li> <li>- Appropriate system of inspection</li> <li>- Procedures for collecting statistics</li> <li>- Advisory services</li> <li>- Training programmes and guidelines</li> </ul>	13	19
<b>3.4 Social security, including maternity protection</b> <ul style="list-style-type: none"> <li>- Conditions under which domestic workers enjoy social security protection</li> </ul>	14	20, 26(2)
<b>4. Protection for particular groups</b>		
<i>Live-in domestic workers</i> <ul style="list-style-type: none"> <li>- Decent living conditions</li> <li>- Privacy</li> <li>- Freedom of movement</li> </ul>	6, 9	17, 18
<i>Migrant workers</i> <ul style="list-style-type: none"> <li>- Written job offer or employment contract</li> <li>- Freedom of movement</li> <li>- Possession of travel and identity papers</li> <li>- Conditions of repatriation</li> <li>- Other measures to reach and protect migrant workers</li> </ul>	8, 15	20(2), 21, 22, 23, 26(1) and (2)
<b>5. Private employment agencies</b>	15	23, 26(2)
<ul style="list-style-type: none"> <li>- Measures to protect domestic workers from abusive practices</li> </ul>		
<b>6. Skills development</b>		25(1) (a)
<ul style="list-style-type: none"> <li>- Policies and programmes to encourage continuing development of competencies</li> <li>- Literacy training</li> </ul>		



## TOOL 5.4: (cont.)

Subject matter	C.189 Article	R.201 Paragraph
<b>7. Work-life balance</b>		25(1) (b) and (c)
- Taking into account work-life/work-family needs and responsibilities of domestic workers		
<b>8. Statistical data</b>		19(c), 25(2), 26(2)
<b>9. Dispute resolution, compliance and enforcement</b>	16, 17	7, 19(b) 21, 24
Effective access to courts, tribunals or other dispute resolution mechanisms		
- Accessible complaint mechanisms		
- Measures for labour inspection, enforcement and penalties		
- Conditions under which access to private households may be granted		
<b>10. International cooperation and collaboration</b>	8(3), 15(c) and (d)	20(2), 26

### 5.4.3 Social dialogue for law reform

As the experience of Central America shows (Box 5.14), if the analysis of legal and policy frameworks is to be credible and relevant to policy actors and social partners who will use the research results, the legal research should not only be technically solid; it should also involve the policy actors and social partners from the beginning through social dialogue. The social dialogue process can achieve three things: sensitize policy-makers and social partners to the issues of child labour in domestic work; elicit more information and perspectives to inform the research design; and enhance buy-in in the policy and law-reform process.

#### **BOX 5.14: CENTRAL AMERICA AND DOMINICAN REPUBLIC: Study of national legislation regarding child domestic work as inputs to legal reform**

In Central America and the Dominican Republic, domestic work has been governed by a special regime that sets it apart from the general regime for most labour contracts. Where child labour in domestic work is concerned, the situation is more complex because a wide range of legislation has been passed since 2000 in each of the countries in this sub-region seeking to protect the rights of children and young people, without eliminating many of the previous rules. In some cases, this has resulted in a legislative overlap.

In 2003, the Sub-regional Project for the Prevention and Elimination of the Worst Forms of Child Domestic Labour in Central America and the Dominican Republic proposed a revision and systematization of national legislation and existing mechanisms regarding child and youth labour to sort out the intricate legal web and propose legislative changes.



### BOX 5.14: (cont.)

Key steps taken:

- Researchers carried out a comprehensive revision of national and international legislation and of existing mechanisms in each country. Different laws and regulations, gaps, inconsistencies and regulatory overlaps were examined, as well as the mechanisms for legislative application.
- Consultation with individuals from different sectors was an essential part of the process, not only for taking stock of different views but also for heightening awareness, allowing each player to consider its respective role in protecting and guaranteeing the rights of girls and adolescents in domestic work.
- Workshops and interviews with girls and adolescents in domestic work to gather information about their experiences and needs, contrast them with existing regulations and propose legal modifications in line with the demands they expressed.
- Sound technical criteria from experts on legal and labour issues were used to prepare the proposed legislative changes. Contributions were also made by officials in charge of administering justice and protecting children and adolescents, and by the young domestic workers themselves.

Consultations and interviews with various parties helped raise the awareness of the authorities and representatives of the different institutions of the magnitude of the problem. In many cases, they were made to reflect, for the first time, on the social and legal dimensions of child domestic work, and the vulnerabilities of girls and adolescents in domestic work. It emerged from the studies that there was no protection whatsoever for girls and adolescents in domestic work, and that there were too many inconsistencies between national labour codes and international treaties or agreements ratified by the individual countries. Furthermore, these studies served as the basis for drafting several proposals in different countries in the region.

Factors necessary for legal research to be a reliable basis for policy dialogue and reform:

- Selection of highly skilled researchers in legal analysis, who are sensitive and knowledgeable in the rights-based approach and possess a gender perspective.
- A broad and participative consultation process to gather perspectives, experiences and opinions from the different social players, and to understand the “living” issues of laws and regulations.
- Consultation processes aimed at not only gathering information and views, but simultaneously, raising awareness, interest and engagement in the legal review and reform process among the different actors.
- Attention to actual needs, expectations and demands of child and adolescent domestic workers.

*Source: ILO-IPEC, 2005a, pp. 27-30.*

## 5.4.4 Formulation of regulatory instruments

There is no single correct approach to regulating domestic work. Regulatory choices have to be made within the context of each country, taking into account existing laws and prevailing legislative practices, the country's industrial relations system, and obligations under relevant international labour and human-rights law.

### **Choice of regulatory instruments**

The legal protection of domestic workers may be achieved through a range of regulatory instruments. Most commonly, national labour laws applicable to domestic workers take the form of statutes and decrees. In some countries, collective agreements (e.g. France, Italy), which address the conditions of domestic workers, constitute the main instrument of legal protection of domestic workers' rights. Some countries have also concluded bi-lateral and multilateral agreements to protect the rights of migrant domestic workers. (ILO, 2012b, pp. 9-14).





## ***General or special law; single or multiple laws***

While it is desirable to include domestic workers within the scope of existing generally applicable national labour laws, the specific characteristics of domestic work may also warrant amendments to existing laws or the enactment of supplemental legislation designed to protect the labour rights of domestic workers more specifically.

The legal reform process may also include consolidating and harmonizing various laws concerning working children, domestic workers and child domestic workers. Where a combination of legislative instruments forms a regulatory framework for the protection of child domestic workers, States may wish to clarify the relationship between these instruments. (ILO, 2012b. pp. 9-14).

## ***Definitions and scope of application of labour laws***

All domestic workers – irrespective of age, sex, whether they are employed by private individuals and householders or enterprises or other organizations, whether part-time or full-time workers, whether nationals or non-nationals, and whether employed under live-in or live-out arrangements - have rights and should be protected. Although the national legislation protecting domestic workers may cover different groups of workers through different laws or regulations, taken in its entirety, the legislation should cover all categories and types of domestic workers. The clarity of legal terminology, definition of terms and scope of the specific laws and regulations concerned is critical as these could have the effect of (implicitly or explicitly) excluding certain types of domestic workers. (ILO, 2012b. pp. 9-14)

Where the general labour laws are meant to apply to domestic workers, it is important to ensure that their formulation and design does not have the effect of implicitly excluding domestic workers from their scope. For instance, the definitions of terms such as “employer”, “workplace” or “employee” can result in the implicit exclusion of domestic workers.

Where certain aspects of working conditions, or labour protection for domestic workers or particular groups of domestic workers, are regulated by specific enactments or provisions applicable to them, it is advisable to draw up provisions explicitly defining or describing the intended scope of the norm. In defining domestic work, domestic workers or the domestic work employment relationship, provisions may rely on various elements, including the following:

- the location where the work is performed (the household) or the beneficiaries of the services rendered (the household members);
- the nature and kind of tasks involved (described either generically or through an illustrative list of tasks or occupations);
- the non-profit-making nature of domestic work (i.e. no direct profits are generated for the household relying on it);
- the kinds of employer (private individuals, enterprises or organizations);
- elements clarifying the existence of and parties to the employment relationship; and
- clauses excluding specified forms of domestic work which are covered by different laws and regulations.

## **Remember: Enforcement and promotion of compliance**

Enforcement and compliance should be an integral part of the design and review of laws and regulations for protecting child domestic workers. C189 highlights the importance of ensuring that domestic workers have effective access to courts, tribunals and other dispute-settlement mechanisms, complaints procedures and enforcement mechanisms, including labour inspection and penalties. Recommendation No. 201 proposes the provision of information and the raising of awareness of applicable laws and the obligations arising from them, as well as assistance for domestic workers seeking to enforce their rights.

Promoting compliance goes beyond action by public authorities, comprising a range of possible measures to bring about respect for the applicable norms, including awareness-raising and assistance to domestic workers and their employers. There is no “one-size-fits-all” approach. However, systems combining different approaches are more likely to take the specific characteristics of domestic work and child labour into account, and hence are more likely to yield satisfactory results in dealing with disputes and non-compliance in this sector. These issues are tackled in more detail in Chapter 7.

## **Tripartite consultations and social dialogue**

While the political procedures for formulating and adopting legislation and policies differs from one country to another, legislators, labour ministry officials and representatives of workers’ and employers’ organizations are the key actors in national processes concerning labour and employment matters. Consultations throughout the labour law reform process with workers’ and employers’ organizations, including organizations of domestic workers and those of employers of domestic workers, where they exist, are desirable and required under C189.

Tool 5.5 lists key resources for legal reforms on child domestic work which may be made available to the policy actors.

### **TOOL 5.5: Key ILO resources for law reforms on child domestic work**

ILO. 2012b. *Effective protection for domestic workers. Guide to designing labour laws*, INWORK department, ILO, Geneva. Available at: [www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_173365.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173365.pdf).

ILO; Inter-Parliamentary Union (IPU). 2002. *Eliminating the worst forms of child labour. A practical guide to ILO Convention No. 182, Handbook for parliamentarians, No. 3*, Geneva. Available at: [www.ipu.org/PDF/publications/childlabour\\_en.pdf](http://www.ipu.org/PDF/publications/childlabour_en.pdf).

ILO. 2006a. *Practical guide to child labour reporting*, International Training Centre of ILO, Turin. Available at: [www.ilo.org/ipecinfo/product/download.do?type=document&id=1839](http://www.ilo.org/ipecinfo/product/download.do?type=document&id=1839)

ILO-IPEC. 2007a. *Modern policy and legislative responses to child labour*, Geneva. Available at: [www.ilo.org/wcmsp5/groups/public/---africa/documents/meetingdocument/wcms\\_228972.pdf](http://www.ilo.org/wcmsp5/groups/public/---africa/documents/meetingdocument/wcms_228972.pdf).



## 5.4.5 A political and technical process

The policy and legislative process is political because it involves negotiation, bargaining and compromise among the stakeholders involved (policy and decision-makers, employers of domestic workers, domestic workers), who often have varying and competing interests and positions with regards to the issues concerned. The process is shaped by their relative bargaining power, as well as by public opinion.

The process is also technical because reliable data and analysis of the issues are necessary to inform the stakeholders' positions and contributions to the process, and ensure that the negotiation and resulting instruments are meaningful and responsive to the national realities. Empirical data are often required to interrogate and break down the myths and biases concerning domestic work.

The Philippine experience with the ratification of C189 and the enactment of the comprehensive law on domestic workers illustrates the importance of combining the technical and political interventions in the law reform process (Box 5.15).

### **BOX 5.15: THE PHILIPPINES: The Philippine legal reform process in a nutshell**

#### **Milestones achieved**

- 5 September 2012: Instrument of ratification of C189 deposited with ILO.
- January 2013: Philippine President signed Kasambahay Law.

#### **Pre-2013 context**

- Poor regulatory framework on DWs (few provisions in Labor Code; Civil Code on working hours; stagnant minimum wage).
- 1.9 million Domestic Workers; wages in bottom 10 per cent of national wage distribution; excessively long working hours.
- High incidence of young and child domestic workers in live-in arrangements; trafficking into domestic work; children without options to complete primary education.
- Hundreds of thousands of overseas domestic workers in destination countries without legal protection.
- 19 years of failed Congressional attempts to pass a law setting labour standards for domestic workers.

#### **Process towards C189 & domestic work law**

##### ***Development objectives: Target Outcomes***

- Decent work a reality for domestic workers.
- Labour rights recognized; effective protection; end to exploitative practices; equality of treatment & opportunities.
- Fair employment relationship between Domestic Workers and Employers.
- Skilled workforce, with employment opportunities & mobility.
- Protection & recognition of rights of Philippine Domestic Workers in other countries.

##### ***Two simultaneous policy targets***

- Ratification of C189.
- Passage of national law compliant with C189.
- Timeline: Before closure of current Congressional session in 2012.



## BOX 5.15: (cont.)

### **Risks and obstacles**

- Multiplicity of bills on DW in Congress - from light/weak to comprehensive, ambitious “magna carta” on domestic workers.
- Domestic workers – not a visible political (electoral) base.
- Traditional arrangements in domestic work: service-on-demand; fictive family relationship.

### **Opportunities: A positive policy setting for C189 & Domestic Worker Law**

- Aquino Administration: Social Agenda for “inclusive” growth; priority on protection of “marginalized” and “vulnerable” workers.
- Law on Domestic Workers was one of the Executive’s legislative priorities, submitted to Philippine Congress in 2010
- Since 2004, policy advocacy, awareness-raising and practical actions on child domestic work (with ILO-IPEC technical assistance), including national summits on domestic work, support for selected local government initiatives to register domestic workers and provide them with services, and a draft “Magna Carta” on the rights of domestic workers.
- Long-established national protective & welfare promotion policy and legal framework for overseas employment of Philippine workers, including domestic workers.
- Solid tripartite support for the adoption of C189.
- International normative framework and legitimacy provided by the adoption of C189.

### **Institutional assets**

- Strong political leadership & commitment from the Labour and Employment Secretary.
- A functional “tripartite-plus” (government, trade unions, national employers’ organization, and civil society organizations) working group on domestic work, formed in 2009 to facilitate consultations on the development of international standards on domestic workers.
- Years-old functioning Tripartite Industrial Peace Council (tripartite advisory body on labour legal & policy matters); strong national tripartite tradition.
- Broad-based social (civil society organizations) movement for issues related to domestic workers since 2000s.
- One domestic workers organization (SUMAPI), the “voice” of domestic workers in tripartite meetings and discussions with legislators and the public union.
- Political advocates in the Congress: House of Representatives and Senate.

### **Opposing interests & views**

- Arguments against minimum wage, social security & other rights for domestic workers.
  - Employers of domestic workers cannot afford the cost.
  - Middle-class households, minimum wage-earners and single mothers will be hurt by the higher cost of hiring domestic workers; they will either stop working or will stop employing domestic workers. Both will suffer negative effects.
  - Nature of domestic work is different; family needs are flexible and contexts unlike factory or office.
  - Law will destroy family-like relationship.
  - Law cannot be enforced through inspection.
- Hidden resistance from government officials and staff for reasons above.
- Employers’ organization – dissenting positions regarding the applicability of certain labour standards and benefits, which are applicable to workers generally, in domestic work.

## **Principal elements of the strategy, 2011-2012**

### **Institutional strategy**

- Internal DOLE inter-agency committee on DW; agencies with roles for mass-media advocacy liaison & lobby with Congress; regional consultations with constituents.
- Government inter-agency consultative committee
- Tripartite+TWG-led and consolidated broad-based alliance of social partners and NGOs, and consensus-building.



## BOX 5.15: (cont.)

### **The tripartite TWG**

- Heart of broad-based alliance, dialogue, advocacy.
- True and necessary partner of the department of Labor and Employment.
- Became stronger over the years; the driving force moved from the NGOs to the tripartite partners; adopted one national action plan consisting of joint and separate actions.
- Engaged in many internal debates & discussions: Divergent positions towards common positions.

### **Key actions**

1. Foundation: assessment of situation; clarity of objectives.
2. “Communication plan” to elicit and mobilize supportTarget audience (key decision-makers, advocates; political pressure).
  - Challenge and message for each target audience.
  - Most suitable means and medium.
3. Political mapping: advocates & champions; likely “enemies”.
4. Listen to voice of key stakeholders – Domestic workers and employers (multi-stakeholder consultations; outside the capital region).
5. Data analysis.
  - Question “myths”, “accepted truths”.
  - Inform position papers, information materials, media campaign, dialogues with parliament.
6. Tripartite Working Group collective engagements
  - Common messages & positions (write-shops).
  - Trained pool of speakers; speakers’ guide
7. Close guarding of the political process (TIPC, Cabinet, Congress)
  - Lobby; meeting with parliamentarians & technical staff; provide inputs to hearings; negotiate.
  - Talking points for advocates in Congress, “champions”.

Sources: Alcantara, 2011; King Dejardin, 2015.

### 5.4.6 Sustained policy advocacy

Throughout the policy and law reform process, the dissemination of information and policy advocacy are necessary to sustain and expand the interest and engagement of the various stakeholders in the political process, which could last for years, as well as to inform and mobilize public opinion in favour of reforms. The identification of influential advocates and mobilization of interest groups supporting the reform process are important in sustained advocacy.

## 5.5 BROADER ENABLING ENVIRONMENT: ECONOMIC AND SOCIAL POLICIES

As it is clear from the discussions in Chapter 2, the multiple causes and facets of child labour, and the particular characteristics of domestic work, call for multidimensional responses at different levels and in different policy areas. Broader economic and social policies that cut across economic sectors, including policies that go beyond the world of work, play a role in stimulating, sustaining or preventing child labour. Policies that provide compulsory education for all girls and boys, enabling them to receive quality education and pursue further schooling and vocational training, are an essential element in the fight against child labour (see Chapter 8 for further discussion). Other relevant policy areas include access to employment and incomes, including the elimination of discriminatory barriers on account of gender, ethnicity, caste or social class; the promotion of decent jobs for young people; and a social protection floor and schemes that reduce the vulnerability and insecurity of poor households.

Legislative reforms may therefore need to be accompanied by a broader review and reform of economic and social policies that are particularly relevant to child labour and to the domestic work sector. Legislation is indispensable, but not sufficient of itself to eliminate child labour in domestic work.



## 5.6 KEY MESSAGES

- A foundational legal framework governing domestic work and child labour is indispensable.
- Law enforcement to prevent and eliminate child labour in domestic work and to protect young domestic workers of legal working age shall be guided by the best interest of the child as the primary consideration.
- Preventing the labour exploitation of domestic workers and promoting decent work in the domestic work sector are indispensable pillars in the fight against child labour in domestic work.
- Young domestic workers of legal working age should be paid in line with what adult domestic workers are paid, and/or in line with what young workers in other sectors might be paid in relation to adult workers. Domestic work below the age of 18 should not be treated as a “cheap” substitute for adult domestic work.
- With regard to child workers below the minimum working age, the fact that they may receive a “decent wage” does not change the fact that this is a child labour situation.
- Payment of a legally set minimum or higher wage does not attenuate conditions that harm or are likely to harm the physical, mental and moral safety of child domestic workers (hazardous work).







## CHAPTER 6:

# RESCUING CHILDREN FROM CHILD LABOUR SITUATIONS IN DOMESTIC WORK

This chapter focuses on direct interventions to identify and rescue child domestic workers from situations of child labour. While legislative and policy actions are indispensable in eradicating child labour in domestic work, children who are subject or vulnerable to the worst forms of child labour, slavery-like conditions or hazardous work conditions require immediate and effective measures, as a matter of urgency. In addition, young domestic workers of legal working age need to be protected from abusive and exploitative conditions.

Both streams of action are important and mutually reinforcing. Policy and legislative reforms (“upstream” actions) are effective only when translated into actions on the ground (“downstream” actions). At the same time, they should be informed and guided by the results of and lessons learned from practical interventions. Direct interventions are feasible, replicable and sustainable only where the appropriate legislation and policies exist. Projects come and go, but institutional and regulatory frameworks are necessary to address child labour problems over the long term.

Across the world, there is tremendous experience in practical, direct interventions to withdraw children from child labour, particularly the worst forms of child labour. Drawing on this rich stock of practical knowledge, this chapter will present intervention models and methods that have been applied in different national contexts by various institutions, as well as some of the challenges, successes and lessons learned.

## 6.1 CHILDREN AND YOUNG DOMESTIC WORKERS IN DANGER AND IN DISTRESS: DIFFERENT RESPONSES ARE NEEDED

### 6.1.1 Child and young domestic workers: Three typologies

Interventions should allow for differentiated responses to children and young domestic workers found<sup>57</sup> in the following three main situations:

- Children below the permissible age for employment: they must be withdrawn and incorporated into a care programme, which includes integrating them into the educational system. Those facing hazardous work conditions must be given special attention.
- Children subject to a slavery-like situation (trafficking, debt bondage, servitude, forced labour, other forms): they must be withdrawn immediately from their workplace, and given protection.
- Young workers of legal age for admission to employment: their basic rights to education, and physical, mental and moral health and safety should be ensured, including removal from or amelioration of hazardous working and living conditions.

Both children below the minimum employable age and those of legal working age may be suffering from slavery-like conditions, or be employed in conditions hazardous to their health and well-being. Based on ILO global estimates, slavery-like conditions are not the predominant situation in domestic work, but the dangers child domestic workers face call for urgent action. Hazardous working conditions are much more common in domestic work. The following sections illustrate the nature and manifestations of slavery-like and hazardous conditions that child and young domestic workers face.

### 6.1.2 Forced labour conditions and trafficking

For many years the ILO's Committee of Experts on the Application of the Conventions and Recommendations (CEACR) has discussed various manifestations of forced labour in child domestic work. Children subject to forced labour include children who are obliged to work long hours without pay and who experience restricted freedom of movement; children who are sold into domestic work by their parents; children who are trafficked for the purpose of domestic work; and children placed under various traditional child foster systems, who may in practice be in situations of domestic servitude.

Victims of trafficking are more vulnerable than other child workers to severe physical and psychological abuse, including long working hours, having to carry heavy loads, fear and intimidation, violent punishment and sexual abuse (Box 6.1). Trafficked children may be treated as criminals rather than victims, denounced to the authorities, arrested and detained. Trafficked children are often placed in exploitative domestic work, as well as in a variety of other sectors. Many children who are trafficked for labour exploitation subsequently end up in the commercial sex trade (ILO-IPEC, 2002f).

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<sup>57</sup> In line with recent ILO publications, this Practical Guide will refer to domestic workers who are under the age of 18 and above the minimum age of employment, i.e. child workers of legal working age, when and where they can legally undertake domestic work, as "young domestic workers of legal working age".



### **BOX 6.1: Trafficked children in domestic work**

The way in which significant numbers of children enter domestic work can legitimately be described as trafficking - the process of recruiting and moving a child for the purpose of exploitation. Employers might approach parents or children directly, but more often than not, intermediaries broker the deals between parents and employers, and transport the children to their employing families. Some intermediaries deceive or coerce the child or parents/guardians, who are fed false promises about the working conditions, opportunities for education and about what life for the child will be like. Invariably, the trafficked child is totally dependent on the trafficker for her or his wellbeing – particularly during the transportation process. Additional vulnerabilities arise when national borders are crossed and the child is undocumented, located in a place where she or he does not speak the local language, and/or is cut off from family and community.

For example, in 2011, in a direct request in relation to C.182, the CEACR noted that Ethiopia “is one of the top ten countries of origin for children trafficked from Africa, and that every year thousands of women and girls are reported to be trafficked from Ethiopia to the Middle East. It also noted that [ . . . ], poverty-stricken Ethiopians sell their children for as little as US\$1.2 to traffickers for use in prostitution, domestic work, or as weavers and professional beggars”. (ILO, 2011c).

*Source: ILO-IPEC, 2013d.*

## **6.1.3 Physical, sexual and psychological violence**

Child domestic workers experience various kinds of violence: physical, sexual, verbal and psychological (Box 6.2). Numerous types of physical violence towards child domestic workers have been reported, including beating, kicking, whipping, pinching, scalding, overwork and denial of food (ILO-IPEC, 2013d, pp. 35-36). Verbal violence takes the form of name-calling, insults, threats, swearing, shouting and screaming. The risk of abuse and harassment is greatest amongst those who live in the employer’s household and are highly dependent on the employer for such basic needs as shelter and food. Regular violence or the threat of violence routinely leads to a loss of self-esteem and a self-perpetuating cycle of abuse develops as child domestic workers feel unable to challenge the situation (ILO-IPEC, 2013d, p. 35).

### **BOX 6.2: Vulnerability to abuse and violence**

#### **Physical abuse**

In a 2006 study of 500 child domestic workers in West Bengal (India), it was found that 68 per cent had faced physical abuse, with almost half suffering severe abuse that had led to injuries. Eighty-six per cent of child domestic workers had experienced emotional abuse. The study also found that nearly a third of families had no idea where their children, mostly daughters, were working, and 27 per cent admitted they knew that they were being beaten and harassed.

#### **Sexual violence**

Sexual violence towards child domestic workers is not uncommon. In Haiti, *restavèk* girls are sometimes called “*la pou sa*”, a Creole term meaning “there for that”, reflecting a commonplace acceptance of the sexual abuse of these children by the men or boys of the household. The aforementioned study in West Bengal (India) indicated that a third of child domestic workers had



### **BOX 6.2: (cont.)**

their genitals touched by members of their employing family, and 20 per cent had been forced to have sexual intercourse. In El Salvador, an ILO study showed that more than 15 per cent of child domestic workers who had changed their employers had done so because of sexual harassment or abuse. In Tanzania, it has been established that more than a quarter of girls being sexually exploited (in prostitution) in Dar-es-Salaam were former child domestic workers – many of whom had been sexually abused by members of the family they were working for. Similar findings have been reported in El Salvador.

#### **Degrading treatment**

The labels used by some to describe child domestic workers constitute part of the psychological violence against them, which reinforce their low self-esteem. In Haiti, the term to describe in Creole child domestic workers, *restavèk* (“stay-with”) has come to mean someone motherless or unwanted, and can be used as an insult to describe someone without a personality or life.

*Source: ILO-IPEC, 2013d, p.35.*

## **6.1.4 Emotional isolation**

Child domestic workers are also subjected to other forms of less explicit abuse. These include being deliberately isolated from their families, having limiting opportunities for communication and visits, and being confined to their workplace. In a study in Tanzania, a third of child domestic workers stated that they were not allowed to have visitors or to visit their parents or relatives (ILO-IPEC, 2013d, p. 31). A study in Bangladesh found that what hurt child domestic workers most was “discrimination, exclusion, disrespect, ingratitude, and other assaults on their emotional needs,” rather than the verbal or physical punishments or the possible lack of food (ILO-IPEC, 2013d, p. 29).

## **6.1.5 Occupational safety and health (OSH) hazards**

Household tasks might seem ordinary, normal and innocuous, but these tasks can be exhausting and dangerous, particularly for younger children and for those already fatigued by long working hours and lack of sleep (ILO-IPEC, 2005c; 2011, pp. 28-29). In Indonesia, the ILO found that child domestic workers performed the same amount of work as adult workers, which was clearly detrimental to their physical capacity and stamina (ILO-IPEC, 2004c, pp. 70-71). The study also commented that the long hours of work and little time for rest, recreation or socializing impacted on these children’s mental, physical, social and intellectual development. An ILO survey of child domestic workers in Vietnam found that 36 per cent had been sick or injured during their service, with a higher percentage among the younger workers (between the ages of 9 and 14) (ILO-IPEC, 2011, p. 29). Common illnesses reported by child domestic workers included coughs and respiratory problems, headaches, back pain and physical injuries (ILO-IPEC, 2011, p.29).

A cross-sectional study of more than 3,000 children aged between 10 and 17 in Brazil found that those engaged in domestic work experienced more muscular-skeletal pain, caused by awkward posture and monotonous and heavy physical work, than those employed in other sectors (ILO-IPEC, 2011, pp. 29-30). Injuries to muscles and bones in childhood can hinder healthy development and result in long-term orthopaedic problems.



According to ILO's 2012 estimates of child domestic work, almost one third (3.7 million) of all children between 5 and 17 in child labour situations (as defined by Convention 182) are performing hazardous work.<sup>58</sup> This means that more than one-fifth of all children in domestic work (17.2 million) are in hazardous work. A quarter of children performing hazardous domestic work are under 12 years old. This includes children working for at least 43 hours per week (ILO-IPEC, 2013a). Hazardous work also includes other conditions or circumstances, such as night work and exposure to physical or sexual abuse, for which there are currently no reliable and comparable data. In its most recent General Survey, the ILO's CEACR noted that child domestic workers constitute a "high-risk group", and expressed concerns regarding the effect on their physical health of, amongst other things, long hours, poor food, overwork and hazards inherent in their working conditions (ILO, 2012c).

Safety and health hazards are not only physical and do not arise only from the type of tasks that children have to perform. Child domestic workers also face psychological and emotional risks arising from the close, highly personalized setting in which they work. There is evidence of the psychosocial impacts of hazards in child domestic work (ILO-IPEC, 2011, p. 30). An extensive study in Ethiopia established that child domestic workers aged 8-15 suffered more psychosocial disorders (such as phobias and separation anxiety) than other working and non-working children (ILO-IPEC, 2011, p. 30).

Tool 6.1 below presents a detailed list of hazards and negative consequences associated with the tasks commonly carried out by child domestic workers. This table is useful when assessing the extent and nature of the actual hazardous circumstances in which child domestic workers are performing their jobs.

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<sup>58</sup> Number of hours worked, for which national statistics are available, served as the indicator for estimating the number of children in hazardous work. Because excessive working hours are not the sole hazardous condition in domestic work, the estimated number of child domestic workers in hazardous work is thus a conservative number.



## TOOL 6.1: Types of risks and hazards child domestic workers face, and preventive or corrective measures

Types of risk factor	Description of hazard/requirement/activity	Potential adverse effect on health	Preventive or corrective measures
<b>Physical hazards</b>			
<ul style="list-style-type: none"> <li>- Vibrations</li> <li>- Noise</li> <li>- Non-ionizing radiation (microwave)</li> <li>- Heat / Humidity</li> <li>- Lighting</li> <li>- Fire</li> <li>- Electricity</li> </ul>	<p>While performing the following tasks:</p> <ul style="list-style-type: none"> <li>- Laundry</li> <li>- Food preparation</li> <li>- Gardening work</li> <li>- General household cleaning</li> <li>- Outward and inward trips for shopping</li> <li>- Night work</li> </ul>	<ul style="list-style-type: none"> <li>- Hearing loss</li> <li>- Burns</li> <li>- Contact dermatitis</li> <li>- Dehydration</li> <li>- Tiredness</li> <li>- Skin lesions</li> <li>- Loss of sight</li> <li>- Cataracts</li> <li>- Death</li> <li>- Physical fatigue</li> <li>- Heat stress</li> <li>- Heat exhaustion</li> <li>- Electric shocks</li> </ul>	<ul style="list-style-type: none"> <li>- Children must be excluded from such work.</li> <li>- Programmes and action plans must be in place and measures adopted to prevent and eliminate child labour.</li> <li>- Capacitate and train adolescent girls and boys as to the risks of the job.</li> <li>- Provide information about the risks of child labour in domestic work to parents and employers.</li> <li>- Encourage skin protection in adolescent girls and boys.</li> </ul>
<b>Chemical hazards</b>			
<ul style="list-style-type: none"> <li>- Disinfectants</li> <li>- Detergents</li> <li>- Soaps</li> <li>- Dyes for clothing and hair</li> <li>- Bleaches (chlorine)</li> <li>- Kerosene</li> <li>- LPG (liquid petroleum gas)</li> <li>- Diesel, oils</li> <li>- Wax for floors and vehicles</li> <li>- Solvents</li> <li>- Paints</li> <li>- Bitumen</li> <li>- Agricultural chemicals (organochlorine, organophosphate)</li> <li>- Insecticides, herbicides and fungicides</li> <li>- Inappropriate collection and disposal of pesticide containers</li> </ul>	<ul style="list-style-type: none"> <li>- Exposure to chemicals during cleaning and laundry work</li> <li>- Inhalation of toxic fumes when preparing cleaning mixtures</li> <li>- Exposure when cleaning pets</li> <li>- Inhalation of toxic fumes during the process of preparing mixtures and fumigating the house, garden or green areas</li> <li>- Skin absorption of agrochemicals in tasks involving the preparation of mixtures and fumigation of the house, garden or green areas</li> </ul>	<ul style="list-style-type: none"> <li>- Acute and chronic poisoning</li> <li>- Death due to acute poisoning</li> <li>- Contact dermatitis</li> <li>- Reproductive/ genetic disorders</li> <li>- Agrochemicals affecting the central and peripheral nervous system and the liver and kidneys</li> <li>- Asthma, alveolitis</li> <li>- Pulmonary fibrosis</li> <li>- Neurotoxicity</li> <li>- Irritation of respiratory tract and eyes</li> <li>- Optic nerve atrophy, cataracts</li> <li>- Cancers</li> </ul>	<ul style="list-style-type: none"> <li>- Children and adolescent girls and boys must not prepare or apply chemicals.</li> <li>- Training should be given to adolescent girls and boys concerning the effect of chemicals on their health, to make them aware of the importance of not performing this task.</li> <li>- Replace the chemical used with one that is less toxic and more environmentally friendly, or use alternative methods, such as biological or organic controls.</li> <li>- Store chemicals out of the reach of children and adolescents of both sexes.</li> </ul>
<ul style="list-style-type: none"> <li>- Bleach for hair and clothing</li> <li>- Nail varnish</li> <li>- Medicines</li> <li>- Alcohols</li> <li>- Cement</li> <li>- House paints</li> <li>- Lime</li> </ul>	<ul style="list-style-type: none"> <li>- Ingestion of chemicals through food and/or beverages</li> <li>- Inappropriate working techniques and methods for handling, use, application, storage and disposal of chemical product residues</li> </ul>		<ul style="list-style-type: none"> <li>- Identify areas of chemical storage using signs.</li> </ul>



## TOOL 6.1: (cont.)

### Biological hazards

<ul style="list-style-type: none"> <li>- Viruses</li> <li>- Fungi</li> <li>- Bacteria</li> <li>- Parasites</li> <li>- Microorganisms in food</li> <li>- Exposure to and handling of live animals</li> <li>- Exposure to and handling of dead animal products and waste (skin, blood, guts, faeces)</li> <li>- Insects, worms, wasps, snakes, plants with allergenic effects or thorns</li> </ul>	<ul style="list-style-type: none"> <li>- Exposure to and handling of refuse and pet waste</li> <li>- Exposure to sick people</li> <li>- Exposure to sick animals</li> <li>- Exposure to and handling of human waste and secretions (faeces, urine, blood and saliva)</li> <li>- Exposure to bacteria due to cleaning of washrooms and pet enclosures</li> <li>- Exposure to reptiles (venomous snakes), wasps, ant and mosquito bites, among others.</li> <li>- Exposure to plants with allergenic effects</li> <li>- Exposure to bites or contact with material contaminated with rodent urine</li> <li>- Exposure to viruses and bacteria due to poor hygienic and sanitary conditions</li> </ul>	<ul style="list-style-type: none"> <li>- Contracting diseases preventable with vaccines (chicken pox, measles, polio, rubella, hepatitis A)</li> <li>- Contracting common diseases (respiratory or gastrointestinal tract)</li> <li>- Contact dermatitis</li> <li>- Zoonoses (brucellosis, parasites)</li> <li>- Diseases communicable by insect bites</li> <li>- Amebiasis, bite injuries and wounds</li> <li>- Death by snakebite</li> <li>- Malaria</li> <li>- Inflammation and/or allergies due to insect or wasp stings, or to contact with plants</li> <li>- Skin infections due to stings</li> <li>- Tetanus</li> <li>- Leptospirosis</li> <li>- Parasitism</li> </ul>	<ul style="list-style-type: none"> <li>- Children must be withdrawn from such work.</li> <li>- Do not expose adolescent girls and boys to body fluids, or human or animal waste.</li> <li>- Use vaccines against tetanus, hepatitis and leptospirosis</li> <li>- Make sure anti-venoms are available.</li> <li>- Train adolescent workers of both sexes in biological risk prevention measures.</li> <li>- Use mosquito repellent creams.</li> <li>- Train adolescent girls and boys in good personal hygiene habits.</li> <li>- Children and adolescent girls and boys must not prepare or apply chemicals.</li> <li>- Training should be given to adolescent girls and boys concerning the effect of chemicals on their health, to make them aware of the importance of not performing this task.</li> <li>- Replace the chemical used with one that is less toxic and more environmentally friendly, or use alternative methods such as biological or organic controls.</li> <li>- Store chemicals out of the reach of children and adolescents of both sexes.</li> <li>- Identify areas of chemical storage using signs.</li> </ul>
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## TOOL 6.1: (cont.)

### Mechanical hazards and basic sanitation

<ul style="list-style-type: none"> <li>- Tools and equipment: pressure cookers, frying pans, needles, knives, scissors, rolling pins, mops, brooms, coffee makers, blenders, steamers, openers, juicers, hotplates, irons, sewing and knitting machines, pruning shears, shovels, picks, rakes, scythes, axes and firearms</li> <li>- Inadequate basic sanitation</li> <li>- Non-existent sanitary installations</li> <li>- In premises: no water for human consumption</li> </ul>	<ul style="list-style-type: none"> <li>- Strenuous physical activity involving the use of cooking tools and utensils</li> <li>- Excessive physical effort demanded by the task and by the use of working tools and equipment</li> <li>- Absence, in some cases, of basic services (such as drinking water and toilets)</li> <li>- Storage of equipment, tools and chemicals in homes</li> </ul>	<ul style="list-style-type: none"> <li>- Being struck by tools</li> <li>- Flying particles</li> <li>- Wounds, cuts, fractures and lacerations caused by tools or rough edges</li> <li>- Excessive physical effort due to handling tools and carrying equipment and water containers</li> <li>- Physical fatigue</li> <li>- Gastro-intestinal diseases</li> </ul>	<ul style="list-style-type: none"> <li>- Children should not use sharp tools or work equipment, whether in the kitchen or the garden, and must therefore be withdrawn from these tasks.</li> <li>- Adolescent girls and boys must receive training in the risks of using the cutting tools, utensils and equipment needed in general housework.</li> <li>- Provision of basic facilities: toilets, drinking water.</li> <li>- Train adolescent girls and boys in safe work practices and procedures.</li> </ul>
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### Hazards associated with the organization and division of labour / Psychosocial hazards

<ul style="list-style-type: none"> <li>- Long working day, high pace of work and payment based on time</li> <li>- Income security</li> <li>- Responsibility for the task and alertness</li> <li>- Abuse, violence</li> <li>- Job insecurity</li> </ul>	<ul style="list-style-type: none"> <li>- Employment terms (temporary or part-time) and payment system based on task or working time</li> <li>- Physical and mental abuse</li> <li>- Abuse, mistreatment and verbal aggression by employers or their family in general</li> <li>- Inappropriate personal relationships</li> <li>- Discrimination and social and cultural stigmatization</li> <li>- Separation from the home and family of origin</li> <li>- Domestic violence</li> <li>- Isolation of the household where the work is carried out</li> <li>- Manual and monotonous task with high pace of work and simple cycles involving repetitive movements</li> <li>- High level of attention and concentration on the task</li> <li>- Inappropriate distribution of working hours</li> <li>- Irregular and unstable employment</li> <li>- Low wages and insecure income</li> </ul>	<ul style="list-style-type: none"> <li>- Dissatisfaction</li> <li>- Physical and mental exhaustion</li> <li>- Depression, anxiety</li> <li>- Stress</li> <li>- Material damage</li> <li>- Psychological trauma due to demands imposed</li> <li>- Low self-esteem</li> <li>- Psychosomatic disorders</li> <li>- Delayed bio-psychosocial development</li> <li>- Lack of participation in childhood activities</li> <li>- Ideas of disability</li> <li>- Sexual abuse and physical mistreatment</li> <li>- Fear</li> <li>- Loneliness</li> </ul>	<ul style="list-style-type: none"> <li>- Children must be excluded from such activities.</li> <li>- Encourage and facilitate access to education for children and adolescent girls and boys and help them remain in the educational system.</li> <li>- Adolescent workers of both sexes must not work eight hours a day.</li> <li>- Raise awareness among parents and employers in general of the need not to use child labour.</li> <li>- Reduce the pace of work for adolescent girls and boys.</li> <li>- Provide rest breaks for adolescent girls and boys.</li> <li>- Pay a fair wage to adolescent girls and boys.</li> <li>- Involve civil society in the fight to eradicate child labour in domestic work.</li> <li>- Regulate and set standards for child domestic work.</li> </ul>
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## TOOL 6.1: (cont.)

### Ergonomic hazards

<ul style="list-style-type: none"> <li>- Working when leaning over</li> <li>- Working when kneeling and squatting</li> <li>- Strenuous physical load due to movement throughout the working day and static postural loading</li> <li>- Transportation of loads</li> </ul>	<ul style="list-style-type: none"> <li>- Adoption of forced working positions</li> <li>- Repetitive movements of shoulders, arms, hands and/or fingers when washing, ironing, cleaning and cooking, among other tasks</li> <li>- Static postures and positions of fingers, hands, arms, forearms, shoulders and back</li> <li>- Strenuous work with physical exertion</li> <li>- Working on knees to clean floors and/or bathrooms</li> <li>- Working standing or sitting, moving and shifting throughout the whole working day</li> <li>- Handling heavy loads for lifting and carrying</li> </ul>	<ul style="list-style-type: none"> <li>- Back problems</li> <li>- Muscular-skeletal injuries, such as tendinitis, tenosynovitis</li> <li>- Pain in shoulders, hands, arms, legs and knees</li> <li>- Fatigue due to bad posture, movement and physical effort</li> <li>- Lower back pain</li> <li>- Back injury</li> </ul>	<ul style="list-style-type: none"> <li>- Children must be excluded from these tasks.</li> <li>- Train adolescent girls and boys in techniques to maintain good posture and protect the back.</li> <li>- Allow adolescent girls and boys regular breaks.</li> <li>- Children and adolescent girls and boys should not lift, carry or handle loads (in general, or heavy loads)</li> </ul>
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### Electrical hazards

<ul style="list-style-type: none"> <li>- Electrical wiring exposed and unprotected, connections makeshift or in poor condition</li> <li>- Defective electrical installations for kitchen and cleaning equipment</li> </ul>	<ul style="list-style-type: none"> <li>- Children and adolescent girls and boys exposed to faulty electrical installations</li> <li>- Risk of direct and indirect contact with low voltage systems, due to the state and condition of the installations</li> </ul>	<ul style="list-style-type: none"> <li>- Burns</li> <li>- Electrocutation</li> <li>- Laryngospasm</li> <li>- Coronary spasm</li> <li>- General shock</li> <li>- Ventricular fibrillation</li> <li>- Death</li> </ul>	<ul style="list-style-type: none"> <li>- Children must be excluded from these tasks.</li> <li>- Introduce programmes, action plans and measures to prevent and eliminate child labour.</li> <li>- Capacitate and train adolescent girls and boys concerning electrical hazards.</li> <li>- Run electrical installations through ducts.</li> <li>- Inspect and maintain electrical installations in good condition.</li> <li>- Earth all installations.</li> </ul>
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## TOOL 6.1: (cont.)

### Workplace and working hazards

<ul style="list-style-type: none"> <li>- Irregular terrain</li> <li>- Floors, pavements and walking areas irregular and/or narrow, with ditches, holes and obstacles and slippery and/or wet floors</li> <li>- Ground wet, muddy and slippery (e.g. gardens and green areas)</li> <li>- Water wells without guardrails.</li> </ul>	<ul style="list-style-type: none"> <li>- Children and adolescents working in areas with danger of falling on the same and on different levels</li> <li>- Tripping over obstacles and/or slipping</li> <li>- Falls in confined spaces</li> <li>- Setting up temporary, makeshift flower stalls beside busy roads</li> </ul>	<ul style="list-style-type: none"> <li>- Falls on the same level with possible injuries (such as fractures, dislocations and other injuries) to various parts of the body</li> <li>- Death due to immersion on falling into wells</li> <li>- Death due to contact with electrical installations</li> <li>- Serious injury and death due to being struck by a vehicle</li> </ul>	<ul style="list-style-type: none"> <li>- Children and adolescent girls and boys must be withdrawn from these tasks.</li> <li>- Protect pits or wells and affix signs in dangerous areas.</li> <li>- Improve electrical installations, especially for cooking and cleaning equipment and utensils.</li> <li>- Provide training to adolescent girls and boys in the dangers and health effects of working in hazardous areas.</li> </ul>
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*Source: ILO-IPEC, 2005c.*

### 6.1.6 Excessively long working hours; service on demand

The working hours of domestic workers are among the longest and most unpredictable for all categories of workers (ILO, 2013b, pp. 56-59). Long working hours are especially common among live-in domestic workers of all ages, who are often expected to be available at all times. Live-in arrangements are particularly common for migrant workers, whether from rural areas or a foreign country. Employers hardly make a distinction between working hours and non-working hours, so live-in employees end up being available whenever their services are needed. The notion of overtime and overtime compensation does not exist.

In Guinea, Morocco and several other countries, Human Rights Watch has documented young girls working between 12 and 18 hours a day, seven days a week (ILO-IPEC, 2013d, p. 32). Domestic workers frequently suffer from excessively long working hours, often on meagre pay, because of their exclusion from labour law protection and/or weak law enforcement, as well as informal employment practices and traditional customs.



## 6.2 A HOLISTIC APPROACH TO RESCUING CHILD WORKERS

Experiences in Latin America, Africa and Asia point to the need for a holistic approach to meeting the needs of child domestic workers in child labour situations, from the time a child in distress or at risk is identified and contacted to the time she or he is rescued and protected from further abuse or hazardous conditions (ILO-IPEC, 2005a; 2005b; 2006a; 2006b; 2010a; Black, 2005).

Box 6.3 illustrates how a non-governmental organization in Indonesia proceeded in withdrawing child domestic workers from child labour situations, from their initial identification to their reintegration into family life and the school system. Different interventions and actions are involved at the different stages of the rescue process.

### **BOX 6.3: Withdrawing child domestic workers from child labour situations: A programme in action**

The child labour withdrawal programme of the Indonesia Child Welfare Foundation (YKAI) in Jakarta targeted mostly child domestic workers younger than the legal minimum age of employment (15 years) and aimed to remove them from their labour situation to resume their education with scholarship support. With the support of the ILO IPEC project (early 2000s), the YKAI withdrew 24 girls in its first phase, and targeted 50 more in the second phase. Children were selected from among the child domestic workers who visited the centre for child workers, Sanggar Puri. Because many of the child domestic workers in the target area worked seven days a week without any rest or any contact with outsiders, YKAI social workers regularly visited each household in targeted communities to identify child domestic workers and negotiated with the employers to give their child domestic workers some free time to visit the centre.

The YKAI social workers selected children for the withdrawal programme based on age, motivation to resume education, likelihood of withdrawal and the degree of exploitation/abuse in the workplace. However, the worse the working conditions were, typically the harder it was for outsiders to reach the child domestic workers in those households. There was overwhelming resistance from the employers, first to YKAI making contact with child workers, and more so to withdrawing them. During Phase I, three employers refused to release their child employees in spite of repeated visits; there was nothing YKAI could do (and no law against under-age child domestic workers) to withdraw the children.

Once the targeted child domestic workers were selected, YKAI social workers met many times with them, their employers and eventually with their parents back home. Because many of the children came from different places to work in the Jakarta area, it was not easy to get in touch with their parents. The social workers visited the parents at least once before the withdrawal took place to assess the feasibility of sending the children back to their parents. Not all the parents agreed to let their children stop working and go back to school, even with the scholarships provided by YKAI. Some of them needed the additional income their child provided or at least the reduced expenditure resulting from the child's absence. Some simply did not see the benefit of educating their daughters. Employers' reactions varied significantly from one to another.

The targeted children were withdrawn only once a year, coinciding with the start of the academic year in July. YKAI provided a scholarship of 1 million rupiah (approx. US\$106) for each child to cover three years of school expenses, such as registration fee, books and uniform. Although school tuition was free for compulsory education in public schools, hidden expenses for schooling added up to around 700,000 rupiah (US\$74) per year. The amount YKAI provided was not enough but it was considered an incentive and subsidy, and parents had to share in the responsibility of sending their children to school. The YKAI social workers accompanied each child back to her home and made sure that she was registered at school, visited the school and met with the relevant teachers to discuss a returning child.

A strong tie with the school was a key to success for the withdrawal programme, to ensure that children stayed in school and finished their education. Apart from schools, YKAI also established relationships with possible contact persons, such as community leaders and neighbours, who could keep YKAI informed of the situation of each child and alert them to problems.



### **BOX 6.3: (cont.)**

After two years of the withdrawal operation, YKAI conducted a post-project monitoring mission to determine the situation of the 24 children withdrawn during the first phase. Nine children reported that they had no desire to return to Jakarta or to domestic work. Except for three, who dropped out of school due to family situations and marriage, the rest were still studying at school but were still in very difficult financial situations with the risk of dropping out remaining.

*Source: ILO-IPEC, 2006a, pp.92-96.*

## **6.2.1 Multiple, differentiated and interconnected responses**

Each situation and each stage calls for different forms of assistance and services. In addition, particular attention needs to be paid to a child's age, gender and ethnic background. Girls, children from groups historically discriminated against, and those affected by the HIV/AIDS pandemic, demand priority attention. To ensure the relevance and responsiveness of services, the active participation of children and adolescents, as well as their families, is essential whenever possible.

The process would generally consist of the following steps:

- Identification;
- Assessment of the situation: the work situation of the child, his/her family and community of origin, the legal situation;
- Assessment of alternative solutions, with the best interests, rights and protection of the child as the priority;
- Pursuit of solutions, which may involve a number of actions: persuading employers to release under-age child domestic workers from work; emergency or crisis assistance for victims or those in danger (counselling, education, training); and the reintegration of children, where appropriate, into their families and communities of origin;
- Follow-up with the children who have left work; preventing their re-entry or falling back into child labour situations.

Once a child has been contacted, an ethical commitment is made not to abandon her or him. This is the beginning of a process to assess the situation and the associated risks, search for viable alternatives for protecting her or his rights, and find pertinent solutions to offer the child.

Tool 6.2 below outlines the "holistic" process that has emerged from experiences in various countries. For more guidance on rescuing child domestic workers from child labour situations, see Tool 6.3 (Manuals).



## TOOL 6.2: The holistic “direct care” process

The “direct care”\* process consists of three stages: Initial Approach, Specialized Interventions, and Follow-up and Monitoring.

### I. Initial approach

This stage creates the conditions for child and young domestic workers to begin a process that will ensure their protection and guarantee their rights. It aims to break the state of isolation and solitude in which the child or adolescent exists, diminish their fears and anxiety, and increase their sense of individual competence. It explores the particular aspects of the situation of each child, their needs, abilities and resources.

1. Effecting personal contact:
  - Listen to his/her experiences as an individual in child domestic work.
  - “Tune into” the child’s or adolescent’s feelings regarding this experience. Assess the psychosocial condition of the child. This is especially important in critical cases of worst forms of child labour.
  - Clarify the characteristics of the situation that s/he experiences.
2. Initial assessment of the situation and the extension of immediate support, such as shelter or a safe house, and/or psychosocial help, especially in emergency cases of WFCL
3. Clarification of the nature of the problem; establishing the dimensions and characteristics of the specific situation experienced by the child:
  - Age at which s/he began domestic work;
  - Length of time working;
  - Migration status;
  - Route that led her/him to domestic work;
  - Presence of HIV/AIDS in family circle;
  - Previous jobs;
  - Detailed description of tasks carried out and schedules;
  - Conditions in which the job is carried out;
  - Payment received;
  - Type of relationship with the employer;
  - Presence of abuse or violations of her/his rights;
  - Consequences of domestic work;
  - Physical and emotional state.
4. Identification of family and community resources available to the child or adolescent:
  - Identify family or community resources available;
  - Assess the possibility of substituting the child or adolescent worker with an adult from the family to carry out the job.
5. Analysis of the legal situation and information on available measures:
  - Explanation of national legislation and international conventions on the rights of children and adolescents and measures available;
  - Assessment of the appropriateness of reporting the case to the authorities.
6. Exploration of the available alternatives, including return to the family of origin and integration into a care programme in the case of under-aged workers and worst forms of child labour, or removal of hazardous work conditions, if feasible, in the case of young workers of legal working age. Draw up a care plan:
  - Assessment of the situation of family and community of origin;
  - Return to the family of origin or repatriation;
  - Admission to a reception centre;
  - Placement in a substitute home;
  - Assessment of current work environment; removal of actual or potential hazards;
  - Participation in a care programme.



## TOOL 6.2: (cont.)

### II. Specialized interventions

This second stage consists in providing specialized care for the child or adolescent domestic worker, taking into account the problems he/she has experienced, in order to guarantee her/him respect and the exercise of her/his rights and contribute to repairing the negative consequences of the domestic work experience. The process includes guaranteeing rights (to education, health, recreation, reporting of abuse, organization, etc.); training and preparation in human rights, children's and adolescents' rights, labour rights, abuse prevention, etc.; and personal strengthening and empowerment.

1. Formal education:
  - Re-enrolment into the formal education system is the preferred option.
  - If this is not feasible, the child must be guaranteed the conditions for entry into a distance or open education system.
2. Vocational training:
  - As a complement to formal education, vocational training should be offered, so that adolescents can seek alternatives to domestic work. However, for children under 15 years of age, the priority must always be completion of their basic education and achievement of their primary and secondary education diplomas.
  - To facilitate the provision of this service, it would be useful to make arrangements to cooperate with relevant institutions, such as: (i) agreements with public and private vocational training institutions to include child domestic workers in their programmes on a priority basis; (ii) securing the support of chambers of commerce, industry, agriculture and other private agencies to finance vocational training for child domestic workers, such as opportunities for placements and apprenticeships within their organizations or enterprises; (iii) and opportunities for adolescents to visit small enterprises.
3. Recreation and play activities:
  - It is important to keep in mind that child domestic workers are first and foremost children. It is therefore important to guarantee their right to recreation and play, as well as expressive activities that combine play with learning.
  - In this regard, one should create and provide spaces for artistic activities, such as poetry, music, painting, theatre and dance, and for recreation and sports, in which children withdrawn from domestic work can participate.
4. Access to integrated health services:
  - Child and adolescent workers must be offered health education, medical care and referral to health centres for specific problems from which they may be suffering.
  - Special attention must be given to children and adolescents infected with HIV/AIDS or at risk of it. Furthermore, information and services must be provided to guarantee their reproductive and sexual rights.
5. Legal counselling services:
  - It is important to provide adolescents with instruments and institutional support for the protection and defence of their labour rights, and also for reporting abuse and representation in cases of severe violations of their rights, such as sexual abuse, trafficking, slavery, servitude, etc.
  - The fundamental principles that guide legal care services are of the utmost interest to the child. In other words, they must be informed about any proceedings taken, the possible consequences and the expected results.

The minor and her/his family, when possible, should be informed at all times of the decisions made, and their consent should be sought, especially if they are involved in judicial declarations or proceedings.

It is crucial to provide children with support and good counselling in order to obtain not only convictions and legal sanctions, but also compensation for violations of their rights.

6. Education and training in rights:
  - The objective of this component is to develop the knowledge and abilities that will enable young workers to be more autonomous in claiming and defending their rights.
  - Focus on educating young workers regarding their rights (human rights, rights of children and adolescents, labour rights) and the mechanisms (government and non-government, legal and non-legal) available to them for claiming and protecting such rights.
  - This component should include the education of concerned employers in the rights of domestic workers.



## TOOL 6.2: (cont.)

7. Training in occupational safety and health:
  - One objective of this component is to provide young domestic workers with the necessary knowledge and tools to assess their working and living conditions and work environment, identify conditions that are likely to harm them physically and psychologically, and identify possible measures to reduce or remove these risks.
  - The second objective is to train workers in ways of bringing about improvements, including how to consult and negotiate with their employers.
  - This component should include the education of concerned employers in OSH risks and easy ways of eliminating or reducing these hazards.
  
8. Creation of support networks consisting of children and adolescents:
  - Mutual interchange, companionship, friendship and a sense of belonging contribute to breaking the cycle of isolation. Within a group, children and young people can find hope and strength, even in oppressive environments. They can recover their self-esteem and develop their ability to seek improvements in their circumstances. These support networks may be the starting point for the creation of mutual assistance associations or organizations of child workers.

### III. Follow-up and monitoring

Monitoring is an important part of the process of withdrawing children from child labour and ensuring that they do not go back. It is challenging and labour- and resource-intensive.

*\*The terms "holistic care" and "direct care" were taken from the Latin America source.*

*Source: ILO, 2006a; 2006b; ILO-IPEC, 2005a; 2005b; 2010a.*

## TOOL 6.3: Resources with further guidelines on direct interventions

Black, M. 2002. *A handbook on advocacy. Child domestic workers: Finding a voice*, Anti-Slavery International, UK. Available at: [www.antislavery.org/includes/documents/cm\\_docs/2009/a/advocacyhandbookeng.pdf](http://www.antislavery.org/includes/documents/cm_docs/2009/a/advocacyhandbookeng.pdf).

ILO-IPEC. 2005b. *Guidelines for the Construction of a Holistic Care Model for Children and Adolescents in Domestic Labour*, ILO Country Office for Costa Rica, San José. Available at: [www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_3028/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_3028/lang--en/index.htm).



## 6.2.2 Institutional frameworks for coordinated actions

The efficient delivery of well-coordinated actions clearly demands a viable and manageable framework within which public agencies and partner organizations can work together. Direct interventions may be based on a multi-agency team, with each member taking the lead in aspects of the team's work relating to their agency's particular mandate and capacities. The ILO Time-Bound Programmes against Child Labour have found that inter-agency search-and-rescue teams operating at the regional, provincial and municipal levels are essential for the immediate work of rescuing children or preventing their recruitment into WFCL, as well as for buttressing local advocacy, information dissemination and social mobilization (ILO-IPEC, 2003b).

In the Philippines, for example, the Rescue of Child Labourers programme (Sagip Batang Manggagawa or SBM) is an inter-agency operation involving the departments of Labor and Employment, Social Welfare and Development, Local Government, Justice and Education, the National Police, and other agencies. Though the programme had begun in the 1990s, revitalized SBM "Quick Action Teams" were set up in 2004, tasked with rescuing children in worst forms of child labour, and providing services for their rehabilitation and reintegration. The National Police carry out raids on establishments identified as employing child labourers, while the Social Welfare Department provides or facilitates the provision of direct services to the rescued children. The national child-protection, anti-child-labour and anti-trafficking laws provide the legal framework in which the institutions operate. In 2013, some 15 government agencies, social partners (TUCP and ECOP), and four NGOs signed a memorandum of agreement to scale up the programme to combat child labour in the National Capital Region. However, thus far, child rescue operations have focused on child labour in commercial establishments.<sup>59</sup>

Many countries have set up national child labour committees, within the context of time-bound national programmes or plans of action to combat child labour and/or by decree (e.g. Madagascar<sup>60</sup>), with the aim of coordinating child labour policies, laws and services that come under the mandates of different government agencies, and implementing national action plans and programmes that involve various governmental and non-governmental organizations. Joint rescue and rehabilitation programmes may be among the functions they oversee.

Within broader national institutional frameworks or time-bound projects, setting up regional, district or village-level committees is a well-established strategy for supporting the rescue and rehabilitation of child labourers. Examples include village surveillance committees in Mali and regional and local cells in Senegal (ILO-IPEC, 2010a, pp. 24-29), which monitor the movement of children from rural areas and villages; village and school child labour committees in Tanzania (ILO-IPEC, 2006b), which monitor child labour (using a Child Labour Monitoring tool) and mobilize community members and resources to support rescued children and their families; and village committees in Togo, which follow up withdrawn children and help put in place and manage income-generating activities for mothers of girl beneficiaries (ILO-IPEC, 2010a, pp.180-183).

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<sup>59</sup> The procedures followed by Sagip Batang Manggagawa were established before the Domestic Workers Act came into force, and procedures applicable to private homes may still need to be drawn up. DOLE NCR members of the SBM NCR team have never undertaken rescue operations involving child domestic workers. First of all, because they rely on "intelligence" reports from "agents" who monitor suspect establishments, or on complaints. Based on the experience of former staff of Visayan Forum (NGO specialized in rescuing and assisting child domestic workers), the best time to rescue trafficked child domestic workers is when they are in transit (in ports, and at bus or train stations), before the child is in his/her place of employment and becomes inaccessible. For this reason, the Philippine Anti-Trafficking Law was a big boost to the rescue of child workers at risk of falling into child labour in domestic work.

<sup>60</sup> National and regional committees formed by decree and allocated a State budget (ILO-IPEC, 2010a, pp. 18-23).





## 6.3 METHODS FOR REACHING CHILD DOMESTIC WORKERS IN CHILD LABOUR SITUATIONS

Finding and making contact with child domestic workers is not always an easy task. It is particularly difficult to reach them when they are in distress and in slavery-like conditions.

Informal and undeclared employment arrangements are still the norm in most developing countries. Social security and other public registries that include and identify domestic workers are scarce.<sup>61</sup> There are a few local-level registration initiatives to identify and reach domestic workers, reported on in a later section. Employers of domestic workers are unlikely to open their doors to strangers or persons who might cause problems between them and their domestics.

Nonetheless, there are a surprising number of opportunities for reaching child domestic workers, both outside and within the household where they work. Various direct and indirect methods of finding and reaching child domestic workers have been used in different national contexts. These are discussed in detail below. For further guidance, Tool 6.4 sets out some lessons from field experiences in making contact with child domestic workers.

### TOOL 6.4: Lessons in making contact with child domestic workers

1. Welcome, recreational and drop-in centres which child domestic workers feel safe to visit are good places for meeting domestic workers. Those who frequent them may be able to lead staff to other workers who are not so mobile. Such centres would be much more accessible to child domestic workers if their employers perceived them as places they could trust.
2. Live-in child domestic workers who do not have a day-off and are not allowed to visit public places on their own are most difficult to reach. Apart from hotlines, and possibly their friends, employers may have to be the first point of entry. To make contact with employers of domestic workers, the best intermediaries are people they know and trust, their own children attending school, or the civic and religious associations to which they belong.
3. Where people are being encouraged to bring cases of under-age child domestic employment or abusive treatment to the attention of the authorities, it is important that every effort is made to undertake the task sensitively and retain the cooperation of employers.
4. Special strategies need to be designed for boys and young men. Because domestic work is traditionally considered a feminine occupation, many tend to conceal their presence. Other young men may be able to help them to overcome their resistance and understand the way in which they are being exploited without feeling shame.

Sources: ILO-IPEC, 2005b; Black, 2005.

61 In the Philippines, for example, while the Domestic Workers Act passed in January 2013 legislated for registration of all employment contracts at the barangay level, implementation is very slow or non-existent because the necessary mechanisms and resources have not been established and provided at the local government level. While the new law and the Social Security Law oblige employers of domestic workers to register their employees with the social security system, only a very small proportion of domestic workers are in fact enrolled.



### 6.3.1 Seeking them out outside of their place of work, in public areas

Domestic workers may be found in public parks, recreational areas, cafés and discos at weekends; in churches, temples and mosques on days of worship; in markets and shops to which they are sent on a regular basis, or with itinerant vendors; in schools, as some domestic workers attend night and weekend classes; and at ports and bus and train stations, where children may be leaving or arriving in the company of recruiters. In the Philippines, the Visayan Forum (an NGO focusing specifically on child trafficking) and SUMAPI (an association of domestic workers established by the Visayan Forum) have reached out to domestic workers in Manila's public parks, and in schools and centres that offer classes and non-formal education at weekends.<sup>62</sup> In Mumbai (India), the National Domestic Workers' Movement has made contact with child domestic workers by waiting for them at the place where fresh milk vendors come early every morning; and in Bangladesh, market stallholders have occasionally been enlisted to identify regular child domestic worker customers (Black, 2005, p. 22).

### 6.3.2 Finding them through local government officials and community members

Local officials, community leaders and associations, teachers and other respected local people can be helpful in reaching child domestic workers. They know their community and are generally trusted. Teachers and school supervisors can help detect signs that children are probably in situations of child labour: cessation of school attendance; irregular attendance; sleepiness and difficulty in concentrating; poor educational performance; and signs of mistreatment or neglect. Street-level officials may have right of access to people's homes (no special permit is necessary). They know all the local households and where young domestic workers are employed, and are trusted by both employers and domestic workers.

The Women and Youth Services Organization (WAYS), a NGO in Uganda which offered rehabilitation, training and counselling to girls, maintained contacts with community groups, such as parish development committees and women's groups, as a way of identifying child domestic workers at risk of abuse (ILO-IPEC, 2006b, pp. 64-65). The police in the Iringa Region (Tanzania) have been able to detect and remove children on the point of departing for Dar-es-Salaam to work as domestic workers, and to identify and arrest agents engaged in trafficking (ILO-IPEC, 2009, p. 21). Kivulini, an organization based in Mwanza, Tanzania, whose primary objective was to reduce physical, emotional and sexual violence within the home, especially against women, worked closely with leaders at the lowest level of local government, i.e. "ward executive officers" and "street leaders" (Black, 2005, p. 25). The Vulnerable Children Assistance Organization (VCAO), a partner NGO of the IPEC programme in Cambodia, ran awareness-raising sessions for local leaders, police representatives, householders and children in Phnom Penh (ILO-IPEC, 2006a). These community members were then encouraged to report any instance they came across where a child domestic worker was particularly at risk. In the Philippines in the mid-2000s, ports authority personnel were trained by the Visayan Forum, with IPEC support, to spot trafficked children in transit through major ports.<sup>63</sup>

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<sup>62</sup> Based on author interviews with former Visayan Forum staff members Jerome Alcantara and Ana Valencia, 27 May 2016, Quezon City, Philippines.

<sup>63</sup> *ibid.*



In several countries assisted by the ILO IPEC programme from the mid-1990s to the 2000s, one of the primary functions of local child labour committees, task forces and surveillance committees was to identify households and establishments employing child domestic workers, as well as families whose children were at risk or had left to work in the cities. These committees consisted of local government officials and community leaders, teachers and school officials. For example, the village-level child labour committees in Uganda and Zambia, which supported the identification and withdrawal of children, including domestic workers, consisted of recognized leaders from various sectors of the community (ILO, 2006b, pp. 49-51).

### 6.3.3 Centres and places of retreat for child workers

Some organizations have established centres or places of retreat where child domestic workers are invited to come and participate in activities, or use the space in whatever way they want. It serves as a “home away from home”, a place to meet other child domestic workers, a place where adults listen to them and treat them with respect. Children can be offered help and services should they need them, and are encouraged to run their own activities. This kind of centre has been set up in Latin America, for example La Casa de Panchita, run by the Asociación Grupo de Trabajo Redes in Lima (Peru), and Foyers Maurice Sixto, in Port-au-Prince (Haiti) (Black, 2005, p.23).

Centres can also be places where child workers just drop in to seek refuge from abusive employers. The children’s centre run by KIWOHEDE in Kinondoni, Dar-es-Salaam (Tanzania), served as a drop-in centre and provided a comprehensive package of services for children at risk of entering child labour and for rescued children (ILO-IPEC, 2006b, pp. 26-27). Many of their clientele were runaway or abused domestics. In Dakar (Senegal), the Confédération Nationale des Travailleurs du Sénégal (CNTS) has run a centre for young female domestic workers, where girls facing problems in their work or personal lives can go for advice or just someone to talk to. The centre, which also provides training and guidance to female domestic workers, has been helpful in preventing abuses, though the scope of their work is limited by lack of resources. In Indonesia, the Indonesia Child Welfare Foundation (YKAI) established a drop-in centre, Sanggar Puri, where child domestic workers could meet others at weekends, as well as receiving non-formal education and vocational training in sewing, handicrafts and beading (ILO-IPEC, 2006a, p. 92). YKAI identified children who might need to be withdrawn from domestic work among those who visited its Sanggar Puri centre (see Box 6.3).

Child domestic workers can be made aware of the addresses of welcome and drop-in centres by word of mouth and/or through advertising.

### 6.3.4 “Child-to-child” methods

Encouraging children in school to consider the situation of children working in their households and in communities is one way of identifying domestic workers through their employing households. This method has been used by the Bihar Domestic Women’s Welfare Trust and other members of the National Domestic Workers’ Movement in Chennai and Mumbai in India, and by the WAYS organization in Kampala (Uganda) (Black, 2005). Former and present child domestic workers are also well placed to identify their peers and encourage them to seek ways of getting out of abusive situations and/or going back to school (Black, 2005).

### 6.3.5 Going door-to-door, physical mapping

House-to-house encounters not only identify child domestic workers, they are also opportunities to raise awareness in the community.

In Togo, WAO Afrique developed a door-to-door method for finding child domestic workers, and also trained labour inspectors to identify child domestic workers who were in child labour situations. As a result, WAO was successful in finding and withdrawing child labourers (ILO-IPEC, 2010a; Black, 2005, p.25). The initial house visit by WAO social workers simply involved giving out information on child trafficking, child labour and child rights. Discussion was informal, and included questions concerning the composition of the household. If it was clear that children were employed, they were invited to come to the centre. If the child worker was under age, a follow-up visit with official inspectors was conducted to persuade the employer to release the child. During a 12-month period, during which counsellors were able to visit three households each per week, 458 houses were visited and 575 housemaids encountered, of whom 53 per cent were below 15 years of age. Of these, one-third were taken into the centre and most were reintegrated into their families. Although the centre staff said that after a time they began to meet resistance from employers, the programme was successful in making effective contact with child domestic workers. It was a time-consuming, resource-intensive exercise, but it worked.

In Iringa Rural (Tanzania), the area which was the principal source of child domestic workers employed in Dar es Salaam, members of village child-labour committees carried out house-to-house visits to identify children needing to be withdrawn from work and set numerical targets for withdrawal and prevention (ILO-IPEC, 2009, pp.33-35). Initially, the inhabitants appeared ambivalent or afraid of the process, but the parents of child workers later perceived that they might get some benefit from it and disclosed the names of their children.

### 6.3.6 “Hotlines”

There are ways in which child domestic workers can themselves make contact with organizations able to assist them. Telephone “hotlines” and drop-in centres have both been used by non-governmental organizations and enforcement agencies concerned with child labour.

A hotline, preferably toll-free, provides information, gives guidance to children and adolescents, and facilitates their rescue or withdrawal when necessary. The effectiveness of hotlines depends on three factors: (i) the wide dissemination of information on the line’s existence, via the media and notices in places that domestic workers frequently use or visit; (ii) a friendly, efficient and respectful voice to respond to children or individuals who call; and (iii) the existence of a social response network that will allow for a rapid response in the event of a reported emergency or abusive situation. It is not ethical to set up a hotline and then not provide effective help for those at risk. In some places, the hotline is a facility provided by the ministry of labour as part of its information service on labour rights.

In Cambodia, the Municipal Department of Social Affairs, Veterans and Youth Rehabilitation (MDSAVY), the government department charged with protecting children in the capital, set up a hotline facility (Box 6.4).



### BOX 6.4: CAMBODIA: Hotlines backed up by legal mandate and local-level partners

In Phnom Penh, Cambodia, the Municipal Department of Social Affairs, Veterans and Youth Rehabilitation (MDSAVY), the government department charged with protecting children in the capital, established a “hotline” mechanism. The mobile numbers were disseminated to district Child Protection Networks (CPN), teachers, local authorities, NGOs, school students and child domestic workers in various fun forms such as laminated calendar cards and key rings. Although other NGOs operated hotlines in Phnom Penh, the MDSAVY had the authority to act quickly and decisively on calls. The Vulnerable Children Assistance Organization (VCAO) also produced “star cards” with a picture of a popular movie or music star on one side and the MDSAVY telephone numbers and addresses of centres domestic workers could go to for help on the reverse. These were distributed in phone booths, bars, markets, discos, anywhere the children and young workers were likely to go to. The photos of stars on the cards increased the likelihood that the young workers would keep the cards. The work of VCAO in communities complemented the MDSAVY activities. Between October 2004 and October 2005, more than 100 hotline calls were received and responded to, three times as many as received in the previous two years, reflecting a greater level of awareness and concern about child labour in domestic work. People calling the hotline were required to provide as much information as possible about a particular situation and the child concerned. In cases where urgent intervention was required, the information was referred to the relevant district CPN for follow-up, including immediate investigation by the municipal police. A number of children have been removed from abusive situations as a result of this service and court action was taken in two cases during the same period.

Source: ILO-IPEC, 2006a.

### 6.3.7 Registration campaigns

In the Philippines, Quezon City, Metro Manila, the Public Employment and Services Office (PESO) and some barangays (the lowest administrative unit in the country) have organized registration events since the City Government passed an ordinance in 2004 requiring employers to register their domestic workers at the barangay level (ILO, 2011f).<sup>64</sup> The purpose of registration was to enable the city to generate solid data about the scale of the problem of child domestic work and the areas in which it was concentrated, and, on this basis, to deliver services to the domestic workers concerned. The registration events enabled employers and workers to register with the barangay/city, the social security system and the national health insurance scheme all in one place at one time, and to receive information about regulations. To increase the attractiveness of these registration events, services such as free medical and dental check-ups, and first aid training, were usually included. However, for various reasons (the barangays’ lack of resources and heavy administrative responsibilities; lack of interest in the issue), few barangays have been able to carry out registrations with any diligence, and reports of the registering of domestic workers have declined over the years.<sup>65</sup>

64 The City passed City Ordinance No. 1472, S-2004 “An Ordinance Enjoining All Barangay Officials of Quezon City to Conduct Massive Registration of Kasambahay and/or Domestic Workers in their Respective Barangays” in December 2004.

65 The most recent information (July 2016) on Quezon City Government efforts on domestic work was obtained through interviews with Senencio Tito Jr., Client Assistance Officer II, and Tom Navarra, Client Assistance Officer II, both focal persons of PESO for Domestic Work and Child Labour concerns. Interviews conducted by Carla Magalona on 1 and 12 July 2016 under the supervision of the author.

## 6.4 DEALING WITH EMERGENCY CASES

Preparations should be made to provide direct emergency assistance to children and young workers who are victims of the worst forms of child labour, are in danger, or are fleeing from grave abuses and need temporary refuge. This means that, before launching interventions, the appropriate institutional resources must be made available and clear guidelines established for removing and taking charge of children and adolescents. The measure should include agreements with welfare institutions that can offer accommodation and a protective environment to children withdrawn from abusive situations (ILO-IPEC, 2005b, pp. 44-45).

It is important to pay special attention to situations where the child's entry into domestic work is the result of internal trafficking. Special protective measures, legal steps to persecute perpetrators and the possibility of reintegration into the family of origin all require careful consideration. Similarly, cases where a child or adolescent is found to have irregular migration status, and/or has entered the country by being trafficked, require careful assessment of the legal and non-legal issues concerning the child's rights and protection: compensation and justice for the worker concerned, repatriation and reintegration into the family of origin if conditions are safe and propitious, regularization of migration status, and punishment of the trafficking agents.

In some countries, specific measures for the care of children who have been affected, infected or orphaned as a result of HIV/AIDS are necessary. This group includes under-age individuals living in households where a family member is ill, boys and girls infected by the virus, those that have lost their father, mother or both parents to HIV/AIDS, and those that are at risk of being infected, such as victims of sexual abuse.

## 6.5 REINTEGRATING CHILDREN INTO THEIR FAMILIES, SCHOOLS AND COMMUNITIES

Once under-age children and young domestic workers have been withdrawn from child labour, the next challenge is to prevent them from falling back into the same situation and help them to undertake a process of personal development. One option is to reintegrate them into their families and communities of origin. This will depend on the child's consent, as well as the circumstances of their family and community, and the latter's commitment to supporting the reintegration process. Reintegration into families and communities entails four streams of action: (i) economic alternatives for families of origin; (ii) linking these families with income-security programmes, if they exist; (iii) making attendance in school a viable alternative to child labour; and (iv) creating caring, protective communities for current, potential and rescued child domestic workers. These four streams of action are discussed below. Tool 6.5 collates lessons from the field on the reintegration of child domestic workers.



## TOOL 6.5: Lessons in reintegrating child domestic workers into their families, communities and schools

1. Mainstreaming rescued children into formal education as quickly as possible is vital for the success of rehabilitation programmes. Non-formal or catch-up education programmes aim to bring the children's level of education up to speed so that they can make the transition into formal school.
2. Helping child domestic workers to return to their homes and reintegrate with their families is desirable, though this might not always be possible. It depends on individual circumstances.
3. Accompanying the children back to their home villages is an essential part of helping them settle into a "new" or old environment.
4. Continuous monitoring of children who have been withdrawn from child labour in domestic work is vital to ensure that such interventions have a lasting impact.
5. An effective strategy is to identify contact persons within the community who can be informants on the situation of each rescued child. Such contact persons may be community leaders, teachers or other reliable community members.
6. Providing one-time scholarships to withdrawn children is not enough to ensure that they will continue studying. The withdrawal programme needs to include interventions to address the economic situation of the children's families.
7. Addressing the economic vulnerability of families of origin can be very difficult, especially when the households concerned are headed by an elderly person, a single parent or even a child. More systematic links with social support mechanisms are called for.
8. In working with communities of origin in rural areas, it is valuable to link up child labour in domestic work programmes with other child labour programmes.

### 6.5.1 Offering families economic alternatives

It is usually critically important to offer the families of withdrawn child workers economic alternatives to the resources they had been contributing towards the family's survival. Income-generation schemes for families of withdrawn child workers and children at risk have been a mainstay of comprehensive programmes to combat child labour, including child labour in domestic work. The alternatives naturally depend on the resources available to the family and the community, the existing livelihood systems and market opportunities. Making income-generating activities sustainable over the long term is itself a tough challenge in underdeveloped rural areas, where access to markets, capital and technology is limited.

For example, the SNAP Malawi project (2010-2013), covering the four districts of Mzimba, Kasungu, Mulanje and Lilongwe, gave former and potential child domestic workers skills training, together with income-generating and small-business development activities (ILO-IPEC, 2013c, p. 29). In Togo (2002-2003), to ensure the effectiveness of its programme of removing under-aged children from domestic work in the cities and integrating them into schools, WAO Afrique established an income-generation component for the children's families and communities of origin (ILO-IPEC, 2010a, pp. 180-183). With its partner organizations, WAO extended technical support to village committees and participating mothers, as well as facilitating their access to micro-finance and enabling them to accumulate capital.

Another strategy, developed by ANNPCAN in Kenya, is to base income-generating activities in local schools, thus combining economic assistance to families and retention of children in the school system. ANNPCAN organized school-based income-generation activities in five selected primary schools and four polytechnics to prevent pupils from dropping out of school and to support withdrawn pupils from falling back into child labour (ILO-IPEC, 2006b, pp. 21-23). The profits accrued from the income-generation activities were used for the upkeep (including purchase of school materials) of the children concerned, mainly children from poor and vulnerable families and HIV/AIDS orphans. The Child Labour Committee of the district concerned worked with the department of education to monitor the progress of the income-generating activities, effectively mainstreaming the intervention into the school inspection schedule.

It is important to point out that families need a sustained, regular flow of income to secure basic needs. While income-generation projects can meet the needs of families at least partially and in the short-term, reducing poverty and income insecurity requires long-term solutions that usually go beyond the local community level.

## 6.5.2 Linking families to income security programmes, where these exist

In times of economic hardship, such as drought, crop failure, adult job loss and severe economic decline, families need basic income security, so that they do not have to rely on child labour to cushion these shocks. There are various social security instruments designed to protect families from the negative economic consequences of shocks and life contingencies, some more effective than others in cutting the use of child labour as a coping strategy (ILO, 2013h, pp. 28-54).

One such instrument is conditional cash and conditional in-kind transfer programmes, which provide cash or in-kind transfers (e.g. school vouchers and food from education programmes), usually to poor, vulnerable households, on condition that the recipients adhere to specific behaviours, usually related to health care and the schooling of children. Evidence from evaluations in Latin America and the Caribbean, and a few in Asia, show that these schemes tend to reduce the incidence of child labour, but do not eliminate it altogether.<sup>66</sup> The magnitude of the impact also varies substantially from one programme to the next.

Cash/food-for-work labour-intensive projects are another social protection instrument. These provide jobs for adult members of poor households while building and rehabilitating local assets and infrastructure, which may be required in developing and sustaining local livelihoods. Evidence from two public employment programmes in Ethiopia and India indicates that such programmes do have the potential for reducing child labour.<sup>67</sup>

None of these or other schemes can alone ensure income security for poor, vulnerable households. A national “social protection floor”, consisting of a nationally defined set of basic social security guarantees, offers a truly comprehensive, integrated approach. According to Recommendation concerning National Floors of Social Protection, 2012 (No. 202) (R202), the basic social security guarantees, as defined at national level, are access to essential health care, including maternity care; basic income security for children, ensuring access

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<sup>66</sup> Among other findings, the impact tends to be greatest on children from poorer backgrounds and when education facilities are also provided (ILO, 2013h, pp. 31-36).

<sup>67</sup> Evaluations of the impact of public works programmes on child labour are limited in number. The findings mentioned here are from evaluations of the Public Safety Net Programme in Ethiopia and the Mahatma Gandhi National Rural Employment Guarantee Scheme in India (ILO, 2013h, pp. 39-42).





to nutrition, education, care and other necessary goods and services; basic income security for persons of active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and basic income security for older persons (ILO, 2013h, pp. 8-9).

### 6.5.3 Making school attendance a feasible alternative to child labour

This entails actions on two fronts. On one hand, families of child workers should be helped to recognize and appreciate the importance of education for the future of their children and for the family as a whole. Mobilizing public opinion and community leaders and school officials in support of children's compulsory education may be helpful. On the other hand, it may be necessary to re-equip local schools, enhance teaching quality and improve the school curriculum. For child domestic workers who have never attended school, or who are semi- or non-literate, formal schooling is probably not the immediate solution. Pre-school or remedial literacy courses may need to be put in place. These actions and others related to education and training will be discussed in Chapter 8 of this Practical Guide.

### 6.5.4 Creating “caring and protective” communities

The communities of origin of child domestic workers have a critical role to play in protecting them, and in preventing their re-entry into child labour situations. It is not possible to assist vulnerable families in an effective and sustained manner without the support of the local community. The economic capacity of a family is interconnected with the local economy. The schooling of their children depends on the local educational infrastructure and resources. In some places, local traditions and social structures perpetuate the recruitment of child domestic workers.

Under many programmes set up to combat child labour in Africa, Asia and Latin America, sub-national child-labour protection committees and networks take on various roles: (i) direct action to prevent the neglect, abandonment and trafficking of children for purposes of labour exploitation, and/or their entry or re-entry into abusive labour; (ii) coordinated delivery of services; and (iii) political support for local policies, regulations and resources that protect children from child labour and promote their education and training (ILO-IPEC, 2005b; 2006a; 2006b; 2010a). Setting up functional local committees and networks demands substantial investment in (i) raising awareness of children's rights and child labour issues among leaders, local organizations and the community as a whole (topic discussed in Chapter 4); and (ii) training and support in a range of policy and technical areas.

In Phnom Penh, the approach of the Vulnerable Children Assistance Organization (VCAO) was to establish Village Safety Nets (VSNs) and mobilize all key authority figures and relevant parties at the village level to prevent child labour in domestic work and protect child domestic workers from exploitation and abuse (ILO-IPEC, 2006a, p. 65). Having a VSN created a “safe village”, in other words the authorities were aware of, and monitored, the child labour situation in domestic work; parents acted to protect their children; children were given information and other tools to protect themselves and others; and local leaders and respected persons – such as teachers, doctors and the police – were primed to take action.

## 6.6 IMPROVING WORKING CONDITIONS FOR YOUNG DOMESTIC WORKERS OF LEGAL WORKING AGE

For young domestic workers of legal working age, the most feasible option may be to remove hazardous conditions to make it safe for them to continue working as domestic workers, if they so wish.

The main challenges to making the work environment safe for young domestic workers are:

- People's view of things: employers, as well as domestic workers themselves, think the house is a safe place. Household tasks are "normal" things that people do every day, so how could they be dangerous?
- The private home is not accessible to labour inspection.
- The workplaces concerned are too numerous to be covered effectively by labour inspectorates, even if their mandate covers domestic work.

This section focuses on methods that have been developed to prevent, remove or reduce the workplace hazards that harm or are likely to threaten the physical, mental and moral safety of domestic workers. Labour inspection is tackled in Chapter 7 of this Practical Guide.

### 6.6.1 Promoting corrective or preventive measures against hazardous conditions

As Tool 6.1 (column 4) shows, there are corrective and preventive measures that can be taken to prevent, reduce or alleviate certain hazardous conditions.

Governments, domestic workers' and their employers' representatives and organizations, social partners, and the families and communities of child domestic workers, can do three things to prevent and remove hazardous conditions in domestic work:

- They can raise awareness of these risks.
- They can disseminate information regarding corrective and preventive measures.
- They can train domestic workers and their employers in how to apply these corrective and preventive measures, and provide practical tools for doing so.

### 6.6.2 Promoting written contracts that state terms of employment

Written contracts are a good tool for ensuring that young domestic workers and their parents or guardians are informed of, and agree to, the conditions of employment being offered, and that these do not fall below labour standards.

In Malawi and Uganda, where in the past written employment contracts were hardly used in the domestic work sector, model contracts have been designed and promoted as a way of securing minimum terms and conditions of employment for young domestic workers (Box 6.5).



### **BOX 6.5: MALAWI: Ensuring decent working conditions and removing hazardous conditions through written contracts**

The SNAP Project in Malawi (Support the National Action Plan to Combat Child Labour) formulated a two-pronged strategy for addressing the situation of child domestic workers. One prong consisted of protecting child domestic workers aged 14-17 from abuse, and promoting decent working conditions. Rather than withdrawing young domestic workers from their employment, the strategy focused on reinforcing “responsible and humane treatment” of child workers by their employers.

In Lilongwe, which is the principal destination of child domestic workers, the project designed a framework for setting terms of employing for domestic workers, and for monitoring their working conditions. All children who intend to work as domestic workers are required to be registered with the “Traditional Authority”\* in the relevant area.

After it has been verified that a young person is above the minimum age, the employer is issued with a standard contract which specifies: the age of the worker, the nature of the activities to be performed, the working hours, and the conditions of work and remuneration. If the employer agrees with the terms, both parties sign the contract and the Community Child Labour Committee (CCLC) and the District Labour Office countersign the document. The terms and conditions are set by the District Labour Office, based on the provisions of the Employment Act.

In case of conflict, the arrangement provides for resolution through the CCLC members, and if this is not successful, the issue is forwarded to the District Child Labour Committee (DCLC) for action. As a result of this intervention model, the working conditions of domestic workers in Lilongwe have improved. Before the contracts were introduced, children were working long hours (say from 4 a.m. to 10 p.m.) and performed different types/kinds of domestic chores using hazardous tools and equipment. The stipulation of working conditions and periods of work has ensured that children who have reached the minimum age are allowed to work after school hours, while those who cannot go back to school due to their age are allowed to work and to attend Service Outlet Centers for vocational skills training. Children are also allowed free time when they can meet in children’s forums and discuss issues affecting them, and subsequently forward their issues to CCLCs for support.

*Note: \* Traditional Authorities (TAs) are traditional chiefs who govern local communities. TAs are part of the CCLCs and have devised a strategy of registering all domestic workers in their areas. Every employer who employs a domestic worker is required to notify the local chief prior to recruitment. The chief will then assess the age of the worker and facilitate the signing of the contract if the person is above the legal minimum age of employment.*

*Source: ILO-IPEC, 2013c, pp. 27-30.*

In Uganda, the non-governmental organization WAYS also developed a model employment contract for young workers above the legal minimum age who wish to continue in employment as domestic workers. Formulated jointly with the Ministry of Labour and other ministries, the contract contained the following information: age of the worker, employer name and address, hours of work, recruitment procedure, payment and modality of payment, medical care, duration of contract and weekly rest and monthly leave (ILO-IPEC, 2006b, pp. 58-59). In the areas of Kampala where the contract was pilot-tested, meetings were held with employers of child domestic workers, local leaders and community members to secure cooperation in using the model contract.



### 6.6.3 Voluntary tools, guidelines, and tips

Simple, easy-to-use tools and training can be given to domestic workers and their employers so that they can, on their own initiative, identify, correct and/or prevent health and safety hazards in the workplace.

#### ***OSH tool for domestic workers and employers***

The ILO Promoting Decent Work for Domestic Workers to End Child Domestic Work (PROMOTE) Project in Indonesia has developed a simple and practical checklist to guide domestic workers and their employers in identifying safety and health risks and in devising low-cost, easy-to-do improvements in the domestic workers' work environment. This checklist is called Work Improvement in Domestic Environment (WIDE). It covers not only the physical environment, but also issues relating to work organization, wages and benefits, rights and child domestic work (Tool 6.6). The checklist is meant to encourage and assist domestic workers and/or employers in voluntarily carrying out immediate improvements using locally available resources. The WIDE checklist, which has been piloted in Malang and Surabaya, is the first of its kind in Indonesia. Participants who have used the tool have expressed their appreciation. They had never thought that their homes could pose hazards, and both employers and domestic workers found the WIDE tool useful for improving the working conditions of domestic workers.

#### **TOOL 6.6: Work Improvement in Domestic Environment (WIDE) checklist**

The Work Improvement in Domestic Environment (WIDE) checklist is a practical tool for improving working conditions in domestic work. The checklist consists of eight areas relevant to the improvement of working conditions in the domestic environment:

1. Materials handling and storage
2. Work station design
3. Machine/tool safety
4. Physical environment
5. Social welfare and work organization
6. Wages and benefits
7. Communication and rights for success
8. Situation of child domestic workers

Each area has 5-12 points that need to be checked. Depending on the workplace, points that are not relevant to a workplace may be ignored, and new points may be added to any of the appropriate areas.

The checklist is designed as a simple tool to assist users (domestic workers or employers) to identify 'good points' and 'points for improvement' in their workplace. It guides users in self-monitoring and making step-by-step improvements on a voluntary basis by comparing the actual conditions in the workplace with the expected conditions in the checklist. Each point in the checklist includes a picture to explain exactly what is required.

The WIDE checklist was jointly developed in 2015 by ILO occupational safety and health experts, labour inspectors from the Ministry of Manpower, domestic workers' organizations, recruitment agencies, trade unions, employers of domestic workers, and domestic workers themselves.

It was piloted in Malang and Surabaya, East Java Province, in cooperation with local NGOs. In these pilot areas, 45 domestic workers were trained in how to use the checklist during a participatory action oriented training (PAOT) course, which combined classroom training with a practical exercise at home facilitated by an OSH facilitator. During the practical exercise, groups of participants were asked to identify three 'good points' and three 'points for improvement' in the workplace. Sessions were



## TOOL 6.6: (cont.)

also held for employers, to inform them of the importance of improving working conditions in their homes and introduce them to the WIDE checklist. The aim was to ensure that they appreciated the benefits of WIDE and would support their domestic workers in applying the tool. At the end of the training, each participant drew up an action plan for improvements to be made in her workplace. The action plan included both short-term (2-3 months) and long-term (6-12 months) improvements. During this period, the OSH facilitator visited the workplaces to monitor the improvements that were being made, and provided advice or consultation in the event of problems. The participants took “Before” and “After” photographs to document improvements made.

The experiences of the pilots were shared with other stakeholders at a workshop held in May 2016 in East Java Province. Participants appreciated the development of the WIDE checklist. They had never before thought that their homes could pose hazards and found the WIDE tool useful in helping both employers and domestic workers to improve working conditions in domestic work. Further efforts are planned to promote the use of WIDE.

*Source: Technical note from ILO project PROMOTE, in Indonesia.*

### **Working time tool for domestic workers: Knowing one's working hours**

The actual time worked by live-in domestic workers has remained difficult to assess, which hampers policy dialogue and negotiations to limit the working hours of domestic workers. A working-time tool to enable live-in domestic workers to record and measure their working and rest times has been developed and tested in four countries: Tanzania, Bolivia, Thailand and the Philippines (ILO, 2014d). Consisting of a timekeeping tool and a task checklist, the working-time tool has a number of uses and potential long-term benefits. Its most immediate objective is to empower live-in domestic workers to better understand their working-time rights, and their contributions as workers to the household. Training and practice in recording working time is intended to:

- raise the consciousness of domestic workers as to their identity as workers and the value of the work they perform;
- help domestic workers develop a better understanding of their work and work organization on a given day, or in a given week: how much time they spend actively working, on standby or having breaks;
- enable domestic workers to track, compute and record their working time, tasks and pay. While many domestic workers do keep a record of the salary they receive, this is quite rare, and it is rarer still to record the number of hours they have worked. However, recording pay along with working hours helps to create an association between hours worked and wages paid - a relationship of critical importance to ensuring the rights of domestic workers.

### ***OSH tips for domestic workers and employers***

The Philippine Department of Labor and Employment (DOLE) has adopted a promotional approach to improving occupational safety and health in the workplaces of domestic workers. In 2014, the department issued “Occupational Safety and Health Protection Tips for Kasambahays and Employers (OSH Tips)” (Philippine DOLE, 2014). It advises employers to conduct on-the job orientation for the kasambahay (the domestic worker), including emergency procedures and proper use of fire protection equipment; provide appropriate personal protective equipment (PPE) based on the nature of the jobs performed by the worker; provide humane sleeping quarters, adequate food, safe drinking water, first-aid medicine and access to hygiene facilities; ensure the availability of fire extinguishers and other fire protective equipment; and ensure that the employee will not work under conditions that will endanger his/her health and safety. For domestic workers, the OSH Tips offer advice regarding housekeeping; lifting; working at heights; handling household chemicals; using electrical appliances; kitchen safety; waste management; household security; scheduling of tasks; running errands; babysitting and caregiving for the elderly; handling pets; gardening; using PPE; safety measures in the event of emergencies such as fires, earthquakes, typhoons and floods; and what to do in the event of theft or robbery.<sup>68</sup>

### ***Tips for employers: How to create positive working relationships***

Malaysia is a principal destination for foreign domestic workers from Asia. While only adult domestic workers are legally allowed to enter the country, there are cases of young women who enter with falsified age information on their passports. A booklet of guidelines and tips, developed locally in 2015 for employers of domestic workers, provides a good example of how to address the many social and emotional aspects of the employment relationship which are not addressed by labour regulations and standard employment contracts but can be sources of psychosocial tensions and conflicts, if not abuse, in domestic work. “Guidelines and Tips For Employers of Foreign Domestic Helpers” was prepared by the ILO and the Malaysian Ministry of Human Resources (MOHR) in consultation with Malaysian employers of foreign domestic helpers and advocates. It gives employers user-friendly information regarding laws and practices relating to the employment of foreign domestic helpers and, more importantly, it provides advice and tips on: (i) on how to hire and employ a domestic helper; (ii) employment practices regarding working time, wages, tasks etc., with the aim of establishing a positive working relationship with one’s domestic helper; and (iii) issues of communication, culture and training, with a view to creating a more harmonious atmosphere in the employer’s home. The guidelines and tips were based on the outcomes of a participatory workshop involving employers of foreign domestic workers.<sup>69</sup>

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<sup>68</sup> Up to the time of writing, there is no available information as to how the labour department has disseminated the OSH Tips.

<sup>69</sup> A one-day participatory workshop was held in Kuala Lumpur in 2015; nearly 80 participants attended: employers from different walks of life, academics, scholars, maid employment agency representatives and government officials.



## 6.7 WORKING WITH COMMUNITIES OF DESTINATION OF CHILD DOMESTIC WORKERS

Another approach to develop a “caring and protective web” in communities identified as communities of destination of child domestic workers. This requires a situational analysis to determine localities with a high density of child domestic workers, where WFCL issues are most severe. Strategies may be designed by conducting an analysis of the stakeholders concerned (ILO-IPEC, 2005b):

- Beneficiaries: persons or groups that will benefit directly from the actions;
- Potential allies: persons or groups with similar visions or objectives with regard to the problem;
- Decision makers: influential individuals in positions of power or authority whose actions may have a positive or negative effect on the problem;
- Adversaries: persons or groups who have an opposing or conflictive view.

In communities of destination, welcome, drop-in and recreation centres, safe houses and hotlines of the kind mentioned in Section 6.3 all have a part to play in creating a “caring and protective web” for child domestic workers. The establishment of clubs concerned with children’s and adolescent rights in community and education centres has proved to be an excellent way of keeping children out of child labour and reincorporating them into the school system. Such clubs consist of groups of children and adolescents aged between 7 and 18 who establish meeting places where together they can identify their interests, needs and aspirations. This in turn enables them to lay a foundation on which to construct their life projects and exercise their rights.

## 6.8 KEY MESSAGES

- Legislative and policy actions, and direct interventions, are mutually reinforcing. Policy and legislative reforms (upstream) are truly effective only when translated into actions on the ground (downstream), while direct interventions are feasible, replicable and sustainable only if the appropriate legislation and policies exist.
- When direct interventions with child and young domestic workers are contemplated, preparation should be made to provide emergency assistance for those who are victims of the worst forms of child labour, are in danger, or are fleeing from grave abuses and need temporary refuge.
- The different problems and needs of child domestic workers in child labour situations demand a “holistic” approach, from the time a child in distress or at risk is identified and contacted to the time she or he is rescued and protected from further abuse or hazardous working conditions.
- Special attention needs to be paid to a child’s age, gender and ethnic background.
- Finding and making contact with child domestic workers is difficult. Nonetheless, there are many opportunities and methods for reaching child domestic workers, outside the household where they work and within it.
- The delivery of coordinated, integrated services by different governmental and non-governmental agencies demands a viable and manageable institutional framework.







## CHAPTER 7:

# ENFORCEMENT AND PROMOTING COMPLIANCE

This chapter looks at the issues and challenges of enforcing labour regulations in the domestic work sector. It presents the approaches and tools that have been developed and used for enforcing laws and promoting compliance, taking into account the particularities of the domestic work sector and their specific national legal and the socio-cultural contexts, as well as drawing lessons from these experiences.

## 7.1 THE ISSUE OF ACCESS TO ENFORCEMENT MECHANISMS

The overall legal and policy framework that sets the substantive rights and protections for domestic workers should also contain mechanisms and procedures for ensuring compliance. These will comprise complaints procedures; a system of labour inspection, enforcement and penalties; and dispute settlement mechanisms, including conciliation, mediation, courts and tribunals.

The ILO Domestic Workers Convention (No. 189) provides for such measures (Box 7.1), bearing in mind two issues:

- (i) the effective access of domestic workers to their rights in conditions not less favourable than those available to other workers generally, and
- (ii) due regard for the special characteristics of domestic work (section 2.5).

R201 also proposes the provision of information and the raising of awareness regarding applicable laws and the obligations arising from them, as well as assistance for domestic workers seeking to enforce their rights.



## **BOX 7.1: Convention No. 189 on enforcement measures**

### **Article 16**

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.

### **Article 17**

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

Where national legal systems exclude domestic workers from their scope or grant them less-protected status (see Chapter 5), labour inspectors have no mandate to monitor the working and living conditions of domestic workers. If they have complaints or grievances, domestic workers and their employers have no – or only limited – opportunity to make use of the labour dispute resolution mechanisms available to other workers and employers. The only remaining option may be the courts, which often involves long and costly proceedings, and child and young domestic workers are not well placed to obtain legal assistance.

In countries where labour legislation covers domestic work, the sector may still not fall within the scope of labour inspectors, and domestic workers and their employers may not have effective access to complaints and dispute resolution systems. Various conditions and constraints explain these deficiencies, which are discussed in more detail below.

Deficiencies in effectively monitoring and enforcing compliance with labour rights and standards in the domestic work sector have serious implications for child and young domestic workers, who are more vulnerable than adult workers and have less capacity to seek redress and justice. The central questions in respect of child domestic work are therefore: How have enforcement and compliance mechanisms and procedures taken into account the situation of child and young workers, and enforced their rights? How have these systems given child and young workers access to justice?

Governments have taken initiatives to overcome the specific challenges of enforcing regulations in the domestic work sector. These include innovative ways of undertaking labour inspections, ways of monitoring compliance that do not require in-house inspections, and ways of combining deterrence, punishment and compliance-enabling measures. While the State has the prime responsibility for promoting compliance with the law, members of civil society (social partners, community leaders, civil society organizations) have also become involved in promoting compliance and demanding respect for workers' rights, especially where the State is ineffective or absent.



## 7.2 LABOUR INSPECTION IN THE DOMESTIC WORK SECTOR

### 7.2.1 Legal mandate of labour inspectorates: Trends

According to the available information, there are as yet few specific labour inspection policies or strategies for domestic work, because the sector is not covered by national legislation or is covered to a lesser extent than other sectors (ILO, 2015e, pp. 17-20.). National systems of labour inspection are diverse, and this determines the degree to which domestic workers' rights are protected (Box 7.2). In many countries, the labour inspectorate's mandate is universal, whereas in others, it covers specific sectors (usually industry and commerce) or subjects (such as occupational safety and health). In some cases, the labour inspectorate's mandate excludes employers with fewer than a minimum number of employees. Some countries have been expanding the mandate of their labour inspectorates and gradually bringing all working conditions and sectors within their scope, but there are still no clear trends towards coverage of domestic work.

#### **BOX 7.2: Legal mandate of labour inspectorates over domestic work: Regional trends**

In the European Union (EU), for example, most labour inspectorates cover the sector (Bulgaria, Cyprus, Finland, France, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden) but some working conditions may not be covered and labour inspectors only assess compliance with parts of labour legislation. In other EU countries, the labour inspectorate is not competent to monitor compliance in the domestic work sector (Austria, Germany and the United Kingdom).

In Africa, the labour authorities are often required to inspect only industrial premises, not private homes. South Africa is a clear exception; labour inspectors are quite active in the sector and have adopted a series of combined methods.

In Arab states, the mandate of Jordan's labour inspectorate covers domestic work and a recently established Directorate for the Protection of Domestic Workers has inspected five homes to date with the consent of the owners. In 2005, Saudi Arabia formed a special group to protect the rights of domestic workers and impose sanctions against employers who abuse them. In Yemen, on the contrary, labour inspectors supervise the application of labour legislation and regulations, contracts and agreements, but domestic workers are excluded because they are not covered by labour law.

In some South American countries, all problems in the sector, such as wages and registration in the social security system, are handled by the labour inspectorate. One such country, Uruguay, has formed a specialized section to monitor compliance with domestic work legislation. Other countries, such as Brazil, focus particularly on practices related to slavery and forced labour, while still others do not take any specific approach to domestic work.

*Source: ILO, 2015f, pp. 17-18.*

## 7.2.2 Issues and challenges for labour inspection

In addition to exclusion from labour legislation, there are other issues and constraints that hamper labour inspection of the domestic work sector (ILO, 2015e).

### ***Lack of resources to cover a widely dispersed sector***

Even if the labour inspectorate's mandate is universal or covers domestic work, the general picture is that labour inspectorates lack enforcement capacity and government resources are insufficient to cover the widely dispersed domestic work sector.

### ***“Hidden” workers, employers, workplaces, no registries, no data***

A common rule of labour inspectorates that cover domestic work is to make the access of labour inspectors to private households dependent on the consent of the householder, or on prior judicial authorization. But the general absence of registries of domestic workers (except for a few countries), lack of precise data on their number and whereabouts, and the predominance of verbal contracts, hamper systematic, planned inspection visits. Child domestic workers below the legal working age or living in slavery-like conditions will, in any case, be concealed from State authorities and law enforcement agencies.

### ***Lack of complaints to trigger labour inspection***

In some cases, labour inspections are conducted on the basis of a complaint. However, official complaints from domestic workers or their employers are rare. Workers may not know their rights under the law, may not have the time, freedom or money to file a complaint, may not know where or whom to call, or may not trust the public authorities. They may also prefer to retain their job, in spite of violations of their contract, rather than lose it altogether. Or, if the situation becomes worse, they may prefer to leave the employer and find another job. The employer, for his/her part, may also not know about the complaints procedure, may prefer to keep the public authorities out, or prefer to dismiss the worker straight away.

### ***The private home: An unconventional workplace to inspect***

Private homes often fall outside the scope of labour inspectorates because of legal restrictions on house inspection visits. It is also possible that the conditions and procedures for carrying out labour inspections in homes are not clearly defined. Labour officials may not be prepared to undertake such visits, not only because they lack clear instructions on when and how to conduct them, but also because they themselves think the house is a safe place or not a priority. They may also lack the skills to deal with private householders and domestic workers in a labour relations context.



## The privacy issue

There is undoubtedly a tension between the right to privacy, on the one hand, and the private house as a place where people are employed, on the other. According to international standards (Box 7.3), the right of access to a private household is limited and, as a rule, labour inspectors must first obtain the consent of the householder or the authorization of a judicial or other competent authority (e.g. a civil or specialized labour court, criminal court or public attorney).

### BOX 7.3: The “right to privacy” and labour inspection

#### Right to privacy

Household members enjoy the right to privacy and to the inviolability of their home under most national constitutions.

Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights establish the right to privacy. States have an obligation to protect individuals from arbitrary and unlawful interference with their privacy or homes.

The Human Rights Committee (an expert body established under the Covenant to monitor its implementation) has stressed that legislation allowing interference in the privacy of the home must specify in detail the circumstances in which interference is permitted and that authorization for such interference must be issued only by the authority designated under the law on a case-by-case basis.

#### Labour inspection and domestic workers' rights

Domestic workers are entitled to protection under the law and to application of the principle of the free access of labour inspectors to workplaces (Art. 12 of ILO Convention No. 81, extended to non-industrial and commercial workplaces by the 1995 Protocol thereto).

In the 2006 ILO General Survey on Labour Inspection, the ILO Committee on the Application of Standards noted that, “in the case of a private home, the consent of the employer, the occupant or a judicial authority, as the case may be, is generally required”. The Committee also observed that “in view of the broad definition of premises liable to inspection, labour inspectors must observe strict respect of privacy” but warned that “many national provisions authorizing workplace visits leave excluded from labour protection by labour inspectors the many people who are carrying out domestic work”.

#### What the Domestic Workers Convention says:

Article 17 (3) of the Domestic Work Convention expressly states that member States must “specify the conditions under which access to the household premises may be granted, having due respect for privacy”.

*Source: ILO, 2015f, pp. 20-21.*



## 7.2.3 Overcoming the challenges: Alternative modalities and innovative practices

### ***Alternative methods for monitoring compliance***

Despite the apparent inaccessibility of the domestic work sector, labour inspectorates in some countries have crafted methods for reaching domestic workers and their employers for the purpose of monitoring compliance with the law (Box 7.4) (ILO, 2015f, pp. 33-34).

In South Africa, provincial offices of the labour inspectorate have adopted a “calling card” system, distributing letters in mailboxes to request employers of domestic workers to grant access to their households, but the response rate has been low. Inspectors also try to secure appointments by carrying out door-to-door campaigns. In Western Cape province, labour inspectors summon employers and domestic workers to neutral places for interviews, especially when investigating complaints.

In its first pilot inspections, Ireland’s National Employment Rights Authority (NERA) sent out letters to seek permission for routine house visits and, where these were refused, employers were invited to suggest an alternative venue and bring employment documents with them.

#### **BOX 7.4: Examples of procedures for conducting labour inspections**

**Ecuador:** Ex officio action, such as the organization of blitz visits to selected neighbourhoods, is organized to identify abuses and particularly undeclared domestic workers.

**Uruguay:** Law No. 18.065 stipulates that domicile inspections may be conducted in the face of a presumption of non-compliance with labour or social security law, for which a warrant must be issued by the court of first instance. Within 48 hours of intervention, a report must be sent to the court. Uruguay has set up a specialized section to monitor compliance with domestic work legislation.

**South Africa:** The labour inspectorate uses a calling card system, which consists of distributing letters that request employers to grant access to their households (but with a low response rate). Inspectors carry out door-to-door campaigns to secure appointments.

**Ireland:** The National Employment Rights Agency (NERA) was created in 2007 to secure compliance with employment rights legislation, including in the domestic work sector. NERA has piloted a method that consists of asking employers’ permission to give the labour inspector access to the household when a visit takes place via letters mailed to them. If this is refused, the employer has to provide an alternative place for the meeting.

**Spain:** Law 36/2011 regulating the labour jurisdiction provides that the Inspectorate General of Labour and Social Security may request judicial authorization to inspect home premises if the owner opposes or the risk of such opposition exists, provided the inspection is related to administrative procedures that can subsequently be brought to the social jurisdiction, or to enable any other inspections or controls related to fundamental rights or freedoms.

*Source: ILO, 2015f, pp. 33-34.*



### ***Registration of child domestic workers: A tool for monitoring child labour***

In some countries (including Colombia, Costa Rica, Honduras, Mexico, Panama, South Africa and Vietnam), the law provides tools that facilitate the monitoring of compliance. One such tool is requiring employers of domestic child workers to keep a register showing the worker's birth date, assigned tasks, number of hours worked, wages and results of health checks (ILO, 2015f, p. 42). Ecuador requires certification that the worker has completed compulsory schooling. In Finland, employers are required to keep records for domestic workers under the age of 18. In Cambodia, the Ministry of Labour must be notified of the employment of domestic workers under 15 years of age. The employer and the parents are jointly and individually liable for such registration prior to employment. In Paraguay, employers must maintain and submit to the Advisory Council for the Rights of Children and Adolescents (CODENI) information on the names and addresses of employed adolescents and their parents, guardians or persons responsible for them; their place of residence; the date on which the workers entered service; the duties they perform; their remuneration, work timetable and social security registration number; the educational establishment they attend; and their school timetable (ILO, 2012b, pp. 91-93).

### ***Finding and reaching the victims of child labour and trafficking***

Child domestic workers in child labour situations (children below legal working age; domestic workers in debt bondage and other forms of forced labour) and who have been trafficked are likely to remain concealed. In Ecuador, blitz visits are conducted in selected neighbourhoods to find and identify abused domestic workers (Box 7.3).

In many countries, the labour inspectorate has a clear mandate to enforce the prohibition of forced labour and may play a leading role in this effort (ILO 2015f, p. 49). In Brazil, labour inspectors and prosecutors have been actively involved in investigating and prosecuting slave-labour cases before the labour courts for many years. In Malaysia, under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, as amended in 2010, labour officers may exercise the same powers of enforcement as any police officer and, in fact, have investigated and assisted in the prosecution of criminal cases involving trafficking for labour exploitation. In France, labour inspectors and prosecutors, assisted by the police, conduct joint visits to combat undeclared work and uncover cases of forced labour, with immediate detention of criminal offenders. Access to private households is facilitated in such cases as a magistrate is part of the inspection team.

It is vitally important that labour inspection visits are organized in such a way as not to endanger the safety of the child. If there is sufficient evidence of any of the worst forms of child labour, the labour inspector should have the powers to put an immediate end to the situation and refer the case to institutions able to protect and assist the child concerned.

### ***Labour inspectorates may need special skills and tools***

Given the particularities of child domestic work and of abuses, slavery-like conditions and trafficking in this sector, labour inspectors may need special training in skills, methods and indicators for recognizing and dealing with child labour situations in domestic work. In some countries, child domestic work is such a common social phenomenon that the authorities, as well as the general public, may take some of its less overt manifestations for granted.



In Togo, Mali and Niger (between 2002-2007), among the interventions chosen by national partners under the IPEC Programme, labour inspectors were trained to map and identify child workers and child labour situations, and to promote safe working conditions (ILO-IPEC, 2010a, pp. 7-16). In Togo specifically, unschooled girls under the age of 14 were emigrating in large numbers from rural areas to the cities to work as domestic workers. Six regional inspectorates and regional child labour focal points were established, and staff were trained to disseminate information and expand awareness of child labour among parents, children, employers, and the administrative and traditional authorities (ILO-IPEC, 2010a, pp. 10-12). They were also trained to identify and locate activities with a high incidence of child labour, and then identify working children in child labour so that actions could be taken to withdraw them. The monitoring efforts of the labour inspectors helped WAO Afrique in withdrawing a considerable number of girls from domestic work.

In general, child domestic workers may find themselves in unfamiliar surroundings and separated from their families and friends, and may lack basic education, so inspectors must create a physical setting and psychological atmosphere that will engender trust and encourage children to share information on their real circumstances. (ILO, 2015f, pp. 41-43). Interaction with both employers and children should be non-confrontational. When approaching child domestic workers, as with other vulnerable individuals, labour inspectors need to be equipped with “soft skills”, most especially where the indicators suggest trafficking and other kinds of violence. Victims of abuse, violence and trafficking will tend to be suspicious and afraid to cooperate. Child workers must be treated with the same respect as adults, their privacy must be respected, and their answers cannot be forced. Tool 7.1 provides more guidelines on how labour inspectors should approach and interview child domestic workers.

### **TOOL 7.1: Guidelines for labour inspectors when interviewing child domestic workers**

#### 1. Create a conducive, safe physical and psychological setting:

- If possible, the interview should take place in a neutral, non-intimidating environment, preferably a place where children feel safe and comfortable.
- Ask children where they would prefer to talk and whether they would like anyone else to be present, for example a sibling or a friend.
- As far as possible, the interview should be conducted out of sight and earshot of the employers or others who may influence the way in which the child acts and responds to the questions.
- Reminder - It is not the child who is violating the law, rather, it is the child's employer. A labour inspector who demands cooperation and information may intimidate the child worker. The inspector should see her/himself as asking a favour from the child, and the child must be looked upon as a partner exploring a particular situation.
- Start the interview with small talk to make the child feel at ease. Starting with conversations about music, films, athletes, and pop stars can help the child to feel relaxed and be more willing to share other information.
- Genuinely listen. Listen for the expressed and unexpressed. Listen for meanings behind words. Listen to what is expressed through facial expressions, gestures and attitude.
- Phrase questions in a simple way that the child will easily be able to understand.
- Encourage the child to talk by asking open-ended questions – do not repeatedly ask questions that the child does not grasp or understand.
- Know when to stop. Change the topic or switch conversation when emotions are too intense and probing further will inflict more pain on the child.
- Resist expressions of shock, sadness, frustration or any other emotion when listening to the information that a child has to offer. Always maintain a neutral expression but positive attitude when interacting with the child.





## TOOL 7.1: (cont.)

### 2. Ethical considerations:

- The security of the child being interviewed must always be a priority. If there is any chance that an interview may bring harm to the child, it must be avoided.
- Tell the child being interviewed what you are there for and how the information gathered will be used.
- Be sensitive to where the child is emotionally at any given time, before, during, and after the interview.
- Be deeply aware of the consequences of questioning, be constantly aware of what the child has to go through to give an answer, especially if in the process the child has to remember a painful experience, admit resentment of a person or situation, or accept the utter hopelessness of being caught up in the complexity of poverty and work.
- Respect the child's right to speak (what is said, how it is said, how much is said).
- Respect the child's right not to speak, to refuse to answer a question: because s/he cannot or because the answer is too painful to express.
- Take all the time necessary. Interviews with children are likely to take longer than those with adults.
- Small talk, play, patience and time are some of the major ingredients needed to obtain reliable data from children on such delicate issues as family child labour activities.
- Assurances of confidentiality must be given and observed.

Sources: ILO, 2015f, pp. 43-44; ITC-ILO, 2014, pp. 15-17.

## **Information dissemination and advisory services**

Labour inspectorates also undertake information-dissemination and advisory services to help employers and workers comply with the law and improve working conditions. It is common practice for labour inspectorates to secure compliance by giving advice, rather than immediately imposing penalties when violations of minimum labour standards are found. In January 2011, in Cape Town and other areas of the Western Cape, for example, labour inspectors carried out inspections over five days to monitor compliance (ILO, 2015f, p. 34). Out of a total of 215 households employing domestic workers, only 46 per cent were fully compliant with the law. Written undertakings were secured from the non-complying employers to fulfil their legal obligations. Follow-up inspections found that 84 out of the 93 previously non-complying employers had become fully compliant.

## **Cooperation with other agencies, community-based groups and NGOs**

Regardless of their precise functions under the national framework, if they are to be effective, labour inspectorates must cooperate with other government agencies and organizations that have better or closer contact with domestic workers (see Art. 5(a) of the ILO Labour Inspection Convention, 1947 (No. 81) (C081)). In the case of government agencies, this may entail joint analysis of problems in the sector and areas for action, the development of consistent and complementary institutional responses, exchanges of information, and joint intervention and follow-up activities (ILO, 2015f, p. 36). In particular, abuses associated with child domestic labour call for complementary responses from different ministries, such as labour and education, as well as from social services at various stages (refer to the holistic care approach, section 6.2, Chapter 6).



In the Philippines, detecting and rescuing abused domestic workers, including child workers, and prosecuting violators, is not the sole responsibility of labour inspectors. It depends on inter-agency cooperation, with the lead taken by the Department of Social Development and Welfare (Box 7.5).

### **BOX 7.5: THE PHILIPPINES: Inter-agency cooperation to rescue abused domestic workers**

In the Philippines, the law stipulates that any abused or exploited domestic worker must be immediately rescued by a municipal or city social welfare officer or social worker of the Department of Social Welfare and Development (DSWD), in coordination with the barangay (district) officials and the proper law enforcement personnel.

“Abuse” is defined as any act committed by an employer or any member of the household against a domestic worker which results or is likely to result in physical, sexual or psychological harm or economic abuse, including threats of such acts, assault and battery, coercion, harassment or arbitrary deprivation of liberty. Economic abuse includes the withholding of wages or part thereof and any act which induces domestic workers to give up any part of their wage by force, stealth, intimidation, threat or any other unlawful means. Abuses can be reported by victims, their parents or guardians, relatives, social workers, police officers from the Women and Children Protection Desks, local officers, lawyers, counsellors, therapists or healthcare providers, or at least two concerned citizens of the city or municipality where the abuse occurred with a personal knowledge of the offence. No action or suit can be instituted against an officer for lawful acts performed or statements made during rescue operations or during investigation of a case.

In coordination with concerned government units, the Local Social Welfare and Development Offices provide rescued workers with temporary shelters; counselling; free legal, medical and psychological services; skills training; and other services as necessary. Private employment agencies are obliged to assist domestic workers in filing a complaint against their employers and to cooperate with government agencies in rescue operations involving abused or exploited domestic workers.

*Source: ILO, 2015f, p. 36.*

The more closely involved organizations are, the greater the likelihood that they will hear, through word of mouth and networking, of child domestic workers in slavery-like and deplorable working conditions. Community-based organizations and NGOs have the benefit of their neighbourhood networks, hotlines and welcome centres (section 6.3, Chapter 6). In Phnom Penh, Cambodia, the Vulnerable Children Assistance Organization (VCAO) reported to government institutions the child domestic workers at risk of abuse whom they encountered during their awareness-raising activities (Box 6.4, Chapter 6).

Tool 7.2, drawing on available practices and experiences, summarizes some key factors that would enable labour inspections to cover the domestic work sector.



## TOOL 7.2: Factors that would enable labour inspections to cover domestic work

Labour inspection is an important means of protecting child workers from child labour in the domestic work sector. For this to be feasible, the following are essential:

- A legal framework that gives labour inspectorates a mandate covering the domestic work sector
- Guidelines and procedures that lay down the conditions under which house inspection visits may be carried out
- Precise data on domestic workers and employers
- Coordination arrangements with the police, judiciary and other agencies responsible for providing services to victims of violence, forced labour and trafficking
- Training of labour inspectors in carrying out house visits and interacting with householders and domestic workers (especially with children)

## 7.3 GRIEVANCE AND DISPUTE-RESOLUTION SYSTEMS

Grievance and dispute-resolution systems are another channel through which domestic workers and employers of domestic workers may seek protection of their rights (Box 7.6). However, as with labour inspection, legislated access to dispute settlement mechanisms does not guarantee effective access because of the nature of the sector and obstacles within the mechanisms themselves. Grievance and dispute settlement is particularly relevant for young domestic workers of legal working age, while the problems of child workers below the legal minimum age for employment are covered by labour inspections, other means of monitoring child labour situations and rescue operations (Chapter 6).

### BOX 7.6: Access to justice under the Domestic Workers Convention

The Domestic Workers Convention, 2011 (No. 189) stipulates that Members must take measures to ensure “in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals and other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally” (Art. 16), and to establish “effective and accessible complaints mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.” (Art. 17).

### 7.3.1 Barriers and challenges

Case studies of dispute settlement experiences in the Philippines, Tanzania and Zambia indicate that formal complaints and disputes are rarely filed by domestic workers, and even less so by employers.<sup>70</sup>

Inherently based on a degree of mutual trust and personal/intimate interaction, the relationship between employer and worker is very delicate. As a result, in most cases, workers or employers turn to formal dispute-settlement mechanisms only when the employment relationship is clearly ending or when the worker is ready to lose the job, or the employer ready to lose the worker.

#### ***Possible reasons why workers will not complain or file a labour dispute***

A domestic worker who lives in the house of the employer risks losing not only her/his employment but also her/his accommodation and, in some situations, she/he could be deported to her/his country of origin. A young live-in domestic worker is therefore exposed to possible reprisals. For lack of options, the worker may prefer to maintain a functional employment relationship. In addition, the practice of employers in certain countries of retaining the identity documents of migrant domestic workers greatly limits workers' effective access to complaints and dispute-settlement mechanisms.

Young workers, especially girls, those from ethnic and indigenous communities and irregular migrants, are least able to bring their grievances and report injustices to the authorities on their own initiative. They are young, isolated, already cowed by habitual discrimination and poor treatment, easily intimidated, unable to understand their situation or express themselves, possibly restricted in their movements. They need intermediaries and interlocutors who can represent them or help them take up their issues.

#### ***Possible reasons why employers will not complain or file a labour dispute***

Where employers of domestic workers are concerned, many think that issues with their domestic worker are a private matter to be dealt with within the household. Others prefer not to risk openly destabilizing the established relationship with their domestic workers, and thus losing their services, unless the situation is completely untenable. For example, elderly persons living on their own, maybe chronically ill or with a disability, who rely on domestic workers for daily care and company, are fragile and vulnerable. Some may fear maltreatment by their domestic worker/caregiver or fear being abandoned. Others may be unable to file and pursue a complaint.

#### ***Barriers inherent in the dispute settlement mechanism***

Barriers inherent in the dispute-resolution mechanism itself include procedures that are inappropriate or too complicated for domestic workers (more so young workers) and their employers. Domestic workers and their employers usually have little or no experience of government administrations and dispute-resolution systems, and this is especially true if a worker is employed in a country other than his or her own. Because of their location and opening hours, government offices may not be accessible to live-in domestic workers.

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<sup>70</sup> Unpublished mini case studies prepared under the guidance of the ILO INWORK and GOVERNANCE departments in connection with the training module on dispute prevention and resolution in the domestic work sector (Cruz-Amante, 2015; Chimpapwe, 2015; Kapalata, 2015).



The conciliators/mediators and arbitrators providing the services may not have the know-how and sensitivity to deal with conflicts in the domestic sector, or to take into account the particular vulnerabilities of domestic workers and their employment relationships. Irregular migrant workers risk being deported, without access to justice or compensation on return to their home countries. (ILO, 2015a).

## 7.3.2 Practices designed to make dispute settlement accessible

### ***A non-formal, consensual approach to dispute settlement***

Given the personalized context of employment relationships in domestic work, which depend very much on trust, processes which address disagreements in a non-formal, consensual manner, such as conciliation and mediation, offer workers and employers an opportunity to settle disputes while preserving the employment relationship. South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA) provides plenty of space for pre-conciliation and adopts a non-formal approach to resolving disputes involving domestic workers (Box 7.7).

#### **BOX 7.7: SOUTH AFRICA: Non-formal rather than formal processes: Commission for Conciliation, Mediation and Arbitration (CCMA)**

According to the CCMA's Regional Dispute Management & Prevention commissioners, the use of pre-conciliation rather than formal conciliation hearings is successful in maintaining employment relationships and ensuring that domestic workers return to work after disputes have been externalized. Case Management Officers have been trained to be sensitive to domestic environments, and return-to-work settlements are easier to achieve through the soft-hand approach. CCMA Case Management Officers are trained to pre-conciliate cases, although a CCMA commissioner must sign the certificate of outcome. They set aside the law, talk to the parties and let them talk to each other as well, but step in when it becomes necessary to control things. It is also necessary to advise parties as to their rights and obligations where sectoral determination and UIF registration are concerned.

##### **Engaging at the personal level**

It is important to speak to the parties together and acknowledge that, although they are in dispute, they have shared many things together in the past and may previously have resolved problems amicably. While this does not necessarily result in re-employment, it does often lead to a settlement that the parties accept as fair. Case Management Officers speak to the issues of human frailty and establish a common understanding of the damage done to the relationship of trust and caring.

##### **Providing space for parties to talk to each other**

According to one CCMA Case Management Officer, parties often just need to speak to each other alone. "If I realise that this is in fact the case, I would leave them alone for a few minutes (15-20) and by the time I come back into the room they are hugging and crying and apologising to each other and have come up with an agreement. However, this is usually not reinstatement but more of a 'retrenchment' type agreement for the good years of service, for raising the kids, etc. This whole conversation then – as you can see – no longer relates to Employment Law matters but is more about 'How could you bring me to the CCMA?' and 'How could you treat me so badly and hurt my feelings after everything I did for you?' ..... Once that is out the way – while I am out the room – they make up and decide to part ways better."

*Source: Information provided by the CCMA under the partnership between ILO GOVERNANCE and the CCMA.*



## Provision of related services

Effective resolution mechanisms for disputes in domestic work often comprise a range of services. In addition to the dispute-settlement process itself, these may include the provision of information, awareness-raising, training or educational activities, financial, administrative and legal support, interpretation services, and representation.<sup>71</sup>

Information and advice are key services because domestic workers and employers are often uncertain about their respective rights and obligations in the employment relationship.

Social partners and civil society organizations can provide related services to help domestic workers and their employers access dispute-resolution systems. These include providing information on their rights and obligations, advice on alternative legal and non-legal channels for solving conflicts, free legal and paralegal assistance, and interpretation services during court proceedings. For example, the Liga de Amas de Casa (organization of household employers) and the Sindicato Único de Trabajadoras Domésticas (union of domestic workers) of Uruguay provide legal advice and assistance to their respective constituencies (Box 7.8).

### BOX 7.8: URUGUAY: Free legal assistance

Since 2011, free legal assistance has been given to domestic workers and employers as a result of cooperation between a domestic workers' union, an employers' association, the government social security office and a university. Two lawyers from the University of Montevideo, plus a small group of their students, provide assistance to both workers and employers. This service is paid for by the government via the social security office, BPS (Banco de Previsión Social).

The employers' association, LACCU (Liga de Amas de Casa, Consumidores y Usuarios), provides assistance to employers. This assistance is limited to counselling on salary issues, pay slips and holidays.

The legal assistance for workers provided at the office of the union, SUTD (Sindicato Único de Trabajadoras Domésticas), is more comprehensive. Although at first, they concentrated on providing advisory services, they soon began to present complaints before the Directorate of Labour, DINATRA (Dirección Nacional de Trabajo), for pre-court mandatory conciliation. Every Friday, the university lawyer and his students meet nine domestic workers and record their stories and complaints. On average, seven of these workers have grounds for filing a claim. Half of these claims are conciliated at DINATRA; the other half go to Court. The lawyer and his team assist domestic workers during the conciliation hearing and, in the event of non-agreement, throughout the judicial process.

With the support of the ILO, the four collaborating agencies – the University, BPS, SUTD, and LACCU – have produced an information booklet that covers all matters relevant to both workers and employers. It has become the source of reference for union-run seminars and the main tool used by trade-union subsidiaries around the country.

*Source: ILO, 2015i.*

71 In connection with the development of a training module on "Dispute prevention and resolution in the domestic work sector" and the training of conciliators and mediators in Dar-es-Salaam, Tanzania in 2015, relevant information was drawn from profiles of Spain, Portugal, France, Italy, Argentina, Uruguay, Jordan and the State of Massachusetts, USA, and from mini case studies of dispute-prevention and resolution mechanisms in the domestic work sector in the Philippines, Zambia and Tanzania. For more on these mini studies, contact [INWORK@ilo.org](mailto:INWORK@ilo.org).



Where formal mechanisms are likely to be costly and slow, some NGOs assist the parties directly and try to mediate grievances and disputes between worker and employer in a non-formal manner. In the Democratic Republic of Congo, in 2013 the Women and Children Protection organization (WCP DRC) and IDAY-Kivu DRC set up a collaborative framework with government authorities, trade unions and other local NGOs to follow up the grievances and complaints of domestic workers.<sup>72</sup> The DRC does not have a specialized mechanism for labour disputes; all disputes of whatever nature go to the same court. Whenever WCP and IDAY-Kivu are aware of an issue with a domestic worker, they discuss the matter within this framework. A delegation from the consultation framework first meets the employer and tries to reach an informal solution or compromise. The issue is usually resolved at this first stage. If not, the organizations provide the services of a lawyer to help the domestic worker lodge a formal complaint with the court.

### **Pro-active measures: Reach out to domestic workers and employers**

Because of the real difficulties that domestic workers face in accessing law-enforcement and grievance-handling offices, government agencies should also adopt proactive measures to reach out to domestic workers and employers in innovative ways. South Africa's CCMA uses various methods, including awareness-raising events, forming links with community leaders and participating in community activities (Box 7.9).

#### **BOX 7.9: SOUTH AFRICA: Proactive approach to reaching domestic workers and employers**

##### **Synchronizing with domestic workers' weekly day-off**

In one project, awareness-raising events were synchronized with domestic worker's half-day holiday, usually on a Thursday, referred to as Sheila's day. Domestic workers use these off-days to gather in a particular place, such as a park, where they also pay their burial society and stokvel contributions (informal insurance schemes). The Dispute Management and Prevention Team (DM&P) would target these events and distribute information sheets, flyers and CCMA brochures. The regional Community Radio Station's talk-show schedule would also be shared, so that domestic workers could follow the different topics discussed on radio. Domestic workers who had been dismissed would be assisted with the completion of their referral forms, and applications for coordination in cases where referrals were outside the statutory time frames.

##### **Links with community leaders**

To make inroads in the sector, dialogue needs to take place at various levels, not only with your typical employer and trade union. Statistics show that the vast majority of domestic workers are non-unionised and often turn to elders or community leaders for advice. For this reason, it is necessary to link up with community leaders and existing forums. Language is a key factor in delivering on issues of basic rights, so we would suggest that an interpreter should always accompany the DM&P Commissioner to these events.

##### **Partnering with Department of Labour "blitz" campaigns**

In some Regions, the CCMA partners with the Department of Labour (DoL) during their blitz campaigns targeting the domestic sector. These campaigns focus on awareness-raising and capacitating both employers and employees. A blitz is preceded by DoL informing the employers of the planned visits, and during such visits, the DoL focuses on the compliance aspect, particularly the issues of minimum pay and the provision of protective clothing. The CCMA carries out awareness-raising activities and deals with misunderstandings and grievances between employers and the domestic workers, encouraging cooperative working arrangements. This enables employers and domestic workers to find solutions on their own. The advantage of working with the DoL is that access to private property is facilitated.

72 Note on the WCP and IDAY Kivu RDC framework "Ligne Directrice du Cadre de Concertation sur les Travailleurs Domestiques" prepared by Jimmy Shoshi Mberege, 3 April 2013.



### **BOX 7.9: (cont.)**

#### **Use of public address systems and community activities**

Use of public address systems and community activities

CCMA collaborates with DoL mobile units, which are effectively public-address systems, when visiting remote and/or rural areas. DoL helps disseminate the date and time of a CCMA visit. Sessions are tailored to domestic workers' needs, being organized over weekends; after church services in townships; after hours through advice offices; and at school halls in towns where live-in domestic workers reside.

*Source: Information provided by the CCMA under the partnership between ILO GOVERNANCE and the CCMA.*

## **7.4 DETECTION, PUNISHMENT, AND COMPLIANCE-ENABLING MEASURES**

### **7.4.1 Deterrent approach: Detection and punishment**

Detection and punishment are aimed at deterring violations of the law. The imposition of administrative or criminal sanctions for violations of labour regulations is often envisaged under labour legislation in relation to forced labour, bodily harm and the recruitment of children below the legal minimum working age, but much less often in relation to domestic work (ILO, 2012b). Penalties may be imposed on employers, or on the recruitment agencies or individuals infringing the law, and may include the shutting down of agencies engaging in fraudulent practices and abuses. South Africa's Sectoral Determination 7, section 23(4), for example, echoes the prohibition of forced labour set forth in the Constitution and the Basic Conditions of Employment Act (section 48) and applies the penalties established in section 93 of the said Act (maximum three years of imprisonment). In Singapore, Section 72 of the Penal Code provides for specific offences against the integrity of domestic workers. In the Philippines, the penalties for employing a child domestic worker below the age of 15 are high and the employer is prohibited from hiring further child workers (ILO, 2015f, p. 35). Anti-trafficking laws, which cover trafficking into labour exploitation, servitude and forced labour, also include procedures for criminal prosecution.<sup>73</sup>

However, the efficacy of sanctions relies heavily on the ability to detect violations. This in turn depends on the efficiency of compliance monitoring by labour inspectorates and enforcement agencies (section 7.1), complaints mechanisms, hotlines and other non-legal channels for reporting possible violations, and dispute settlement systems (section 7.2). The problem is that child labour situations in the home are much easier to conceal than abuses that take place in more public settings. Labour inspectors and government anti-child labour teams most often monitor establishments, not homes. Many issues prevent or discourage workers, as well as employers, from filing complaints and seeking formal or public intervention in resolving conflicts (section 7.2.1).

<sup>73</sup> While there are varying approaches to the fight against human trafficking, some 61 countries have passed national laws with this primary focus. Almost 90% of these laws have been enacted in the last five years. Many nations address TIP in their criminal or penal codes.





## 7.4.2 Compliance-enabling approach

The deterrent approach should therefore be accompanied by measures that encourage and enable compliance. These measures can be grouped into three categories: (i) disseminating information and raising awareness of the regulations and the importance of compliance; (ii) reducing the financial costs of formal contractual employment arrangements; and (iii) simplifying procedures to cut transaction costs. Often, these strategies are combined.

### ***Dissemination of information***

The dissemination of information is an important function of enforcement and dispute-settlement services, as cited in the previous sections. This should go beyond simply announcing new regulations. Some governments put a lot of effort and creativity into using the media and other channels. Door-to-door campaigns have been used by labour inspectors to educate employers and workers on their legal rights and obligations. Awareness-raising campaigns, hotlines and call centres are some of the options available to labour inspectorates (ILO, 2015f, pp. 30-31). In Uruguay, labour inspectors visited more than 900 households during one campaign, informing both contractual parties of their legal obligations. All the houses in a neighbourhood were visited at the same time, to avoid casting suspicion on individual workers. In Chile, the Labour Directorate is the institutional body legally mandated to oversee the enforcement of laws guaranteeing workers' social rights. It does so by disseminating information on line, as well as via telephone hotlines (Velásquez Pinto, Loyo Cabezas, 2013).

### ***Awareness-raising on rights and obligations***

Trade unions and domestic workers' organizations are active in conducting rights awareness campaigns in many countries through domestic workers' day fairs and various media.<sup>74</sup> On a much lesser scale, organizations of employers of domestic workers have also taken measures. These were mentioned in Chapter 4 (Advocacy and Social Mobilization) and will be discussed further in Chapter 10 (Role of Social Partners) of this Guide.

### ***Guides***

Guides on how to conclude an employment contract and calculate social contributions are helpful in ensuring that employers and workers comply with the rules. These feature on the websites of the labour ministries of Argentina, Canada, Colombia, Portugal, Singapore, South Africa and Uruguay. Some of these guides include the precise formula for calculating wages and the various social contributions (Colombia, Portugal, South Africa, Uruguay); some are structured in a question and answer format (Portugal) or as an "Employer's check list" (State of New York, USA).

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<sup>74</sup> See websites of the International Domestic Workers Federation; the Fédération des Particuliers Employeurs de France and the Liga de Amas de Casa de Uruguay.



### ***Model contracts***

Drawing up a contract that accords with current labour legislation without forgetting any clauses, can be burdensome for any employer. The governments of many countries (Canada, Chile, Netherlands, Philippines, South Africa, Spain, Switzerland) have developed model contracts to simplify the drafting of contracts for domestic worker. In other countries (Argentina, Philippines, South Africa, Uruguay), the authorities have also drawn up model payslips. The code of conduct produced in Uganda (see section 6.6) includes a model contract with minimum conditions.

### ***Simplifying administrative procedures***

Simplifying administrative procedures, such as declaring and registering domestic workers with social security systems, is also an important way of helping and motivating the parties to comply with regulations and formalize their employment arrangements. Complex bureaucratic procedures entail significant transaction costs for employers and workers, and are turn-offs for the not-so-literate and those unfamiliar with administrative processes.

### ***Reducing the cost of formal hiring and offering financial incentives***

Because cost is a major barrier to declaring domestic workers with the public authorities or registering them with social security agencies, one way of encouraging compliance is by reducing the effective cost of formally employing domestic workers, or increasing the financial incentives for doing so. Examples of this approach are to date concentrated in the European Union, where schemes include income tax reductions or tax credits, VAT reductions (for company service providers), wage subsidies, lower social security contributions and exemptions. Brazil has also experimented with tax incentives. Voucher schemes, such as France's CESU and Belgium's Titres Service, combine simplification of procedures with a reduction in costs and other benefits of hiring domestic workers in accordance with the law. Few evaluations have yet been made of fiscal incentives, vouchers and simplification procedures.

## **7.5 WORKING THROUGH PRIVATE RECRUITMENT AND EMPLOYMENT AGENCIES**

Private households still largely depend on informal means of recruitment, such as networks of friends and relatives, informal agents and "word-of-mouth". There are, however, countries where private recruitment and employment agencies manage a small but increasing segment of domestic workers. Regulating and formalizing their operations is one way of ensuring that the employment contracts and conditions of domestic workers comply with the law.

In Togo, a situational analysis showed that many girls aged under 15 were placed in domestic work by agencies in the big cities of Lomé, Atakpamé, Sokodé, Kara and Dapaong, but that these agencies were not compliant with the regulations covering them and had rarely been subject to government inspection.<sup>75</sup> To address this deficiency, three parties agreed to cooperate: private placement agencies, the Agence Nationale

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<sup>75</sup> With the support of ILO, within the framework of the IPEC GAP 11 project, 2013-2014, and UNDP-Togo.



pour l'Emploi (ANPE) and the labour inspectorate. Following training in the issues of child domestic work and child labour, a model contract for the placement of domestic workers was formulated in accordance with the ILO Domestic Workers Convention (No. 189). The placement agencies undertook to inform employing households and the parents of child workers of the rights and obligations of the various parties under national laws, and to adhere to the legal minimum age of employment. Governance of the agencies improved as a result of this cooperation, and they were in a better position to manage the labour relations between young workers and their employers.

The result achieved in Togo was dependent on two conditions: i) the existence of a regulatory framework for the operations of private recruitment and employment agencies; and ii) the existence of a regulatory framework, detailing the minimum statutory conditions for employment in domestic work. Without legislated labour standards, the employment conditions imposed by agencies on employing households would be of a purely promotional character.

In Indonesia, the PROMOTE Project has supported the APPSI (Domestic Workers Recruitment and Placement Agencies Association) in developing and implementing a code of practice for its member agencies.<sup>76</sup> The code requires all APPSI members to (i) refuse to place domestic workers below the age of 18, (ii) provide domestic workers with pre-placement training and job orientation, (iii) carry out post-placement monitoring, (iv) refine the agreement between a domestic worker and her/his employer by, for example, including the provision of social security (health care) in the agreement, and (v) not to place domestic workers in the households of employers who are on a 'black list'. The country does not have a law regulating the working conditions of domestic workers, but Manpower Ministerial Regulation No.2/2015 includes domestic work in the hazardous work list, and thus prohibits the employment of domestic workers under the age of 18 years. In October/November 2015 and May/June 2016, the APPSI monitored the extent to which its members had applied the code. The most recent findings indicated that 30 per cent of the 120 members in Jakarta had not verified the age of the domestic workers they recruited and 37 per cent had not carried out post-placement monitoring. With more technical support, there have been improvements in the application of the code.

## 7.6 INSTITUTIONAL FRAMEWORK

Besides a robust legal and policy framework, broad and well-designed institutional structures are required to implement effective action against child labour in domestic work, and child labour in general. Most countries will need to develop institutional mechanisms and arrangements for managing and coordinating interventions that span several policy areas, enforcing child labour legislation and monitoring the child labour situation at local and national levels (IO-IPEC, 2003b). It may be necessary to strengthen capacities in the areas of data-collection and child-labour monitoring, law and policy development, law enforcement (including labour inspection) complaints and dispute resolution, and rescue and rehabilitation operations.

Many countries have in fact set up national committees on child labour to oversee the implementation of policies and programmes under the UN Convention on the Rights of the Child and ILO C182. Given the extent of the child labour problem, child domestic workers could easily escape the notice of these committees, for reasons mentioned previously (e.g. legal exclusion, the social invisibility of domestic workers; see Chapter 2).

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76 Based on a technical note from the ILO PROMOTE (see website).



The challenge for advocates of child domestic work issues is therefore to ensure that the committees and their member organizations are well informed of the situation in the sector and of the policy implications and lessons emerging from practical strategies on child domestic work.

Box 7.10 presents the “district framework” for a network of local child labour committees developed in Tanzania, where certain key government functions and services had been devolved from the national to the district and village levels of the political and administrative structure. This is just one institutional model for monitoring child labour situations and coordinating interventions. The institutional arrangements adopted will depend on the administrative and political structure of the country.

### **BOX 7.10: TANZANIA: The district framework**

This “District Framework” was developed under the country’s IPEC Time-Bound Programme (2001-2010). Since devolution, the districts have become the primary actors in the provision of social services in the country. Its essential components were:

- A District Child Labour sub-committee (under the Social Services standing committee), headed by a District Child Labour Coordinator who reports to the District Executive Director. The committee may include members from Trade unions and NGOs.
- At sub-District level, Ward and Village Child Labour Committees played critical roles in identifying target children, referring them to relevant agencies and monitoring their rehabilitation.
- The Child Labour Monitoring System (CLMS), a system for regular and repeated direct observations of working children and the hazards they face, recording their withdrawal and referral, and tracking their progress afterwards; and recording children entering child labour, or moving between districts for the purpose of employment.

The District Framework was set up in 24 districts. Each had a District Child Labour Coordinator whose salary was paid by the Labour Ministry, but who was an integral part of the Local Government. Overall, it proved to be a viable framework, and well-integrated with the district authority structure. It greatly assisted in engaging political will, mobilizing stakeholders, and providing coordination. All partner local government agencies were supportive and appreciative, and child labour was mainstreamed into the strategic planning process of all participating districts. Child labour was regularly on the agenda of district-level meetings. Committees were instrumental in promoting dialogue and cementing alliances between different government players at district and regional level, and facilitated communication between the implementing agencies. In Iringa Rural, one of the most impressive achievements, the various committees, together with the Village and Ward Executive Officers, were knowledgeable and engaged on the issue, and managed the process and referral of children to a range of CBOs and NGOs operational in their district. The District succeeded in stemming the flow of young girls to domestic work in Dar-es-Salaam.

*Source: ILO-IPEC, 2009, pp. 29-30.*



## 7.7 KEY MESSAGES

- The legal and policy framework that lays down substantive rights and protections for child domestic workers should include mechanisms and procedures for enforcing the law and promoting compliance. These include complaints, labour-inspection, and dispute-resolution mechanisms.
- Because of the particular characteristics of child domestic work, as well as inadequacies in formal procedures and methods of labour inspection, complaints handling and dispute resolution, child and young domestic workers have limited or no access to these mechanisms.
- Country experiences point to alternative, innovative and proactive methods and measures that could make these mechanisms accessible and responsive to child domestic workers.
- The dissemination of information and raising of rights awareness among child domestic workers and their employers are very important tools for promoting compliance. While these are primarily the responsibility of government agencies and their labour inspectorates, social partners and civil society organizations also have a role to play.
- Monitoring compliance and imposing punishments are necessary for deterring violations, but these should be accompanied by measures that foster and facilitate compliance with the law, e.g. how-to guides and simplified administrative procedures for registering employment contracts and paying social security contributions.
- Regulating and formalizing the operations of private recruitment agencies is one way of ensuring the legal compliance of employment contracts and the conditions of domestic workers.





## CHAPTER 8:

# EDUCATION AND SKILLS DEVELOPMENT

Combatting child labour calls for simultaneous actions in several policy areas. Education and skills development are among the principal fronts where this battle has to be fought. Early engagement of children in employment deprives them of basic education and of opportunities for further skills development and decent employment as youths and as adult workers.

This chapter focuses on interventions to open and secure the access of child domestic workers to education and skills development, and the lessons that have emerged from concrete experiences in various countries. Ensuring that child domestic workers have equal access to opportunities for quality education and skills development calls for actions at two levels: policies and laws governing educational systems; and direct, practical interventions at the local level. One section of this chapter therefore deals briefly with inclusive education policies which aim at reaching hard-to-reach children, particularly child labourers and out-of-school children at risk of entering child labour. The subsequent section gives practical examples of interventions concerned with child domestic workers, demonstrating methods for reaching this hidden, hard-to-reach group.

## 8.1 THE LINK BETWEEN CHILD LABOUR AND EDUCATIONAL DISADVANTAGE

### 8.1.1 Child labourers and out-of-school youth

The empirical evidence from 25 developing countries contained in the Out-of-School Children (OOSC) study undertaken by the Understanding Child Work (UCW) Initiative underscores the important link between child labour and educational disadvantage (Guarcello, et al, 2014).<sup>77</sup> Child labourers are more likely to be out of school, due either to dropping out or to non-entrance. Viewed from another angle, out-of-school children

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<sup>77</sup> The OOSC study focused only on the 7-14 age group. Child labour was defined in terms of the percentage of children aged 7-14 involved in child labour at the moment of the survey. Children were considered to be involved in child labour in the following circumstances: (a) in the case of children aged 7-11: during the week preceding the survey, they had performed at least one hour of economic activity; (b) in the case of children aged 12-14: during the week preceding the survey, they had performed at least 14 hours of economic activity; (c) in the case of children aged 7-14: during the week preceding the survey, they had performed at least 28 hours of household chores.



are more likely to be child labourers than are children attending school. Moreover, the likelihood of non-attendance increases with the number of hours spent in employment.

School attendance figures from the household survey data of some 60 countries provide further evidence of the trade-off between child labour and basic education: working children face an attendance disadvantage of at least 10 per cent in 28 countries; at least 20 per cent in 15 countries; and at least 30 per cent in nine countries (Guarcello, et al, 2014). Child labour is also associated with delayed school entry. In Cambodia, for example, a working child is 17 per cent less likely to enter school at the official age and thus runs a higher risk of dropping out.

The educational disadvantage is further stacked against girls, indigenous peoples, and certain ethnic communities. Household survey data from more than 50 countries show that the ratio of rural girls' primary completion rate to that of rural boys is 0.87, to that of urban girls 0.76, and to that of urban boys 0.61 (King, Winthrop, 2015). The same source points out that girls' disadvantage worsens with ethnic and linguistic disadvantage. In Bolivia, for example, although the gender gap in years of schooling among the non-indigenous population has disappeared, among the indigenous population (which accounts for about 40 per cent of the total population) rural women have the least schooling—a total difference of about seven years at age 18. These trends are particularly relevant for domestic work. As indicated by ILO global estimates of child and adult domestic workers, girls, indigenous peoples and ethnic minorities are disproportionately concentrated in domestic work.

Furthermore, deprivations in basic education result in disadvantage among young women and men in accessing future learning opportunities, which are critical in enabling them to realise a fulfilling adulthood and gain access to full, productive and decent employment (ILO, 2015j, pp. 15-17). SIMPOC<sup>78</sup> data on 12 countries show that young persons who are burdened by work as children are consistently more likely to have to settle for unpaid family work and are less likely to enter into paid employment.<sup>79</sup> In many countries (e.g. Cambodia, Bolivia), the differences between former child labourers and other young people in this regard are particularly pronounced for females, suggesting that prior involvement in child labour can reinforce the pre-existing disadvantages faced by young women in obtaining decent work. Young persons who were formerly child labourers are also more likely to be in low-paying jobs, again suggestive of the long-term impact of child labour on earning potential.

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78 The Statistical Information and Monitoring Programme on Child Labour (SIMPOC), the statistical arm of the ILO IPEC, supports a survey programme (see website).

79 Paid employment is more likely to be associated with written contracts, fair incomes, security in the workplace and social protection for families, although it is by no means a guarantee of decent work.





## 8.1.2 The right to education: A universal right

The right to education is universal and inalienable (Box 8.1). In the opinion of UN Special Envoy for Global Education Gordon Brown, the elimination of child labour cannot be achieved without universal basic education. “Compulsory education has the potential to provide a powerful impetus towards the eradication of child labour – just as it did in 19th century Britain” (Brown, 2012, p. 5). Sustainable Development Goals 4 (inclusive and equitable education and lifelong learning) and 8 (productive employment and decent work for all) cannot be achieved without tackling both child labour and barriers to education and skills development (Box 8.2).

### BOX 8.1: The right to education is universal and inalienable

#### Universal Declaration of Human Rights (Art. 26)

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

#### United Nations Conventions on the Rights of the Child (Art. 28)

“1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”

### BOX 8.2: Sustainable Development Goals 4 and 8 for 2030

**Goal 4.** Ensure inclusive and equitable, quality education and promote lifelong learning opportunities for all; includes a focus on education, learning achievement, enrolment and completion and the importance of developing relevant knowledge and skills, as well as youth literacy and numeracy. One of the targets points at ensuring that all girls and boys complete quality primary and secondary education by 2030.

**Goal 8.** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; includes targets to reduce the proportion of youth not in employment, education or training, and also calls for an immediate end to the worst forms of child labour and forced labour, as well as the elimination of child labour in all its forms, by 2025.

### 8.1.3 Obstacles to education faced by working children

Working children, and among them child domestic workers, face a combination of obstacles to education, whether or not good schools are available. Household poverty and vulnerability is undeniably a principal driver of child labour (Chapter 2) and a major obstacle to schooling. Poor families may not be able cover the smallest fee or incidental cost (such as ensuring their children do not go to school on an empty stomach) or make do without the child's meagre earnings. But poverty is not the only cause. Cultural norms and expectations intersect with poverty and influence households' choices. In some cultures, gender biases play a decisive part in explaining why girls are not enrolled in school, but are sent to work instead. During times of hardship, girls are given lower priority when a family must decide whether children are to be sent to school or withdrawn from education. In 2011, more girls than boys of primary school age remained out of school and missed the opportunity to get an education. The figures for non-attendance were 30.6 million girls, as against 26.6 million boys (ILO-IPEC, Global March Against Child Labour, 2014, p. 8).

### 8.1.4 The importance of child domestic work in universal education strategy

Child domestic workers deserve special consideration in strategies to achieve universal basic education, for three principal reasons:

- Child labour in domestic work is one of the most hidden forms of child labour and should therefore be a target of educational strategies for hard-to-reach populations.
- Child domestic workers are overwhelmingly girls, and out-of-school girls will most likely end up in child domestic work. Girl-inclusive education strategies are therefore particularly relevant to child domestic workers.
- Child domestic workers are often in live-in employment arrangements which involve time-intensive work. For those of legal working age and in acceptable working conditions, this calls for alternative ways of delivering education and training.

## 8.2 MAINSTREAMING CHILD LABOUR INTO EDUCATION POLICIES

Poverty and household vulnerabilities force many households to withdraw children from school and send them to work. At the same time, there are many children who are working at least in part because the education system is unaffordable, inaccessible, or seen by their parents as irrelevant. Policy actions are thus needed to address these problem areas and make basic education inclusive and accessible to all children, especially those in a disadvantaged position (Brown, 2012).



## 8.2.1 How to mainstream child labour

Education policies that are sensitive to, and seek to address, the issue of child labour should be concerned, among other things, with the location of schools, the direct and indirect costs of education, the quality of education, the lack of suitable facilities for girls, and the unsuitability of the formal school system for working youths and adults. These points are discussed below.

If education and child labour policies are to reinforce each other, it is essential that child labour, including child domestic work, be mainstreamed into the review and design of education policies. Some of the ways in which this could be done are set out in Tool 8.1.

### TOOL 8.1: Ways of mainstreaming child labour in education policies

- Involve educational policy-makers in planning strategies to combat child labour.
- Integrate the knowledge gained from child labour interventions into educational planning discussions (disseminate short information notes; hold briefings with participants; participate in planning sessions).
- Ensure reliable, up-to-date analysis of the statistics for child labour and school enrolment and performance.
- Use data on the location of child workers and their communities of origin to inform education schemes for hard-to-reach children.
- Share experiences of practical interventions among key national stakeholders concerned with education, labour and child rights (hold forums and seminars; circulate easy-to-read briefs).
- Set up and support inter-ministerial coordination.
- Feed relevant information to education partners, stakeholders and donor groups in order to elicit their support for the inclusion of child labour concerns in educational plans and programmes.

For example, one objective of the intervention strategy of the Dutch-funded “Combating child labour through education” project implemented in Bolivia, Indonesia, Mali and Uganda in 2010–2014, was to mainstream child labour issues into government policies and forge stronger links between the world of education and interventions to eliminate child labour. This was done by adopting the strategies mentioned above. However, as the findings of the project’s final evaluation in 2015 show, policy integration, coordination and reform take time, and probably require more than the evidence provided by successful direct interventions and high-quality policy research (ILO, 2015e).



## 8.2.2 Policy areas in which child labour needs to be mainstreamed

The following policy areas, among others, are relevant to child labour in domestic work:

### ***Coherence between working age and compulsory education age***

This is one area of inconsistency between labour and education policies (also cited in Chapter 5). If the minimum working age is lower than the age at which compulsory schooling ends, the option to work legally may cause children to drop out of school. On the other hand, if compulsory schooling ends before the minimum legal working age is reached, children are left unable to work legally for a period of time. Where there is no compulsory schooling, the option of working below the minimum working age is even more appealing.

### ***Location of schools***

Many families are still not able to send their children to school because there is no school available or the nearest school is too far away. Continuing efforts are needed to provide public schools in under-served and rural areas.

### ***Direct and indirect costs***

As well as the elimination of all formal and unofficial school fees, the provision of stipends, scholarships and school vouchers, free school meals, and free or subsidized educational materials for those who cannot afford them, are among the possible methods for reducing the costs of schooling and training. Cash and in-kind transfers to poor families, conditional on school attendance, may also be effective: directly, by providing poor families with additional resources; and indirectly, by compensating parents for loss of earnings from their children's labour (with the additional benefit of reducing child work, as discussed in Chapter 6).

### ***Quality of schools***

Perceptions of schools as being of poor quality may be due to poor infrastructure, shortage of teachers, inconsistencies in teaching standards and doubts as to the relevance of the curriculum. Improving these aspects enhances the perceived value of sending a child to school, rather than exploiting the child's current earning potential.

### ***Making schools "girl-friendly"***

Measures are needed to address the barriers faced by female students. In general, they require appropriate, gender-sensitive, non-discriminatory curricula and a safe school environment, including sex-segregated hygiene facilities. In boarding schools, they should have their own dormitories.

### ***Alternative and "second-chance" ways of acquiring education***

Many child workers leave school before completing compulsory education. Others never went to school. Because of their age, lack of literacy or numeracy skills, unfamiliarity with the school environment, life experiences, lack of self-confidence and so on, entry or re-entry into the formal school system may be



difficult for them. They need “second-chance” learning opportunities, such as remedial support within the regular classroom context, a form of “bridging” education to raise their academic proficiency prior to returning to the regular classroom, or alternative and non-formal programmes outside the conventional academic system.

While labour protection policies should address the problem of the long hours worked by children and young workers, the educational delivery model can also be responsive to their needs in this respect. For example, it is not uncommon for children to drop out of school during peak agricultural periods, when the demand for family labour increases. To address this issue, the Philippines’ Alternative Learning System provides out-of-school young people and adults with several options for acquiring a basic education (Box 8.3).

In Bangladesh, the Basic Education for Hard to Reach Urban Working Children programme, which aims to equip employed children aged 10-14 with basic educational skills, has created 22,000 learning centres to provide second-chance learning opportunities. Meanwhile, the Bangladesh Rural Advancement Committee (BRAC) provides an accelerated primary education programme, enabling most of those who complete it to access mainstream upper-primary or lower-secondary schooling (Brown, 2012, p. 57).

### **BOX 8.3: THE PHILIPPINES: Alternative Learning System (ALS)**

Incoming learners, mostly out-of-school youths and adults, are assessed. Those who do not pass the basic literacy test are placed in the Basic Literacy Program, which aims at developing the basic skills of reading, writing and numeracy. The rest are placed in the Accreditation and Equivalency (A&E) Program, either at elementary or high-school level. The A&E Program is for out-of-school children, youth and adults who are basically literate but who have not completed the 10 years of basic education mandated by the Philippine Constitution. ALS classes are conducted in community learning centres numbering about 4,467, found all over the Philippines. Some are conducted in village meeting halls, libraries, homes, jails, basketball courts and women’s shelters.

Based on a survey conducted among ALS teachers, a large proportion of the students are domestic workers. Around 38 per cent are working as household maids, nannies, vendors, labourers, restaurant workers and the like. Most ALS students have had to leave school for various reasons: early pregnancy, the need to work and support themselves and their family or care for a young sibling, dismissal from school due to offensive behaviour and so forth. There are adults who can hardly read or write, children and youths in conflict with the law, members of indigenous people communities, victims of abuse, children and youth in high-conflict areas, including those whose homes and schools have been devastated by a typhoon or earthquake.

The A&E (elementary and high-school equivalence) pass rate is quite low, though it steadily increased from 9 per cent in 2000 to 21 per cent in 2006, and peaked at 28 per cent in 2013. Several explanations have been given for this, such as the inappropriateness of the examination methodology and the inadequacy of the curriculum. Those who were most likely to pass the test, and thus stood to benefit from the programme, were recent school drop-outs, especially those who left school at grades 9 and 10, and those who were working.

*Source: Arzadon, Nato, 2015.*



## 8.3 LOCAL-LEVEL INTERVENTIONS IN EDUCATION AND TRAINING

Many direct, local-level interventions use education and training to prevent child labour or rehabilitate rescued children. The examples in this section, while drawn from diverse national contexts, highlight some common characteristics, and some practices which have been applied and proven quite effective in achieving their objectives (Tool 8.2).

### TOOL 8.2: Preventing child labour in domestic work through education and training: Common elements of the strategy

- Because barriers to children's enrolment and school attendance are multiple and sometimes interrelated (e.g. poverty, loss of a child's earnings and the low value ascribed to girls' education), intervention models may have to comprise several interventions to achieve positive results. For example, enhancing the results of children's education or training may require: the provision of free educational materials and meals, income-generating activities for parents, girl-friendly facilities to ensure the safety of female students, sensitization of parents to foster a commitment to their children's education, and sensitization of the employers of domestic workers.
- Second-chance educational opportunities, such as literacy and remedial classes, and non-formal, flexible education and training models, are highly relevant for child domestic workers.
- Child domestic workers need more than basic education, literacy or training in technical or occupational skills: to give them greater control over their future lives, they require training in life skills, planning their personal development and labour rights.
- Because of the nature and multiplicity of the interventions required, it is important to mobilize and many community actors and agencies: teachers, schools, local authorities and leaders, community associations, youth clubs, former child domestic workers, local artisans.
- Interventions are more likely to be sustainable if funded from public budgets.

### 8.3.1 Addressing the problem at both ends (the “corridor” approach)

In Senegal (1999-2008), a comprehensive system of sponsorship and surveillance was put in place at both ends of the flow of child domestic workers, who were overwhelmingly girls: in the places of origin, the rural regions of Kaolack and Fatick; and the places of destination, the urban centres of Dakar and Thiès (ILO-IPEC, 2010a, pp. 94-98). The strategy had a range of objectives: to retain girls in school; to re-introduce out-of-school girls into the school system to complete their basic education; to upgrade the skills of young domestic workers of legal working age; and to promote decent work conditions.

Kaolack and Fatick were the two biggest sources of domestic workers. Girls were dropping out of school due to the distance they had to travel, long illnesses, early marriage, early pregnancy, and the absence of birth certificates. In addition, rural incomes were too low to sustain schooling. Some girls stayed home to take care of their household, while others went to the city, first to earn money during the school vacation, but eventually staying on as domestic workers. In the schools in the areas of origin, a sponsorship committee was set up with the principal task of mobilizing the communities in support of massive school enrolment and attendance. It consisted largely of young male and female college students, some originating from the rural regions concerned, as well as teachers, parent/student associations, youth sports clubs and village chiefs. It persuaded parents to enrol their children in school, gave remedial classes to elementary students during the summer vacation to improve their school performance and prevent out-migration to the cities, and put



girls' families in touch with revenue-generating and income-support projects (e.g. cereal banks, village stores, fish retailing, free educational materials).

In Dakar and Thiès (Senegal), a surveillance committee took charge of providing literacy classes and vocational training to girls aged 12 to 17, monitoring the movement of girls from rural areas and those who had been withdrawn from domestic work, and negotiating and persuading employers of domestic workers to allow their workers to attend classes and comply with minimum working conditions.

As a result of this integrated strategy, school enrolment of girls under 12 years of age in the rural areas increased by thousands, with the girls staying on to complete their basic education. Community associations of teachers, young people and parents became very active in promoting the education of girls.

### **8.3.2 Addressing girl-specific needs**

In the rural region of Haouz, Morocco (2002-2005), the Afoulki association built a dormitory for girls to encourage parents in the region to send their daughters to school (ILO-IPEC, 2010a, pp. 60-61). A local collective budget was allocated and the local authorities assisted in the management and operation of the facility. Meetings were held to assure parents of the safety of their daughters. Mothers especially needed to be persuaded, because they also relied on their daughters' earnings. As a result, attitudes towards girls' education became more positive and school attendance among girls in the region improved.

### **8.3.3 Education and training for rescued child domestic workers**

In Madagascar (2002-2009), the Ministry of Public Affairs, Labour and Social Affairs established "Manjary Soa" centres to welcome children removed from child labour situations in Antananarivo, Toamasina and Toliara (ILO-IPEC, 2010a, p. 145). These cities have a high prevalence of child workers aged 6 to 15 engaged in informal activities, domestic work and commercial sexual exploitation. Children aged 6 to 14, who had no or little formal schooling, were given intensive remedial education classes for one year before being enrolled in public primary schools. Children aged 14 to 15 were trained in vocational skills and health and safety in the workplace. The children also received medical care. The families of the children were contacted to persuade them of the importance of education for their children and secure their commitment to keep their children on the programme.

In Uganda (2002-2006), the NGO WAYS ran a rehabilitation centre for girls where counselling and vocational training for periods of 3-9 months were offered (ILO-IPEC, 2006b, p. xv). Girls could choose from a range of skills, such as hairdressing, dressmaking and tailoring, agriculture, cookery and catering, horticulture and animal husbandry. After the formal training, the girls were placed with local artisans to learn more practical skills, and were usually taken on by the artisans after their training. While on training, the girls participated in recreational and sports activities, and were taught life skills - how to negotiate, communicate and take decisions - which also boosted their self-esteem. Individual counselling, group therapies and legal awareness sessions were also organized. After the training, the girls were resettled in their families, with a resettlement kit that included a mattress and bedding, and the capital to start a small business. Parents were also supported to start small businesses, e.g. grinding mills, to provide alternative income for the family.



### 8.3.4 Training for alternatives to domestic work

In Zambia (2002-2006), the Young Women's Christian Association (YWCA), Tabitha and Community Youth Concern (CYC) organized vocational training programmes for child domestic workers, who had various options to choose from (ILO-IPEC, 2006b, pp. 64-65). Formal education was offered for those below 15 years of age and older children who wanted to go back to school. Vocational training was offered to those aged 15 years and over. The programmes also provided psychosocial support, health education and medical care. Former child domestic workers and their parents successfully undertook income-generating activities in poultry and vegetable farming after being trained in the relevant skills, including entrepreneurship. CYC also helped them form links with regular buyers.

## 8.4 ENHANCING THE STATUS OF DOMESTIC WORK THROUGH SKILLS RECOGNITION

The low social status of domestic workers, and their low wages and poor working conditions, can be ascribed partly to the prevalent perception that domestic work is not "real work", is of low economic value, is simply an extension of the unpaid housework that girls and women would normally perform in their own households, and does not require particular skills or education. Domestic workers' power to negotiate higher wages and employment benefits, and their prospects of finding better jobs, are also reduced by these perceptions and by the higher value placed on certified and professional skills. At the same time, the abuses suffered by domestic workers at the hands of their employers have been attributed to a lack of skills in the range of tasks domestic workers are expected to perform in households which have adopted lifestyles very different from their own.

This being the case, one of the approaches that have emerged in the past decade consists of (i) formally recognizing and certifying domestic workers' skills, including prior learning acquired informally, and (ii) providing training opportunities to upgrade and professionalize their skills in household services, including home-based child and elderly-care services.

### 8.4.1 Formal recognition of domestic workers' skills

Significant progress in this regard is being made in the Asia and Pacific region, which accounts for the largest share of domestic workers globally, and is the source of many foreign domestic workers employed in the Middle East, Asia and North America.

The few examples given in this section indicate the importance of formally recognizing domestic workers' skills, to improve their wages and employability, and to enhance the status of women's work. Where its impact on employment conditions and wages is concerned, skills recognition is only one factor among many and, in isolation, cannot have much effect. Legislation, bargaining power, and general attitudes also exert important influences on the wage levels and working conditions of young domestic workers, and the employment of children below the legal working age.





## **Regional Model Competency Standards: Domestic Work**

Regional Model Competency Standards (RMCS) for Domestic Work were developed by the ILO in response to demands expressed in the Asia region (ILO, 2014c) for recognition and professionalization of the skills of domestic workers. They drew on relevant national competency standards already existing in Australia, India, New Zealand, the Philippines and Sri Lanka, and on contributions to a regional workshop held in 2013, which involved representatives of governments, trade unions, employers' organizations, training institutions and non-governmental organizations from Bangladesh, Hong Kong (China), Cambodia, India, Indonesia, the Philippines, Singapore and Thailand. The RMCS-Domestic Work have been designed as a basis for countries in the region to develop national standards and training curricula (Tool 8.3).<sup>80</sup> So far, they have served as a basis for national discussions on skills needs and the demands of the domestic employment sector in Asia.

### **TOOL 8.3: ASIA AND THE PACIFIC: Regional Model Competency Standards for Domestic Work (RMCS-DW)**

The RMCS are grouped functionally and not in terms of jobs or occupations. This enables RMCS users to tailor their own “competency standards for domestic workers” by selecting and grouping the units of competencies from the RMCS to match their national and local understanding and situations. The standards define a general framework for the critical skills, knowledge and attitudes that equip and/or certify domestic workers to undertake domestic work, regardless of location or household size.

The RMCS for domestic workers include generic “core competencies”, and vocational and technical competencies.

#### Core Competencies:

- Communicate effectively in a domestic work environment
- Work in a socially and culturally diverse workplace
- Maintain health, safety and security in a domestic work environment
- Plan, organize and manage own work
- Use a language other than the local language to communicate in a domestic work setting

#### Functional Areas:

- Domestic cleaning and basic housekeeping
- Cooking and food handling
- Care of infants and children
- Care of elderly people
- Care of household pets and plants

Source: ILO, 2014c.

<sup>80</sup> Competency standards are a set of benchmarks that define the skills, knowledge and attributes people need to perform a work role. They are developed in consultation with industry, to ensure they reflect the needs of the workplace. Competency standards form the basis for training and assessment to a standard that the industry recognizes and trusts. Competency standards are primarily used to develop and implement training, to assess the outcomes of training, and to assess the level of a person's existing skills and competencies.

## ***The Philippines' NC II***

In Asia, the Philippines is a pioneer in promoting skills recognition and certification as a means of improving the employability and working conditions of domestic workers. In March 2005, the Philippine Government issued Training Regulations (TR) for Household Services NC II, developed with ILO technical support. It was subsequently reviewed and updated in 2014, incorporating new national and international policies on domestic workers, i.e. ILO C189, ratified in 2012, and the national Domestic Workers Act, passed in 2013. While the first NC II version was geared to the overseas placement of domestic workers, the updated NC II also takes into account locally hired and part-time domestic workers. The Philippine Government has taken explicit measures to promote skills recognition as a way of enhancing workers' protection. The 2006 Household Service Workers Reforms on overseas domestic workers required that all deployed Filipinos obtain NC II certification. NC II certification has certainly had positive outcomes for overseas workers, but not to the extent envisaged.<sup>81</sup> Assessments of NC II have cited circumventions of the NC II requirement by private recruitment agencies, gaps in the curriculum, and weaknesses in monitoring assessments (CMA, 2015; Battistela, Park, Asis, 2011).

With regard to local domestic workers, the Domestic Workers Act requires TESDA to facilitate domestic workers' access to NC II training, assessment and certification, and mandates TESDA and the National Wages and Productivity Commission to develop a "competency-based pay system in line with its thrust to 'professionalize' domestic work" (Rule VIII of Implementing Rules and Regulations of Domestic Workers Act). However, to date, there still seems to be little buy-in for NC II among local employers and domestic workers.

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81 Data obtained from TESDA as of April 2016: fewer than 66,694 workers had taken the NC II assessment and fewer than 65,000 were certified. In view of the tens of thousands of overseas domestic workers who are deployed every year, these are very low figures. Data obtained from Edwin Maglalang, Sector Focal, Health, Social and Other Community Development Services Sector, TESDA, interviewed by Carla Cuntapay-Magalona on 28 June 2016.



## 8.4.2 Linking skills to jobs and wages

Before workers or employers spend money on skills assessment or training, either or both must be convinced of the benefits of a skills certificate and trust the organization issuing it. For workers, a skills certificate should lead to a stronger probability of securing higher pay; and for employers, it should imply reliable quality of work performance.

The Hong Kong (China) experience (Box 8.4) illustrates the importance of a mechanism that closely links skills, job placement, and contract and wage negotiation, at the operational level.

### **BOX 8.4: HONG KONG (CHINA): Linking skills, wages and bargaining leverage**

In Hong Kong (China), the Domestic Workers General Union (DWGU), an affiliate of the Hong Kong Confederation of Trade Unions (HKCTU) that organizes local non-migrant domestic workers, received government funding for a job-training programme for local domestic workers called the Confederation of Trade Unions Training Centre (CTUTC). The Training Centre and the Confederation are separate entities, ensuring the Training Centre's ability to promote high professional standards and the Confederation's independence in social dialogue. The Training Centre provides over one hundred hours of skills training for women entering the market, including cleaning, laundry, care of infants and the elderly, negotiation, and labour rights. Once certified, students have access to the centre's job referral programme through which women gained access to 19,287 quality jobs between 2002 and 2014. Meanwhile, the members of the Domestic Workers General Union came together to agree on appropriate wages and fees in the industry, and the Confederation uses this as a benchmark when negotiating contracts. These contracts have significantly raised standards for workers who are placed through the Confederation. The standard hourly wage of a trained domestic worker is two to three times higher than the statutory minimum wage, and post-natal caregivers placed through the Confederation earn 100 per cent more than those placed by the government referral agency. Furthermore, the Confederation has the highest job placement rate of any government-supported domestic workers job-referral programme, even though wages are higher.

*Source: Hobden, 2015.*



### 8.4.3 Workers need job-related skills and more

Argentina's Ministry of Labour, Employment and Social Security began making policy to cover the skills of domestic workers slightly before the Philippines (Rodriguez Nardelli, 2015), reflecting concerns about the domestic workers within its borders, most of whom were nationals.<sup>82</sup> The thread running through its policies has been the professionalization of household work and the care of dependent persons, children, the sick and elderly. Its primary motivations were to promote gender and social equality, re-value women's work and promote "more and better" jobs. Over the same period, the rights of domestic workers were being consolidated, culminating in 2013 in the promulgation of Law 26.844, which puts the labour rights of domestic workers on a par with other waged employees.<sup>83</sup>

Unlike the NC II and Asia's RCMS-Domestic Work, Argentina's training curriculum for domestic workers, introduced in 2004, was not concerned only with productive, job-related skills. Intended to empower domestic workers to construct an "occupational project", and to promote gender and social equality, the curriculum was oriented towards (i) transversal skills: communication, problem-solving, planning, using technology, exercising labour rights and negotiating conditions of work; (ii) attitudinal skills: personal growth (strengthening identity and personal security and gender, promoting strategies of self-esteem) and taking initiative (leadership, organization and planning); and (iii) technical-sectoral skills.

Several versions of the curriculum and manuals have since been produced, culminating in 2015 in an updated set of three manuals corresponding to prioritized training paths: services in homes and institutions; care services for the elderly; and care services for children. While employment conditions do not appear to have changed as a result of the training, individual women report that they have acquired new knowledge, as well as improved confidence, and employability. Demands for training on the part of workers have continued (Rodriguez Nardelli, 2015). Employers reported better work performance among those who were trained than those who were not.

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82 As of 2012, in Buenos Aires, 30 per cent of domestic workers were from the various provinces of Argentina, while some 10 per cent were from other South American countries, especially Bolivia, Paraguay and Peru.

83 Argentina's Law 26.844 recognizes that persons employed in private homes should have the same rights as other workers: maternity leave, holiday pay, Christmas bonus, severance pay, coverage of work-related risks, among others. The law also limits working hours to 8 hours per day and 48 hours per week, and recognizes the existence of an employment relationship regardless of the number of hours worked.



## 8.5 KEY MESSAGES

- Child labour seriously hinders school enrolment, and adversely affects learning outcomes and opportunities for lifelong learning.
- Lack of access to schooling drives children into early employment.
- Providing affordable, accessible and relevant education plays a key role in eliminating child labour.
- The issue of child labour should be mainstreamed into education policies and plans.
- Performing household and personal services for third-party households requires a range of technical and social skills, which should be recognized.
- The misperception and myth that domestic work does not involve skills encourages the use of child domestic workers as cheap labour and is a barrier to improving the wages and working conditions of domestic workers of legal working age.
- Providing young domestic workers with skills development opportunities and professionalizing their skills is one way of combatting child labour in domestic work.





## CHAPTER 9:

# STRENGTHENING DOMESTIC WORKERS' ORGANIZATIONS

The right to organize and bargain collectively is a fundamental human right. Workers' and employers' organizations are effective partners in setting rules and reaching consensus or compromise through social dialogue, including collective bargaining, on which to build viable, harmonious labour relations, and improve working conditions. They are especially important in sectors such as domestic work, which are difficult to regulate or excluded from labour legislation.

Chapter 9 looks at the particular challenges and obstacles to organizing domestic workers, the strategies and methods that have been adopted to overcome these challenges, and some of the things that have been achieved. In spite of the many obstacles, domestic workers' organizations and their allies has been making steady progress since the 1930s and the pace picked up in the 2000s. Organizations of employers of domestic workers also exist, albeit on a much smaller scale.<sup>84</sup> The motivation to organize domestic workers and rectify their invisibility and unequal bargaining power seems to have been more powerful than the motivation to organize employers of domestic workers.

## 9.1 CHALLENGES IN ORGANIZING DOMESTIC WORKERS

### 9.1.1 Why organize?

Poverty, insecurity in the face of an economic shock and lack of employment may often compel individuals to accept a job regardless of how bad and unfair the terms of employment are. These are the very same forces that drive parents and siblings to send children to seek employment at an early age. Labour regulations and standards are meant to protect those who are in these most vulnerable situations. However, though fundamental and indispensable for effective workers' protection, they are not sufficient.

Domestic workers are particularly vulnerable because they work behind closed doors, often have no co-workers, and are highly dependent on their employer for their basic needs. They wield little bargaining power vis-à-vis their employer. Add in the factors of age, sex, ethnic background, race and migrant status, and their bargaining leverage could hardly be worse.

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<sup>84</sup> Tackled in Section 10.3 of this Practical Guide. For information on the state of organizations of employers of domestic workers, see Hobden, 2015; ILO, 2015e.



Yet, domestic workers themselves are their most credible advocates and interlocutors. By coming together and organizing, domestic workers do have the capacity and collective strength to claim their rights, fight against child labour and promote fair and decent working conditions.

The need to protect themselves from unfair treatment and abuse, and the dream for decent wages and humane working conditions, has been a powerful motivating factor driving domestic workers to organize, in spite of the risks and negative consequences this may entail. Physical, sexual and psychological violence, forced labour conditions, and the exploitation of children in domestic servitude are among the issues that have mobilized domestic workers in many parts of the world. In Lebanon, for example, in spite of a national context that refuses to recognize their fundamental right to organize, domestic workers have formed their own union [Box 9.1].

### **BOX 9.1: LEBANON: Domestic workers unionize in spite of legal barriers**

In their fight against abuse and violence, around 200 foreign female domestic workers launched the first domestic workers' union of Lebanon in January 2015. They were assisted by the Federation of Trade Unions of Workers and Employees Union (FENASOL), an organization that has worked with foreign domestic employees for the past four years to make the government consider their rights. The union is the first of its kind in the Middle East and North Africa, but, as of end of 2015, it was still not recognized by the Ministry of Labour.

Article 7 of the Lebanese Labour Code stresses that construction workers, house workers, peasants, fishermen and family businesses have no right to organize themselves. Article 92 says that all foreign workers with a license and a visa are allowed to organize themselves. The problem is that the vast majority of house workers and home-based caregivers in Lebanon are migrant workers.

As of December 2017, Lebanon has not yet ratified the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (No. 87) (C087), nor the Domestic Workers Convention (No.189).

*Source: ILO, 2016a.*

## **9.1.2 Challenges and obstacles to organizing domestic workers**

The challenges and obstacles to organizing domestic workers can be broken down into at least three sub-categories: socio-cultural, legal and logistical (Hobden, 2015; ILO, 2015e; Chapters 2 and 5 of this Practical Guide).

### ***Socio-cultural dimensions of domestic work***

- Domestic work is often not regarded as “real” work. Societies, including workers and employers, largely do not perceive domestic workers as workers, employers as employers, or the home as a workplace.
- Domestic workers and their employers rarely see their relationship as one of employment, but rather as a personal matter. This close relationship can make domestic workers feel that organizing would be a personal affront to their employers, a sign of mistrust. Employers who regard their domestic workers as “members of the family” feel the same.





- Domestic workers tend to be dependent on their employer for basic needs, therefore the fear of upsetting their employer and losing their job is a very powerful deterrent. The situation of migrant domestic workers is even worse: they could lose their only shelter, and be forced to leave the country.
- Arrangements ostensibly based on kinship reciprocity and child fostering present even more difficult obstacles to organizing.
- Language and cultural barriers, and a lack of family and social networks, are common barriers to organizing migrant domestic workers.

### ***Legal and administrative barriers***

- In many countries, domestic workers are still excluded in whole or in part from labour legislation that would provide them with the right to freedom of association and collective bargaining.
- Certain categories of workers may not have trade-union rights, for example migrant workers or part-time workers.
- Domestic workers may have the legal right to organize, but the requirements for registering a union (such as a minimum number of members in the same workplace) make it nearly impossible to realize their right to form a union.

### ***Logistical and practical challenges***

- The sector is completely decentralized, usually with just one domestic worker working for one, two, or several employers. Householders are rarely associates as employers, at least not where what is generally seen as a “private” matter is concerned.
- Building mass organizations of domestic workers or employers is far more time and resource-intensive than in other sectors.
- Domestic workers are notoriously short of time, working very long hours and performing multiple tasks and responsibilities. Live-out domestic workers have the double duty of caring for their own families.
- Live-in domestic workers often do not have clearly demarcated free time, and their mobility is restricted.
- Live-in and child domestic workers may have no or only restricted access to community life outside the house.
- Migrant domestic workers whose legal status is irregular tend to have limited freedom of movement.
- Domestic workers coming from another region of the country, or a foreign country, face linguistic and cultural barriers.
- Because of meagre, delayed or irregular wages, domestic workers have difficulty in financing their organizations.

Household employers also face constraints to organizing (see section 10.3). They are sometimes excluded from the right to organize because they are non-commercial actors. While employers may informally discuss the setting of wages or how to handle employment disputes, they have rarely formed organizations. They do not have the human resources management skills and tools that an enterprise can draw on.

## 9.2 OVERVIEW OF DOMESTIC WORKERS' ORGANIZATIONS

### 9.2.1 A vibrant movement of domestic workers' organizations

In spite of these obstacles, domestic workers have successfully organized into trade unions or other forms of organization in many countries (Hobden, 2015; see IDWF website for a list of affiliated unions). Domestic workers in Brazil and Chile formed their organizations in the 1930s, in Uruguay and Kenya in the 1950s, and in South Africa in the 1960s.<sup>85</sup>

In the 2000s, although the overwhelming majority of domestic workers in the world are still unorganized, there is a vibrant movement of domestic workers' organizations. Many of these organizations have joined forces to advocate for an international labour standard on the rights of domestic workers, their efforts culminating in the adoption of the Domestic Workers Convention (No. 189). In 2013, they founded the first International Domestic Workers' Federation (IDWF). As of July 2016, the IDWF has 59 affiliates from 47 countries, with a total of 500,897 domestic worker in membership (see IDWF website) They have established region-wide networks of domestic workers' organizations. CONLACTRAHO, a federation of 23 domestic workers' unions and organizations in 14 countries, is the oldest, formed in 1998.

### 9.2.2 Types of domestic workers' organizations

Organizations and networks of domestic workers have sprouted in many different forms: trade unions, neighbourhood associations, self-help groups, cooperatives, city-level networks, groups based on nationality, ethnicity or religion, etc. In some countries, domestic workers have formed unions, while in others they have formed associations outside of the trade union structure.

#### ***Factors influencing the type of domestic workers' organization***

The types of organization founded by domestic workers have depended on a broad range of factors (Hobden, 2015). One key factor is the legal framework already in place: whether domestic workers have the right to organize, what legal identity the organization could assume, and under what conditions it could be recognized as a union. Other factors are the role trade-union confederations or civil-society organizations have played in organizing and affiliating domestic workers in a particular country, and the needs and objectives of the domestic workers belonging to the organization.

In many countries, domestic workers are reticent about joining trade unions, in part because they do not trust that their voices will be effectively represented (Hobden, 2015, p. 3) The domestic work sector is also distinct from the conventional labour relations setting that trade unions are used to. This means that trade unions have to adapt and re-equip themselves to organize and serve domestic workers, which entails political and practical challenges (Bonner, Spooner, 2011; Schurman, Eaton, 2013).

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<sup>85</sup> The first association of domestic workers was established in Brazil in 1936 by Laudelina Campos de Melo; 60 years later, in 1997, the National Federation of Domestic Workers (FENATRAD) was founded, though domestic work was only recognised as a professional occupation in 1972 under Law 5859 (Gonçalves, 2010).



In most cases, domestic workers have received support from trade unions and civil society organizations, in particular those focused on women's, migrants' and human rights issues.

### **Domestic workers' unions**

Latin America has witnessed the growth of long-standing domestic workers' unions, such as the Sindicato Único de Trabajadoras Domésticas (SUTD) in Uruguay, the Federação Nacional das Trabalhadoras Domésticas (FENATRAD) in Brazil, and the Federación Nacional de Trabajadoras del Hogar (FENATRAHOB) in Bolivia. In Africa too, the trade union movement has long incorporated domestic workers into membership, usually in unions covering hotels and services. One of the oldest domestic workers' unions is the Kenya Union of Domestic, Hotels, Education Institutions, Hospitals and Allied Workers (KUDHEIHA), registered in 1951. The SADSAWU in South Africa organizes and assists nationals and migrant domestic workers, and recently adopted an action plan to organize and protect migrant domestic workers.

### **Cooperatives**

In some countries, domestic workers have formed cooperatives, for example cooperatives established to provide home care services, particularly in countries with rapidly ageing populations, such as Japan and South Korea. There are also successful cooperatives that provide domestic cleaning services. These bring together women workers, including migrants, and enable them to jointly negotiate better wages, safer working conditions and improved employment protection.<sup>86</sup>

## **9.2.3 Alliances with trade unions and civil society organizations**

Domestic workers' organizations have built coalitions and alliances with trade unions and civil society organizations to push for decent work for domestic workers. A good example is the KA PPRT in Indonesia, a country with a significant proportion of domestic workers below 15 years of age (Box 9.2). In Latin America, South Africa and Hong Kong (China), there is a long tradition of domestic workers' organizations cooperating with trade unions. In Europe, groups of migrant domestic workers established early ties with trade unions; these have strengthened through the years, with domestic workers joining trade unions in the service sector.

In many countries, civil society organizations (NGOs, human rights' organizations, women's and migrants' organizations, faith-based organizations) are strong allies of domestic workers, advocating for their rights, helping to set up their organizations, providing training at various levels, running shelters and service centres, and supporting their campaigns.

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<sup>86</sup> The ILO's Cooperatives Unit undertook a mapping exercise in 2013 to assess the use being made by domestic workers of cooperatives and other membership-based associations in the social and solidarity economy. The findings of the survey and the methodology used are available from ILO COOP upon request at [coop@ilo.org](mailto:coop@ilo.org)



### **BOX 9.2: INDONESIA: The KA PPRT Action Platform**

The founding members of the Indonesian national platform for action on domestic workers (KA PPRT) were Jala-PRT (National Network for Domestic Workers Advocacy) and three national trade unions, KSBSI, KSPI (both affiliates of the International Trade Union Congress) and KSPSI.

The KA PPRT Action Platform was formed in 2012 so that various organizations concerned with domestic workers would speak with one voice. It has adopted a programme aimed at strengthening the capacities of domestic workers (in leadership, advocacy and unionism) to help them build strong unions. Members of the KA PPRT Action Platform committed to organizing hundreds of domestic workers in 2013 and 2014. The KSBSI has organized domestic workers employed by trade union members and has reached out to street vendors whose children work as domestic workers. The Jala PRT is the principal national interlocutor, specifically for domestic workers' rights and issues, and has frequently denounced rights violations against domestic workers, most of whom are children below the age of 15 (IDWF, JALA PRT, 2016).

The KA PPRT has collaborated with the ILO within the framework of the PROMOTE Project to develop and implement strategies in Indonesia to end child labour and protect young domestic workers.

The KA PPRT Platform also aims to convince the government to adopt a draft bill on domestic workers and ratify ILO Convention 189. Their strategy consists of lobbying legislators to join the discussion on the bill, lobbying members of national and local parliaments and well-known personalities. Rallies are organized to keep up pressure on the government, as well to sensitize the public through (social) media.

*Source: ITUC, 2013.*

## **9.2.4 Fighting child labour: Actions taken by domestic workers' organizations**

Domestic workers' organizations are strongly positioned to fight against child labour in their sector. Child labour in domestic work is a violation of fundamental human rights and a negation of decent work for domestic workers. It perpetuates the exploitation of domestic workers; erodes the bargaining power of adult domestic workers and depresses their wages and working conditions; and reinforces the low value and stigma attached to domestic work.



Domestic workers' organizations, acting on their own or in alliance with others, have performed a range of roles and actions to eliminate child labour and promote decent work for domestic workers:

- Carrying out advocacy campaigns to raise awareness among domestic workers, local communities, political leaders and the broader public of domestic workers' rights and issues, including the problems of child labour and trafficking in domestic work (Box 9.3);
- Mobilizing and organizing domestic workers, including young workers and migrant workers from other countries (Box 9.4);
- Leading national plans of action to promote domestic workers' rights, legal reforms and ratification of the Domestic Workers Convention (Box 9.5);
- Participating in national policy and legislative dialogue over reforms, and advocating for reforms;
- Representing domestic workers in tripartite negotiations over minimum wages and conditions of employment for domestic workers (Box 9.6);
- Collective negotiations with employers of domestic workers at local level;
- Providing legal, training and social services to domestic workers;
- Participating in the international standard-setting process at the ILO (Box 9.7).

More information on the roles played by domestic workers' organizations in social dialogue and collective bargaining is provided in Chapter 10 (Role of Social Partners) of this Practical Guide.

### **BOX 9.3: JAMAICA: Leading a sensitization programme to eliminate child labour**

The JHWA, in partnership with the International Labour Organisation (ILO), Clarendon Parish Development Committee (CPDC) and the Rocky Point Benevolent Society, launched Jamaica's "Rescue A Child - Save the Future" programme in 2012.

The overall objectives of the programme were to promote decent work for domestic workers and create an atmosphere of care and protection for children that is geared towards the elimination of child labour. It consisted of training 15 of JHWA's members (who are domestic workers) to conduct sensitization sessions in a number of rural and urban communities on the "indecent work of child labour" and decent work for domestic workers.

JHWA's president, Shirley Pryce, stated during the launch on 24 April 2012: "More than 6,000 of our children are engaged in the worst form of child labour in Jamaica, according to a 2002 Kristin Fox Report of Youth Activity Survey. Therefore, it is our moral duty to tackle this problem and to eliminate this scourge permanently from our society, which is also an obstacle to national development." "JHWA promotes decent work in the workplace, and child labour in any form can never be considered decent work."

*Source: Fisher, Winter, 2012.*



## **BOX 9.4: SOUTH AFRICA AND THE PHILIPPINES: Organizing domestic workers**

### **SOUTH AFRICA: SADSAWU, new strategy for organizing South African and migrant domestic workers**

A marked stream of migrant women from Lesotho, Zimbabwe, Swaziland and Mozambique migrate to South Africa to look for jobs as domestic workers. As most are undocumented migrants, they often experience inhuman labour conditions. Preliminary results from research on domestic workers in South Africa showed that migrant domestic workers tend to be much younger than their South African counterparts; they are more highly concentrated in the 15-20 age group.

The challenge for SADSAWU has been to bring migrant domestic workers into its ranks as full and active members. However, many migrants fear joining the union, concerned that this would mean exposing their identity and irregular migrant status, and that they would lose their jobs once their employers learned about their union affiliation.

SADSAWU has recruited and organized domestic workers for many years. At a workshop in Johannesburg in 2015, in consultation with migrant domestic workers' organizations in South Africa, it formulated a new strategy aimed at strengthening and expanding its organizational efforts to all the nine provinces of South Africa. The strategy would include:

- (i) More efficient data gathering on migrant domestic workers for monitoring and evaluation purposes, and to determine where the migrant domestic workers can be found and how they can be mobilized.
- (ii) Strengthened collaborative networks with existing NGOs and diaspora organizations that are already working with migrants, as well as the on-going online registration of Zimbabwean migrants by the Zimbabwe Consulate in South Africa.
- (iii) Development of a migrant domestic workers pre-migration awareness information package, which would inform migrant domestic workers coming to South Africa about SADSAWU (what it does to promote domestic workers' rights, where it is); and other supporting organizations from which migrants can get assistance.

*Sources: ILO, 2015g; Jinnah, 2015.*

### **THE PHILIPPINES: SUMAPI, the first domestic workers' organization in the country**

Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas (SUMAPI) is a national association of domestic workers in the Philippines, which was set up in 1995 with the support of Visayan Forum Foundation Inc., an NGO that has worked on human trafficking and child labour issues for a long time, and a key advocate for the passage of the national law on domestic workers.

SUMAPI was organized as a peer support group for domestic workers, mostly below the age of 18, rescued from abusive working conditions. SUMAPI served as the voice of domestic workers during national dialogues on issues regarding the ILO C189, and the national law on domestic workers, which were being heatedly debated in 2009-2012. It is a member of the Philippine Tripartite-Plus Technical Working Group on Domestic Workers.

At the time of writing, no information could be obtained on the current status of SUMAPI. But up till 2013, it was operating in seven cities: Cebu, Bacolod, Iloilo, Dumaguete, Batangas, Davao, and the National Capital Region (NCR).

*Source: Various reports from the ILO Office in Manila on national activities in support of domestic workers under the Philippine Decent Work Country Programme and ILO Programme and Budget support to the Philippines. For further information, please contact [INWORK@ilo.org](mailto:INWORK@ilo.org)*



## **BOX 9.5: TANZANIA AND ZAMBIA: Formulating and coordinating national action plans on domestic workers**

### **TANZANIA**

CHODAWU-Mainland and CHODAWU-Zanzibar are members of the national Tripartite Working Group on Domestic Work, which in 2013 drew up and launched a national plan of action on domestic work. The plan included conducting studies on the profile and working conditions of domestic workers and legislative gaps; building the capacity of domestic workers' organizations, the labour inspectorate and conciliators and mediators; carrying out advocacy campaigns on domestic workers' rights; and improved enforcement of national labour standards in the domestic work sector. CHODAWU-Mainland has been a national advocate against child labour since the early 2000s (ILO, 2006a).

According to the results of the ILO-funded national sample survey of domestic workers conducted in 2012-13, Tanzania's domestic work sector had a very young workforce: about 45 per cent were aged 10-19, and 26 per cent, aged 20-24. When disaggregated, two sub-categories of domestic workers had disproportionate numbers of child workers aged 10-19 years old; and 58 per cent of domestic workers who were living in the employer's residence or who were reported to be "relatives" or "foster children" of the household head and were regularly performing domestic tasks for the household.

### **ZAMBIA**

The domestic workers' unions affiliated to the Federation of Free Trade Unions of Zambia (FFTUZ) and the Zambia Congress of Trade Unions (ZCTU) also sit on a national tripartite committee, which includes representatives of the national employers' organization, an association of "maids' centres" (which train and recruit domestic workers), the labour ministry and other relevant government agencies. The committee drew up a national action plan in 2014, which included a review of legislative gaps in relation to Convention No. 189, a national communications strategy, and enhancing the capacity of the domestic workers' union leaders.

Based on the ILO-funded sample survey of domestic workers in Zambia carried out in 2013, 15 per cent of girls/women and 11 per cent of boys/men were aged 10-19; and 21 per cent of domestic workers in urban areas were in this same age group.

*Sources: Various ILO progress reports on country-level activities regarding the promotion of decent work for domestic workers (see ILO INWORK website); Kahyarara, 2013; Chibuye, Siyoto, 2013.*



## **BOX 9.6: URUGUAY AND ARGENTINA: Collective negotiations and minimum wage setting**

### **URUGUAY**

The country's 2006 Law regarding domestic workers incorporated the setting of minimum wages for domestic workers into the general wage-setting mechanism. Thus, the Domestic Work Wage Council (Consejos Salariales Grupo 21) was established. Tripartite in composition, the national domestic workers union (Sindicato Único de Trabajadoras Domésticas (SUTD)) met the national organization of employers of domestic workers (Liga de Amas de Casa de Uruguay) for the first time in August 2008 and produced the first collective agreement in November of the same year. It not only set the minimum wage, but also wage levels by category and other minimum conditions of employment, such as limits on daily hours of work and overtime. Since then, the Council has produced two other collective agreements, the most recent in 2013 (Consejo de Salarios Grupo 21, 2013).

### **ARGENTINA**

Passed in March 2013, Law No. 26,844 updates and expands domestic workers' labour rights (see Box 5.6). In September 2015, seven domestic work unions signed a historic bilateral agreement with counterparts from employer associations, which achieved a pay increase of 28 per cent for domestic workers (21 per cent retroactively from the start of September, and a further 7 per cent in December 2016). The agreement affects five official categories of domestic workers, including maids, child-minders, non-medical carers, housekeepers and caretakers. The hourly wage of live-out general domestic workers was also increased, effectively constituting a standard monthly increase of \$1,172 pesos by the end of 2016. The agreement was put into effect throughout the country between September 2015 and August 2016.

*Sources: ILO, 2014b; 2015e; Liga de Amas de Casa website.*

## **BOX 9.7: Domestic workers organize and speak globally**

At the International Labour Conference in Geneva in 2009, the International Domestic Workers Network (IDWN) was launched by leaders of key domestic workers' organizations from across the world: the regional network of domestic workers in Latin America and the Caribbean CONLACTRAHO, the Asian Domestic Workers Network (ADWN) in Asia, the National Domestic Workers' Alliance (NDWA) of the USA, the South African Domestic Services and Allied Workers Union (SADSAWU), Jala-PRT (Network for Domestic Workers Advocacy) in Indonesia, IPROFOTH in Peru, and the National Union of Domestic Employees (NUDE) in Trinidad & Tobago. They formed the first Steering Committee to lead the organization. A team of Coordinators was appointed to carry out programs of activities in the regions and internationally, supported by a technical team formed by representatives of the International Union of Food (IUF), WIEGO, and the Global Labour Institute (GLI). The main objective of IDWN was, initially, to mobilize domestic workers' organizations and their allies worldwide to secure an ILO Convention to protect the rights of domestic workers. Having secured ILO C189 in June 2011, the IDWN turned its attention to advocating for ratifications of Convention 189, and expanding and strengthening domestic workers' organizations across the world.

On 26-28 October, 2013, the IDWN became the International Domestic Workers Federation (IDWF). Its Founding Congress was attended by 180 domestic workers' representatives from over 40 countries.

*Source: IDWF website.*





## 9.3 STRATEGIES FOR ORGANIZING DOMESTIC WORKERS

What strategies have organizers and leaders of domestic workers' unions and organizations adopted to get where they are today? Drawing on their experiences, the following tool presents some lessons and methods for organizing domestic workers.

Trade unions, domestic workers' organizations and civil society organizations have been active in organizing and assisting domestic workers. Tool 9.1 lists useful manuals and resources, with guidelines and lessons drawn from their experiences.

### TOOL 9.1: Useful organizing manuals and tools

ILO. 2012a. *Achieving decent work for domestic workers: An organizer's manual to promote ILO Convention No. 189 and build domestic workers' power*, ACTRAV Department, ILO, Geneva.

Provides guidance to trade unions on how to build a campaign for the ratification and promotion of C189; and how to effectively organize domestic workers.

Available at: [www.ilo.org/actrav/info/fs/WCMS\\_181344/lang--en/index.htm](http://www.ilo.org/actrav/info/fs/WCMS_181344/lang--en/index.htm)

ILO; IDWN (International Domestic Workers Network). 2012. *Decent work for domestic workers in Asia and the Pacific. Manual for trainers*, ILO Regional Office for Asia and the Pacific, Bangkok.

Developed with domestic workers, it is meant for workers' organizations and aims to stimulate reflection and discussion on domestic work and how domestic workers can work together.

Available at: [www.ilo.org/asia/whatwedo/publications/WCMS\\_184194/lang--en/index.htm](http://www.ilo.org/asia/whatwedo/publications/WCMS_184194/lang--en/index.htm)

ILO-IPEC, Global March Against Child Labour. 2014. *Tackling Child Domestic Labour and Protecting Child Domestic Workers: A Global Resource Manual*, ILO, Geneva.

A comprehensive document on the issue of engagement of children in domestic work. It is intended to support organizations such as trade unions, child rights organizations and NGOs in taking action against child labour in domestic work and protecting young domestic workers of legal working age.

Available at: [www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_24857/lang--en/index.htm](http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_24857/lang--en/index.htm)

NDWA (National Domestic Workers Alliance). 2016. *Domestic Worker Organizing Toolbox*, USA.

A comprehensive resource comprising a wide range of tools to support domestic worker organizations in achieving growth and impact. It contains sections on methods of researching domestic workers, how to structure an organization, how to reach out to domestic workers, programme design, how to use technology to communicate, how to develop domestic worker campaigns, healthy forms of cooperation, effective communications, leadership and democratic decision-making, and how to finance the organization. However, as domestic workers are excluded from the right to form trade unions in the United States, the resource lacks tools about trade-union formation.

Available at: [www.idwfed.org/en/resources/domestic-worker-organizing-toolbox-by-ndwa](http://www.idwfed.org/en/resources/domestic-worker-organizing-toolbox-by-ndwa).



### 9.3.1 The right to freedom of association is fundamental

In many jurisdictions, legal provisions on freedom of association formally cover domestic workers (ILO, 2010, p. 17). But the exclusion of domestic workers from labour legislation (Chapter 5) has the effect of preventing them from fully enjoying their right to organize.

While forming and joining workers' or employers' organizations is a matter for the workers and employers concerned, the State has a responsibility for defending the right of domestic workers and employers to freedom of association. It is important that legislation guaranteeing freedom of association should include domestic workers and their employers in its coverage.

The Domestic Workers Convention (No. 189) and its Recommendation (No. 201) unequivocally affirm domestic workers' right to organize, and outline measures that should and could be taken in order to ensure that this right is respected and protected (Box 9.8 and Box 9.9).

#### **BOX 9.8: Domestic Workers Convention (No. 189) on the right to organise and collective bargaining**

##### **Article 3**

2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

#### **BOX 9.9: Recommendation No. 201**

##### **Paragraphe 2**

In taking measures to ensure that domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members should:

(a) identify and eliminate any legislative or administrative restrictions or other obstacles to the right of domestic workers to establish their own organizations or to join the workers' organizations of their own choosing and to the right of organizations of domestic workers to join workers' organizations, federations and confederations;

(b) give consideration to taking or supporting measures to strengthen the capacity of workers' and employers' organizations, organizations representing domestic workers and those of employers of domestic workers, to promote effectively the interests of their members, provided that at all times the independence and autonomy, within the law, of such organizations are protected.



### 9.3.2 Encouraging, supporting, and building social networks

Domestic workers form informal social networks to break their workplace isolation and find mutual support and companionship. These are incipient seeds of organization.

Domestic workers meet in public places, at community and religious events, and at weekend and night schools. Their initial point of connection may be a common language, ethnicity, race or nationality. Research shows that isolation and their status as women, often from marginalized communities, directly influence their reasons for networking and their objectives (Hobden, 2015). Informal discussions eventually lead to the sharing of information about workplace concerns, tips on how to deal with one's employer, what to do about delayed wages or how to resolve a conflict. Efforts to organize domestic workers should therefore encourage and build upon these social networks.

In addition to promoting recognition of and respect for domestic workers' right to organize, there are additional forms of support that can help domestic workers build networks and organizations (Tool 9.2).

#### TOOL 9.2: Types of support that can help domestic workers build organizations

- Awareness-raising campaigns on domestic workers' rights;
- Centres that are open to domestic workers, where they can meet, network and hold group activities;
- Facilities that domestic workers' organizations can use: room space, printers, computers, internet access, other communications facilities;
- Training courses open to domestic workers' leaders, to enhance their professional, communication and organizing skills;
- Professionals and experts who can offer some of their time to advise and guide domestic workers in a specialized field as and when required, e.g. labour law assessment, poster and brochure design, radio spot development, accounting, participatory group discussion methods, and survey design;
- Robust data on the domestic work sector: numbers, ages and sex profile of workers and employers, wages, working hours and other working conditions, etc.

### 9.3.3 Innovative ways of making contact with domestic workers

Since domestic workers cannot be easily identified and reached, trade unions and civil society organizations have used innovative strategies for making contact with them. Note that these are not very different from the methods organizations have adopted to find, assist and rescue child domestic workers (see Chapter 6 of this Practical Guide).<sup>87</sup>

<sup>87</sup> Most of the examples cited in this section come from ILO, 2012a and Hobden, 2015, unless stated otherwise.



### ***Go to places where domestic workers usually congregate***

Trade unions and organizations that have been successful in building a base of domestic workers often send their organizers to look for potential recruits in places where domestic workers congregate: parks, playgrounds (in the case of those who care for children or the elderly), means of public transport, rail or bus stations used when commuting to work, markets and supermarkets, religious buildings. They distribute leaflets containing information about domestic workers' rights, services for domestic workers, and how to contact the workers' organization or union. Organizers also talk to workers they have identified, establish a rapport and follow up such encounters.

The organizers of the South Africa Domestic Service and Allied Workers Union (SADSAWU), which assists and organizes nationals as well as immigrants, travel on trains going to the poorer suburbs, and visit supermarkets, churches, parks and other public places, where they distribute leaflets to women who might be domestic workers (ILO, 2015g). In Trinidad and Tobago, activists from the National Union of Domestic Employees (NUDE) sometimes wear T-shirts with slogans about domestic work to attract domestic workers, who then approach them to ask questions. To find domestic workers, Domestic Workers Netherlands, part of the Federatie Nederlandse Vakbeweging (FNV) Cleaners' Union, went to places where they knew domestic workers met: religious institutions, fast food chains, community parties and migrant centres (Hobden, 2012).

### ***Door-to-door in neighbourhoods of high concentration***

Door-to-door contacts are possible in localities where domestic workers are known to be densely concentrated. The Kenya Union of Domestic Hotels Education Institutions Hospitals and Allied Workers (KUDHEIHA) recruited a membership of some 20,000 workers by targeting neighbourhoods where employers lived and domestic workers worked. The Jamaica Household Workers Union (JHWU) deposited leaflets in mailboxes. In Cape Town, SADSAWU also organized door-to-door campaigns (ILO, 2015g).

### ***Start with personal connections***

Personal contacts are also useful in making connections with domestic workers, which may then snowball. They may be domestic workers in one's own neighbourhood, domestic workers employed by one's own family, co-workers, or fellow union members.

### ***Awareness-raising campaigns***

Awareness-raising campaigns are useful in publicizing the services provided by the union or organization and thus attract domestic workers' interest.



### ***Hotlines, social media applications***

The FENATRAHOB (domestic workers' union of Bolivia) used hotlines to take inquiries and complaints from domestic workers. In one year, FENATRAHOB received about 900 calls, as a result of which approximately 60 domestic workers decided to join the union.

The Zimbabwe Workers Union of South Africa (ZIWUSA), an organization formed in August 2014 by Zimbabweans living in South Africa, has a membership consisting mostly of workers in informal sectors, such as domestic workers, security guards and construction workers. It manages a WhatsApp group specifically for migrant domestic workers, enabling domestic workers reach out to each other and share experiences (ILO, 2015g).

## **9.3.4 Ways of attracting and sustaining domestic workers' interest**

### ***Provide practical services***

Providing practical services that domestic workers need and value is a potent tool for attracting and holding on to members. For example, trade unions have attracted members by providing legal advice and representation, and using their collective power to pressure employers to comply (ILO, 2012a). The Hong Kong Trade Union Confederation (HKCTU) provides information, legal assistance, counselling, welfare and referrals to members and non-members (ILO, IDWN, 2012). In Peru, members of the Sindicato de Trabajadoras y Trabajadores del Hogar de la Región Lima (SINTTRAHOL) can count on the assistance of lawyers from their labour confederation, the Confederación General de Trabajadores del Perú (CGTP), when they take legal action. SINTTRAHOL leaders may also represent a union member in court if the member is unable to get time off for the hearing. Domestic workers often prefer to avoid taking their complaints to formal dispute resolution mechanisms or courts if they are not ready to leave their jobs. Many unions which assist domestic workers address problems by intervening directly with their employer, and use the union's collective strength or reputation to secure a settlement.

In the Philippines, the FFW, TUCP-ALLWIES and SENTRO trade union centres conducted training courses for domestic workers in financial literacy, entrepreneurial skills and domestic workers' rights (Apostol, 2015). Many of the participants subsequently joined the Taumbahay, ALLWIES-Kasambahay and United domestic workers' unions. In Karnataka, India, the Karnataka Domestic Workers Union Congress helps domestic workers to register with the Domestic Workers' Welfare Board, which entitles them to various types of welfare assistance (Eluri, Singh, 2013). The procedures for registering with the Welfare Board were too cumbersome for domestic workers and took time, of which they had all too little.



### ***Hold social events***

Many domestic workers' organizations hold social events, in addition to their general meetings, to foster and reinforce the social network that keeps members engaged in the group or organization. Sometimes, services of particular interest to domestic workers, such as medical checks, massage and legal advice, are provided while information on campaigns or new rights is communicated. For example, Domestic Workers Netherlands organizes picnics in addition to demonstrations and general meetings (Hobden, 2012).

### ***Establish neighbourhood-based networks***

Because a domestic worker's shop floor is the private home, neighbourhood-based organizing strategies are effective, though undeniably more staff-intensive than strategies targeting medium-sized factories. In Ghana, a non-governmental organization, LAWA (Leadership and Advocacy for Women in Africa), appoints local contact persons who facilitate dialogue with the employer if a problem crops up, and establishes local associations in cities, which it hopes will eventually come together to form a trade union.

In New York City, Domestic Workers United (DWU) has established a "neighbourhood shop steward" structure in various neighbourhoods of the city. DWU "ambassadors" (domestic worker members of the organization) are trained to provide information to domestic workers in the locality concerning their rights, connect domestic workers to DWU, and react rapidly in cases of abuse. The Hong Kong Confederation of Trade Unions (HKCTU) has also set up networks of this kind.



## 9.4 KEY MESSAGES

- The right to organize is a fundamental human right. Legislation protecting the freedom of association should include domestic workers and their employers in its coverage.
- Through organization, domestic workers have the capacity and collective strength to assert and claim their rights, fight abuses and the exploitation of child domestic workers, and negotiate for fair treatment and decent working conditions.
- Domestic workers' unions and organizations, on their own and in alliance with other trade unions and civil society organizations, have been able to take part and even lead a range of actions – advocacy, national and international policy making, practical interventions and collective bargaining – to end child labour and protect domestic workers.
- Trade unions should take measures to ensure the voice and representation of domestic workers, especially those who are on the margins – the young and migrant workers – within their organizations.
- Although organizing domestic workers presents real challenges, the growing movement of domestic workers' organizations and alliances show that this is feasible and desirable. Their experiences reveal innovative and effective ways of reaching this hidden, inaccessible and dispersed workforce, including young and irregular migrant domestic workers.



**Domestic workers  
are also workers**





## CHAPTER 10:

# ROLE OF SOCIAL PARTNERS

The focus of this chapter is on the role of social partners – employers’ and workers’ organizations – in eliminating child labour in domestic work and protecting domestic workers. They play different roles, depending on their organizational and national contexts.

This chapter provides an overview of the important roles the social partners play, and identifies some of the mechanisms, at national and international level, whereby they can do so more actively. Social partners have been active in several different areas, including advocacy and social dialogue, policy and legal reform, direct interventions, and organizing and representing domestic workers or employers of domestic workers.

## 10.1 THE RELEVANCE OF THE SOCIAL PARTNERS

### 10.1.1 A commanding position in social policy and labour relations

Employers’ and workers’ organizations bring unique knowledge and competence to bear in discussions regarding the world of work. They occupy a commanding position when it comes to influencing industrial relations and social policy at the national and international levels. In many countries, both social partners are integral to the functioning of national tripartite labour advisory, policy-making and statutory bodies. They contribute to enhancing a country’s economic performance and social stability. At the international level, both partners are integral to the standards-setting and supervisory mechanism of the International Labour Organization, and are active on various international policy platforms.

### 10.1.2 Does child domestic work fit into their members’ “collective interests”?

However, the extent and nature of each partner’s engagement with child labour, and with child domestic work in particular, differs considerably, in general and from one country to another. Employers’ and workers’ organizations are bodies established to organize and advance the “collective interests” of their members, or more broadly, of employers and workers. But what these “collective interests” consist of, as opposed to an individual employer’s or worker’s interests, is not objectively given or self-evident (Behrens, Traxler, 2004).



Their specific membership base, structure and tasks vary, depending on how these collective interests have been defined, and also on how the labour relations system within which they function is structured.

It is important to bear in mind that the labour relations system in the domestic work sector departs from the conventional industrial relations model in which employers' organizations and trade unions have evolved. The employers are, in the vast majority of cases, private householders, not commercial employers or enterprises. Commercial agencies that employ and deploy domestic workers (e.g. cleaning services, home care services) are relatively few in number. The employment relationship is highly decentralized, played out in small units, most often consisting of a single worker with a single or several employing households. In many countries, the domestic work sector is still excluded from the scope of labour legislation, effectively denying domestic workers and their employers the legal right to form organizations and represent their collective interests in social dialogue and collective bargaining (see Chapter 5). Finally, at the deepest level, societies, including workers and employers, rarely perceive domestic workers as workers, employers as employers, and the home as a workplace. It is against this backdrop that the roles and actions of employers' and workers' organizations should be seen and understood.

## 10.2 EMPLOYERS' ORGANIZATIONS

### 10.2.1 International position on child labour and child domestic work

The International Organisation of Employers (IOE), an international organization of more than 150 business and employer organizations from around the world, represents the private business sector and the global interests of employers to the ILO, UN agencies and other international organizations.<sup>88</sup> It has been an active advocate and partner in the global campaign against child labour. In May 2005, its General Council resolved that, quite apart from the moral and ethical issues, it was in business's interests to participate in the elimination of the worst forms of child labour (Box 10.1). The view of the IOE is that child labour, particularly in its hazardous and exploitative forms, is "intolerable both because of its inhumanity and the negative long-term consequences for the economic and social well-being of the children concerned," and that "the IOE and its member federations play an active role nationally and internationally in combatting child labour and advocating global access to education for children around the world".<sup>89</sup>

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88 The IOE was created in 1920 to advocate on behalf of the global employer and business community within the tripartite International Labour Organization (ILO). Today, from its headquarters in Geneva, the IOE continues to defend and promote these same interests across a wide range of UN agencies, international organizations, intergovernmental processes and the media (visit IOE website).

89 From the Child Labour section of the IOE website.



### **BOX 10.1: IOE: Business should participate in the elimination of the worst forms of child labour**

“Besides those based on ethical and moral grounds, there are many reasons why business should participate in the elimination of the worst forms of child labour (WFCL) in the community in which it operates. It is in business's interest to do so.

First, the WFCL can have a direct impact on business. Companies with operations in locations where the WFCL are common may be concerned by its long-term impact on the pool of trained labour, since children who work instead of going to school may have fewer opportunities to become skilled adult workers. Given the fact that the WFCL can stunt economic growth, companies may also be concerned about its impact on local consumer markets. The same can also apply to child labour depending on its nature.

Second, the WFCL in a company's supply chain can affect the public's perception of the company. This fact has led many companies to address the WFCL and the other forms of children at work, as part of their corporate social responsibility agenda.

Finally, business should become involved because it is uniquely placed to do so. Beyond its natural role in wealth creation and promoting economic growth, business can have a direct impact through its own initiatives or through its national employers' organizations. Employers' organizations have a comparative advantage in the areas of public advocacy and policy development and are uniquely placed to raise awareness of the problem and contribute to social alliances.”

*Source: IOE, 2005.*

However, because the IOE is an organization of private business organizations and enterprises, its focus on child labour has not included child domestic workers. Its vision has been limited to child labour situations in the market economy: global supply chains, services, agriculture, etc. At country level, national employers' organizations are similarly structured, with their membership base in the private enterprise sector. Many are actively engaged in policy development and programmes to combat child labour in enterprise activities, but few are involved in issues concerning child domestic work or domestic work generally.

It is important, however, to note that 2005 policy statement of the IOE General Council recognized the role of the business sector and of employers' organizations in combatting child labour in the “community where it operates” on moral and ethical grounds, and on a practical level, because of its negative impacts on human capital.

Despite organizational limitations, actions by national employers' organizations in the past decade reveal areas where private business and employer organizations, as both social and policy actors, can make a difference in the fight against child labour in domestic work:

- At the international level: policy advocacy and policy-making through the international standards-setting and supervisory mechanism of the ILO, and participation in global coalitions;
- At country level:
  - through policy advocacy and law reforms, representation on statutory tripartite bodies, labour advisory councils, tripartite structures concerned with child labour and domestic work, and social dialogue processes;
  - by organizing employers of domestic workers and supporting employers' organizations;



- by representing employers of domestic workers, or providing technical assistance to employers' organizations, in collective bargaining;
- by taking measures to influence employer practices in the sector, promoting codes of practice or conduct and model employment contracts, and working with private recruitment agencies and enterprises to disseminate information and foster compliance with the law;
- by adopting internal organization policies requiring members to respect the rights of the domestic workers they employ.

Note that policy advocacy and policy-making at international and national levels, and collective bargaining, which involve both social partners, are discussed in separate sections below.

## 10.3 ORGANIZATION OF EMPLOYERS OF DOMESTIC WORKERS

There are two principal types of employers:

- household employers, who employ domestic workers directly;
- commercial and non-profit establishments, which employ and deploy domestic workers to private households.

Organizations of employers of domestic workers may focus on one type of employment or a combination of the two. Each type has its challenges, but organizing household employers is the most difficult, for the reasons explained below and because of the particularities of working in a family setting (see section 2.5). Establishment employers, on the other hand, are generally covered by labour legislation and provisions on the organization of employers.

### 10.3.1 Obstacles to organizing employers

Domestic worker employer organizations are far fewer in number than organizations of domestic workers. Some of the obstacles to organising faced by householder employers are no different from those faced by domestic workers: (i) lack of awareness that they are employers and are in an employment relationship; (ii) little know-how in organizing or conducting collective negotiations; (iii) the logistical challenges presented by highly decentralized workplaces; (iv) legal exclusion from the right to be recognized as an employers' organization, or to bargain collectively; and (v) administrative barriers to registering as an employers' organization. There is also little motivation for householder employers to organize in a sector where individual bargaining is the predominant mode of setting wages and other terms of employment.

### 10.3.2 Types of domestic worker employer organizations

Based on the information available, most organizations of employers of domestic workers are of the second type, i.e. establishment employers. They have adopted the conventional industrial-relations model and tend to operate in Europe, where this employment model is more common compared to other regions. Some organizations represent solely or primarily employers of domestic workers (e.g. those established in



Belgium, Germany, France and Italy) while, for others, domestic work is just one sector represented within the organization (along with other segments in the cleaning or care sector) (Basten, 2015, p. 30).

In France, there are various organizations representing the different types of employers in the domestic work sector. The Fédération des Particuliers Employeurs de France (FEPEM) was formed in 1948 and represents about two million domestic employers, most of whom are householders. Two employers' organizations represent non-profit companies, the Fédération Nationale des Associations de l'Aide Familiale Populaire-Confédération Nationale des Familles (FNAAP-CSF) and the Union Nationale de l'Aide, des Soins et des Services aux Domiciles (UNA), while two employers' organizations represent private companies, the Fédération Française des Services à la Personne (FEDESAP) and the Fédération du service aux particuliers (FESP). Each of these is signatory to collective agreements covering each type of arrangement.

In Italy, employers began to organize in the 1960s, when the organization of domestic workers led members of the clergy and other human rights-oriented employers to form small associations. This led to the formation of Nuova Collaborazione, and in 1974 the National Federation of the Italian Clergy signed the first collective agreement covering domestic workers. Since then, the organization of employers has become much more widespread, eventually leading to the formation of two national federations of employers of domestic workers, the Federazione Italiana Datori di Lavoro Domestico (FIDALDO) and the Associazione Nazionale Famiglie Datori di Lavoro Domestico (DOMINA) (ILO, 2015d, p. 3). DOMINA is an association of householders, while FIDALDO is a federation of associations and organisations of householders.

In several European countries, there are organizations of service agencies, but no organizations of private householders directly employing domestic workers (Basten, 2015, pp. 30-31).

- Belgium: Federgon, Atou EI, Uni TS and Vlaams Platform PWA / PWA-DCO represent companies involved in the Titres Service voucher scheme, while Familiehulp, FEDOM, FESAD, FASD and FSB represent employers of home care workers.
- Finland: Real Estate Employers (Kiinteistöyönantajat) and the Association of Social Service Employers (Sosiaaliala).
- Switzerland: Zu Hause leben (Living at home) and Spitex Privée Suisse are associations of companies employing domestic and care workers, particularly in the area of elderly care. Zu Hause Leben is an association of domestic work agencies formed to negotiate common standards.
- Sweden: Almega is the employer association for service companies. KFO (Kooperationens Förhandlingsorganisation - Cooperative Movement Bargaining Organisation) represents cooperative businesses and non-profit organizations in the areas of healthcare, sport, religious communities, education and culture. Both have bargaining relationships with the Kommunal trade union.
- The Netherlands: OSB (Ondernemersorganisatie Schoonmaak- en Bedrijfsdiensten) is an employer association of cleaning companies.

In Uruguay, Argentina and Germany, pre-existing homemakers' associations, which had been founded to represent housewives' and consumers' collective interests, have come to represent household employers in response to the demands of collective bargaining with domestic workers' organizations. In Germany, DHB Netzwerk Haushalt (Household Network), which represents private households that employ domestic workers, was originally founded as the Federation of German Housewives (DHB), with the primary purpose of promoting the professionalization of home economics (Basten, 2015, p. 31). While this remains their aim



today, they have also become the official partner of the NGG union in negotiating a collective agreement for workers in private households in the domestic work sector.

In Uruguay, after the passage of the law covering domestic workers in 2006, the Liga de Amas de Casa, Consumidores y Usuarios de Uruguay (LACCU) was asked by the Ministry of Labour and Social Security to represent employers of domestic workers on the Wage Council Group 21 (Consejos de Salarios Grupo 21), the mechanism for negotiating sector-based minimum wages in the country.<sup>90</sup> Having confirmed that this role was within their statutes, and having received approval from its national assembly, the Liga de Amas agreed to perform this role on condition that it received technical and legal support from the Ministry. LACCU has since strengthened its position as an organization of employers of domestic workers, expanding its membership base among household employers and improving the services to provides to its members.

More recently, in Argentina, the Sindicato de Amas de Casa de la República de Argentina (SACRA), has taken on a similar role in representing private households in negotiating a collective agreement in the domestic work sector. In September 2015, it signed a historic agreement with seven domestic worker unions (ILO, 2014b; 2015d, p.6).

The Hand in Hand Employers' Association in the United States is a good example of a non-traditional organization set up autonomously by employers of domestic workers. The founding employers were, and continue to be, motivated by the needs of employers, especially those who are vulnerable, such as the sick and elderly, and by a belief in the rights of domestic workers. Hand in Hand was founded in 2010 by a group of domestic employers and their allies who had worked side by side with domestic workers to support the passage of the New York State Domestic Worker Bill of Rights. From a small, volunteer-led organization, Hand in Hand has grown into an organization with a staff, a strong national leadership, and growing influence and reach in New York, California, and beyond.

In the Philippines, the national employers' organization (ECOP) is seeking to facilitate the formation of employers' groups or networks. It has done this by providing space and opportunity for employers to meet in consultative workshops on domestic work issues, such as the draft implementing rules of the Domestic Workers Act or the minimum wage-policy guidelines for the domestic work sector. Since 2011, ECOP has taken on the role within the national TWG on Domestic Work of interlocutor for employers of domestic workers and convenor of national and regional consultations with this constituency. But the process of establishing a formal association of employers of domestic workers in the Philippines is likely to be a long one, in the absence of factors driving them to organize, such as the existence of a formal platform for collective negotiation with a counterpart workers' organization.

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<sup>90</sup> Note that the 2006 Law incorporated wage-setting for domestic workers into the national minimum wage mechanism.



### 10.3.3 Initiatives in respect of employer practices in domestic work

Apart from participation in policy dialogues and collective bargaining, which are discussed in separate sections below, some employers' organizations have prepared codes of conduct to influence employer practices and promote compliance with the law.

Ireland does not have a specific employer organization in the domestic work sector, but the Irish Business and Employers Confederation (IBEC) participated in negotiations for a Code of Practice for Protecting Persons Employed in Other People's Homes. Produced by the Labour Relations Commission, in conjunction with the social partners, the Code of Practice states the entitlement of domestic workers to the employment rights and protections available to other employees and the employers' obligation to inform these employees of their rights (Irish Labour Relations Commission, 2016).

In Zambia, the Zambian Federation of Employers (ZFE) could not legally represent employers (practically all of which are private households) of domestic workers. So, although the ZFE took the initiative in formulating a Code of Conduct for employers of domestic workers, it was the Zambian Congress of Trade Unions (ZCTU), the Federation of Free Trade Unions of Zambia (FFTUZ), the Ministry of Labour and Social Security and the Ministry of Home Affairs which actually negotiated the Code. The Code covers minimum wages, working time, sick leave, maternity leave, severance pay and more, and is based on the Statutory Instrument No. 3 (2011) on domestic workers. Intermediary agencies ("maids centres", which recruit, train and place domestic workers, mainly in Lusaka and the cities of the Copper Belt) distribute the Code of Conduct to employers, refer to it when setting contractual terms at the point of hire, and have agreed to negotiate salaries above the minimum wage and to enforce contracts. The agencies report salaries 19 to 130 per cent above the statutory minimum wage, and a high degree of compliance, despite a lack of systematic enforcement (ILO, 2015d).

In the Philippines, in the late 2000s, ECOP formulated a set of "Ethical Guidelines" for employers of domestic workers. This was one of its contributions to tripartite efforts during that period to combat child labour in domestic work and protect domestic workers generally. Following the national domestic workers law of 2013, and under the joint plan of action of the national TWG on Domestic work, ECOP has drafted an updated set of guidelines based on consultations with employers of domestic workers (ECOP, 2006).

The Hand in Hand Employers Association has worked with individual employers to develop a "code of care", setting standards for employers of domestic workers. The association is currently testing neighbourhood-based dialogues among employers and domestic workers, with a view to establishing collective bargaining units at the neighbourhood level.



## 10.4 TRADE UNIONS AND DOMESTIC WORKERS' ORGANIZATIONS

### 10.4.1 International position on child labour and child domestic work

Trade unions have actively campaigned and mobilized against child labour for a long time, and began to pay special attention to child domestic work in the mid-1990s, when domestic work came to be identified as one of the main sectors employing child workers. Apart from human and labour rights concerns, there are many other reasons why trade unions have taken up the fight against child labour (Box 10.2).

On the occasion of the 2013 World Day Against Child Labour, which focused on the situation of children in child labour in domestic work, the International Trade Union Congress (ITUC) expressed concern that much of the focus for action on child labour had been on specific projects, while governments were not putting in place comprehensive policies, which are essential if individual projects are to have a sustained impact (ITUC, 2013b).

#### **BOX 10.2: Why is child labour a trade union issue?**

Child labour is a violation of fundamental human rights.  
Child labour means a loss of jobs for adults.  
Children provide cheap substitute labour. It depresses wages and working conditions.  
Child labour can weaken the bargaining power of unions.  
Child labourers will be less healthy in their adult working life.  
Child labourers will be less educated in their adult working life.  
Child labour perpetuates poverty.  
Child labour brings an increase in societal and individual violence and insecurity.  
Where unions are present, child labour is absent.  
A child's right to education is non-negotiable.

*Source: ILO, 2016e.*

As regards to domestic work generally, the ITUC has made a long-term commitment to achieving decent work for domestic workers. At the 2nd World Congress of the Action Programme for Gender Equality in 2010, it called on unions to continue to organize women workers, in particular domestic workers. A Congress resolution encouraged affiliated organizations to join the campaign for the adoption, ratification and implementation of an ILO Convention on decent work for domestic workers, supplemented by a Recommendation.





## 10.4.2 Types of action against child labour undertaken by trade unions

In Cambodia, trade unions have strengthened their capacity to address child labour issues by creating a single national trade-union structure on child labour (ILO-IPEC, 2006c). In 2001, the Cambodian Confederation of Trade Unions (CCTU) and the Coalition of Free and Democratic Trade Unions in Cambodia (CFDTUC) joined forces to create the Union Committee for Child Labour (UCCL), with support from the ILO Workers' Education Programme and the ACTRAV Child Labour Project. In 2005, UCCL implemented a project whose goal was to eliminate child labour in domestic work.<sup>91</sup>

Trade unions and other workers' organizations can take (and have taken) action in many arenas to combat child labour in domestic work, as well as protect domestic workers more broadly (Tool 10.1).

Most of these arenas are similar for both social partners:

- At international level:
  - policy advocacy and policy-making through the ILO standard-setting and supervisory mechanism, and participation global coalitions;
- At national level:
  - through policy advocacy and legislative reform, and participation in national tripartite structures on domestic work, child domestic work, and child labour;
  - by organizing domestic workers and supporting the organization of domestic workers;
  - by representing domestic workers, or providing assistance to domestic workers' organizations in collective bargaining;
  - through direct interventions: education in labour rights; rescue and rehabilitation of child domestic workers in child labour situations;
  - by adopting internal trade-union policies regarding the conduct of their members as employers of domestic workers.

Note that trade-union participation in policy advocacy and policy-making at international and national levels, and in collective bargaining, is discussed in separate sections below, as these involve both social partners.

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91 Under the auspices of the Dutch TCRAM project.



## TOOL 10.1: Actions that unions can take in respect of child labour, including child domestic work

1. Develop and disseminate trade-union policy
  - adoption of union policies through Congress resolutions;
  - adoption of strategic plans, or plans of action on child labour.
2. Influence national policy
  - labour market strategies based on decent work; minimum wage/living wage policies;
  - free, quality, compulsory education for all;
  - universal social protection floors;
  - quality public services, including decent work conditions for education, health and social workers;
  - conditional cash transfers for low-income families.
3. Strengthen freedom of association and collective bargaining
  - effective collective bargaining to ensure decent work for adults;
  - right to organize and bargain collectively for excluded sectors, such as agricultural workers, domestic workers;
  - measures to promote the organization and formalization of informal economy workers;
  - clauses on the prohibition of child labour in collective agreements.
4. Social dialogue
  - ensuring application in practice of minimum wages;
  - negotiations to eliminate use of piece-rate or task-based systems of pay;
  - agreements with employers' associations on the elimination of child labour;
  - tripartite sectoral agreements on the elimination of child labour;
  - participation in the formulation of lists of hazardous work forbidden to children under the age of 18.
5. Legal advocacy at national level
  - where necessary, reforms to minimum age of employment legislation or education acts;
  - ensure justice systems enforce legal sanctions against perpetrators of child labour;
  - strengthening labour inspection systems, particularly in the informal economy.
6. Participation in national coalitions and mobilizations
  - participating in national action plans to eradicate child labour;
  - participating in national education-for-all campaigns.
7. Targeted interventions
  - multi-stakeholder action to eliminate child labour in supply chains;
  - ensuring effective take-up of employment guarantee schemes;
  - ensuring effective take-up of social protection schemes, like conditional cash transfers;
  - investigative research or missions linked to media exposure;
  - removal of children from employment; creation of child-labour-free zones.
8. Legal advocacy at international level
  - use of ILO regular supervisory mechanisms;
  - use of annual reports under the Declaration on Fundamental Principles and Rights at Work;
  - use of ILO's 1977 Tripartite Declaration on Multinational Enterprises;
  - use of Global Framework Agreements;
  - use of EU preferential trade agreements and OECD Code on Multinationals;
  - use of UN Framework on Business and Human Rights and UN Global Compact.



## TOOL 10.1: (cont.)

### 9. Global campaigns

- International days/weeks of action;
- Targeted campaigns linking use of child labour in global supply chains;
- Participation in international programmes.

### 10. Monitoring and evaluation

- monitoring of government commitments, action plans and resource accountability;
- monitoring of union action plans and achievements;
- evaluation in order to identify successful strategies which can be replicated.

Source: ILO, 2016e, pp. 22-23.

## 10.4.3 Organizing domestic workers: Challenges for trade unions

Trade unions' traditional constituency is employees in the formal economy, for whom their membership structures and procedures have been well developed. Therefore, although there has been a lot of pressure on national centres and unions to organize workers outside of this formal constituency, trade unions have faced many real challenges in organizing the informal workforce, irrespective of sector or country (Bonner, Spooner, 2011, pp. 88-92). The challenges are political, conceptual and practical. Many unions lack the experience, openness, skills, resources and political will to seriously take on the challenge of organizing informal workers.

In addition to these difficulties, organizing domestic workers is rendered even more difficult by their inaccessibility, invisibility, highly personalised employment relationships and lack of worker identity. Legal provisions or union structures that limit union membership to employees of establishments and/or to a minimum number of employees in a workplace also militate against domestic workers. Another challenge - unlikely to be recognized openly - is the fact that trade union members may well be employers of domestic workers themselves, and may find it difficult to reconcile these two roles and see common interests.

## 10.4.4 Trade union approaches to organizing domestic workers

In spite of these challenges, trade unions have a key role to play in building autonomous, strong domestic workers' organizations. Experience shows there are a number of approaches that trade unions can adopt to organizing workers in the informal economy. Some of these are also relevant to domestic workers (Tool 10.2).

Many centres have revised their constitutions so that informal economy workers and their associations can become members, and have developed strategies to extend appropriate services to these workers. They are seeking to establish the key categories of informal workers in need of organization, how best to establish an entry point and what services would be relevant. They are also developing collaborative alliances with existing organizations of informal workers at national and global level. Using their legitimacy and influence, trade unions have contributed to negotiations with national and local authorities.



## TOOL 10.2: Some approaches for organizing informal economy workers

- Autonomous initiatives, i.e. not promoted by external actors, to develop membership-based organizations of specific groups of informal economy workers, often with a predominantly female workforce such as homeworkers, domestic workers or street vendors;
- Trade union initiatives to establish unions of informal or self-employed workers, either by sector or across sectors;
- Trade union initiatives to extend membership and collective bargaining of a sectoral union with its main base in the formal sector to informal and self-employed workers;
- Provision of services, such as skills training programmes, or occupational health and safety training as an entry point;
- Initiatives to extend social security and health insurance to informal economy workers;
- Partnerships between trade unions and organizations of informal economy workers to develop common negotiating platforms with local authorities or governments;
- Integrated initiatives combining advocacy on legal reform, organizing and campaigning to ensure equality of treatment and non-discrimination of contract and agency workers;
- Tripartism and social dialogue on the informal economy.

Source: ILO, 2016e, p. 46.

Chapter 9 (Organization of domestic workers) provides examples of domestic workers who have organized into unions, domestic workers' organizations affiliated with trade union federations, and alliances between domestic workers' organizations and general trade unions. In several European countries, individual domestic workers or their associations are members of trade unions, for instance in France, Italy, Austria and Spain (Basten, 2015, pp. 21-26). In France, four major trade union confederations include members from the domestic work sector: the Confédération Française Démocratique du Travail (CFDT), the Confédération Générale du Travail (CGT), the Confédération Française des Travailleurs Chrétiens (CFTC), and the Fédération Générale des Travailleurs de l'agriculture, de l'alimentation, des tabacs et des activités annexes - Force Ouvrière (FGTA-FO). In Italy, domestic workers can belong to the respective sectoral branches of the three main trade-union confederations, FILCAMS-CGIL, FISASCAT-CISL and UILTuCS-UIL, as well as to the smaller Federcolf union, which represents only domestic and care workers. In the Netherlands, the FNV union recognizes domestic workers as a relevant workforce and offers union membership regardless of legal residency status.

In the Philippines, three national trade-union centres (SENTRO, FFW and TUCP-ALLWIES) have combined their efforts to organize domestic workers. In 2012/13, the three organizations, which sit on the national Tripartite-Plus Technical Working Group on Domestic Work, formulated an "All Workers Strategy for Organizing Domestic Workers."<sup>92</sup> The strategy set common guiding principles for incorporating domestic workers into democratic, autonomous organizations; envisaged the formation of a domestic workers' alliance at a later date; and coordinated their respective efforts. By December 2015, each of these trade union centres had established a domestic workers' union: United, Taumbahay, and ALLWIES-Kasambahay.

<sup>92</sup> "Domestic Work Technical Working Group (DW-TWG), All Workers Planning Session on Organizing Domestic Workers", 17 – 18 June 2013, Clark, Pampanga. Documentation of Proceedings. Internal document, available from ILO Office in Manila and [INWORK@ilo.org](mailto:INWORK@ilo.org); ILO ACTRAV, 2012.



## 10.4.5 Trade union services for domestic workers

There are many practical, direct services that trade unions can provide to domestic workers and their organizations, including training in vocational skills and labour rights, counselling, legal advice, space for networking and joint activities, and medical services. (ITUC, 2010; ILO, 2012a; 2016e).

In Senegal, local trade unions have established a training centre in Dakar that provides instruction in household skills and information about labour rights for young female workers from rural areas in search of domestic work (ILO-IPEC, 2013d, p. 55). In Hong Kong (China), the Domestic Workers General Union (DWGU), an affiliate of the Hong Kong Confederation of Trade Unions (HKCTU), has received government funding for a job training programme for local domestic workers, known as the Confederation of Trade Unions Training Centre (CTUTC). The Training Centre and the Confederation are separate entities, to guarantee the Training Centre's ability to promote high professional standards and the Confederation's independence in social dialogue (ILO, 2015d). Other examples are given in Chapters 6 (Rescuing child domestic workers from child labour situations) and 8 (Education and Skills Training).

To support unions and partner organizations in advocating for the rights of domestic workers and labour law reforms, and organizing domestic workers, the ITUC has, among other things, promoted knowledge-sharing, developed guides for action and produced advocacy materials (Tool 10.3).<sup>93</sup>

### TOOL 10.3: Guides and tools for organizing domestic workers

ITUC. 2010. *ITUC Action Guide. Decent work, decent life for domestic workers*, Brussels.

Provides useful information on how trade unions can work for and with domestic workers toward ILC 2011 and beyond.

Available at: [www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final\\_digital.pdf](http://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final_digital.pdf).

ILO; ITUC; IDWF. 2016. *Domestic workers unite. A guide for building collective power to achieve rights and protections for domestic workers, Trade Union Guide*, Brussels.

Aims to inspire and support domestic workers, their unions, union activists and leaders to continue and strengthen their advocacy campaigns.

Available at: [www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final\\_digital.pdf](http://www.ituc-csi.org/IMG/pdf/ituc-domesticworkersunite-final-en-final_digital.pdf).

UN-Women; ITUC. 2013. *Domestic Workers Count Too: Implementing Protections for Domestic Workers. A Briefing Kit*, Geneva and Brussels.

Highlights the benefits of better protection of domestic workers' rights for workers, employers and society at large.

Available at: [www.ituc-csi.org/IMG/pdf/unwomen\\_iutc\\_factsheets.pdf](http://www.ituc-csi.org/IMG/pdf/unwomen_iutc_factsheets.pdf).

HRW; IDWN; ITUC. 2013. *Claiming Rights. Domestic Workers' Movements and Global Advances for Labor Reform*, Human Rights Watch, USA.

Tracks key advances between 2011 and 2013 in the protection of domestic workers around the world. The report highlights countries that have ratified the Domestic Workers Convention, and gives examples of national labour law reform and the growing strength and reach of the domestic workers' rights movement.

Available at: [www.ituc-csi.org/IMG/pdf/globaldw1013\\_brochure\\_lowres\\_spreads.pdf](http://www.ituc-csi.org/IMG/pdf/globaldw1013_brochure_lowres_spreads.pdf).

93 Visit ITUC website section on domestic workers, identified as one of ITUC priority areas, available at: [www.ituc-csi.org/domestic-workers-601](http://www.ituc-csi.org/domestic-workers-601).

## 10.5 COLLECTIVE BARGAINING

Collective bargaining is feasible only if there are collective bargaining agents, recognized as representing domestic workers and their employers, and if there is a legally recognized collective bargaining mechanism. The preceding discussions elucidated the challenges to establishing formal organizations of domestic workers and their employers. Few national labour legislations envisage collective bargaining in the sector or recognize the right of domestic worker and employer organizations to bargain collectively. In countries where intermediaries (private employment or placement agencies) operate, identifying employers may still be a problem (ILO, 2015d, p. 4).

Nonetheless, there are several countries in Europe and Latin America where legislation recognizes collective bargaining or provides a mechanism for collectively negotiating minimum wages and working conditions (often on a tripartite basis). Organizations serving the domestic work sector or broader-based trade unions, on the one hand, and employer organizations, on the other, are the recognized bargaining agents.

France has some of the world's longest-standing collective bargaining practices in the domestic work industry. The sector is covered by three agreements. The first was signed in 1999 by the FEPEM and the trade union confederations: the Confédération française démocratique du travail (CFDT), the Confédération Générale du Travail (CGT), the Confédération française des travailleurs chrétiens (CFTC) and Force Ouvrière (FO) (ILO, 2015d). As the agreement covered only privately paid workers employed by individual households (68 per cent of the workforce), two further agreements were signed: a 2012 agreement signed by six unions and two employers' organizations, which covers domestic workers placed in private homes by non-profit intermediaries;<sup>94</sup> and an agreement signed in 2014 by three unions (CFDT, CFTC and CFE-CGC) and two employers' organizations representing private companies (FEDESAP and FESP), which covers domestic workers employed by private enterprises.<sup>95</sup>

In Belgium, joint committees consisting of representatives of trade unions and employer organizations engage in collective bargaining at sectoral level (Basten, 2015, p. 33). Joint Committee number 322.01 regulates the working conditions of domestic workers employed through the service voucher system in Belgium. The Committee was formed in 2006 and has brokered collective agreements covering a number of issues: minimum wage and remuneration, working time (maximum of 38 hours a week), stand-by time/on-call duty, daily and weekly rest times, and provisions for training, pensions and social security. The agreements are regularly re-negotiated by the FGTB, ACV-CSC, CGSLB unions and the Federgon, Atout EI and Plateforme ALE employer associations.

In other countries, national bargaining has been possible due to the existence of pre-existing national associations of homemakers. Collective bargaining agreements have been negotiated on this basis in Argentina, Uruguay and Germany (see earlier section on employer organizations).

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94 Negotiated by six unions (CFDT, CFTC, CGT, CFE-CGC, FO, and UNSA-SNAPAD) and the employers' organizations representing non-profit companies (FNAAP-CSF and UNA).

95 The CGT objected to this contract, arguing that it misrepresented the employment relationship by treating employers as service-users. FO also decided not to sign the agreement because they believed it would lead to the disintegration of working conditions in the sector, partly because of the employment relationship model.



Local negotiating practices are emerging in some countries, which demonstrate the need - of workers especially - for collective bargaining. In Hong Kong (China), Indonesia and Kerala (India), for example, domestic workers' unions are using individual contract negotiations to set collective standards in the sector. Under this model, workers have come together to determine and coordinate baseline standards in the industry and have promoted those standards at the point of hire. The standards are either captured in a standard-form contract or promoted by an intermediary organization managing hiring in the industry.

## 10.6 POLICY ADVOCACY AND POLICY-MAKING AT NATIONAL LEVEL

As the preceding discussions and Chapter 5 (Law and Policy Action) have illustrated, employers' and workers' organizations can progress the labour and social policy agenda on domestic work. Trade unions and national employer organizations are in a unique position to advocate for new laws and policies. By negotiating national legislation and minimum standards, they can win new rights for domestic workers. In Italy in 1969, unions campaigned with domestic workers' organizations such as the Associazioni cristiane lavoratori italiani - Collaboratrici e collaboratori familiari (ACLI-COLF) to ensure the effective recognition of the right to collective bargaining for domestic workers, which paved the way for the first collective agreement in 1974 (Hobden, 2015). Even when appropriate laws and policies are in place, the continuing challenge is to ensure that the law is enforced and that employers treat their domestic workers with respect.

### 10.6.1 Key areas for policy dialogue

The key policy areas relevant to the protection of child domestic workers which the social partners could help shape are:

- Universal access to quality education - accessible, affordable, high-quality; free, compulsory, universal
- Employment and labour protection
  - job creation for young workers and adults
  - minimum wages, limitations on working time
  - labour inspection
  - formal employment practices
  - minimum age for employment and admission into domestic work
  - definition of light work
  - hazardous work list
  - operations of recruitment agencies
- Basic income security, social protection floor
  - Schemes sensitive to child labour, e.g. conditional cash transfers
- The box below outlines some basic steps in scoping and prioritizing issues for policy advocacy

Tool 10.4 is a checklist that ITUC has developed for trade unions to use in planning their policy advocacy work concerning domestic workers.



## TOOL 10.4: Planning union campaigns

### Planning Union campaigns: scoping the issues step by step

Campaigns should be seen as an important first step to unionization. Experience shows that by being involved in a trade union's campaign, domestic workers end up willing to be members of the union. Some of them will become future activists and leaders. The suggestions below are a step-by-step guide to planning a campaign:

#### Consult domestic workers and their organizations at an early stage

It is important to recognize the specific knowledge of domestic workers' organizations. Early consultation and co-operation will help:

- develop mutual trust and understanding;
- ensure a strong unified campaign and help build alliances in practical ways;
- exchange key information on the issues facing workers;
- identify the support domestic workers need and how trade unions can assist.

#### Plan joint trade-union / domestic workers' activities

Joint activities will build trust and friendship and help make a strong campaign. Examples of joint activities might include:

- co-hosting events and meetings on workers' rights and trade unions;
- holding welfare advice sessions;
- providing translation assistance;
- inviting domestic workers to speak at trade-union events and rallies;
- launching story-telling, singing or other cultural competitions;
- developing informal social activities for trade unions and domestic workers to get to know each other and build mutual understanding.

#### Build trade-union support for domestic workers

In order to campaign successfully for new rights, it is crucial to build support for domestic workers among trade-union members, activists and leaders. Many union members may not be aware of the terrible pay and working conditions of many domestic workers. They may not realize that domestic workers are usually excluded from the protection of national employment legislation. Vital support from union members can be encouraged through:

- raising awareness at all levels (including in decision-making structures, committees, delegations, regional bodies, workplace branches, etc.) by providing well-documented information;
- advocating for domestic workers' rights at union conferences and meetings;
- inviting domestic workers to speak at union meetings;
- pressing for policy commitments, resource allocation and joint work with domestic worker organizations;
- providing stories and news about domestic workers for union publications and websites;
- winning formal political support for policy proposals and/or campaign action plans from the decision-making body in the union.

#### Get to know the situation of domestic workers

To take effective action, organizations first need to know what the problem is, where domestic workers work and what they want. This can be challenging because domestic workers are spread out in individual houses. They are difficult to contact, do not have a lot of time to meet with other workers and are often exposed to threats or pressure from their employer.

- Public statistics and reports may help ascertain the number of domestic workers but, as many are undocumented, other methods may be needed;
- members of unions and domestic workers' organizations can play a role in 'mapping' the number of workers through their own sources of information;
- information on pay and place of work can be gathered by domestic workers' organizations, NGOs or religious groups;
- trade unions can help provide a framework to carry out a mapping exercise, offer analysis and help with the organization of logistics and transport.





## TOOL 10.4: (cont.)

### Map the legal rights of domestic workers in your country

An inventory of the legal rights of domestic workers in your country will help identify campaign priorities. This can be done by carrying out a survey or lining up a series of interviews among domestic workers. Make an evaluation of the enforcement of legal provisions and identify the gaps between law and practice.

In order to assess the existence of rights for domestic workers in the legislation of your country, the following questions can be asked:

- are domestic workers covered by employment legislation?
- are domestic workers entitled to a written contract of employment?
- do domestic workers have the right to join or form a trade union?
- is there a minimum wage in force for domestic workers?
- are hours of work regulated by law?
- is there a right to paid annual leave, weekly days off and overtime compensation?
- do they have access to national social protection schemes?
- are domestic workers entitled to maternity protection and leave?
- are domestic workers covered by health and safety legislation?
- is there effective enforcement to stop child domestic work and to ensure children attend school?
- do domestic workers have access to complaints procedures, the labour courts and effective remedies when their rights are violated?

This list will help you pick up your campaign priorities. It is recommended to focus first on the issues you have most chance of winning. Then you can build on your success through publicity and start campaigning on the next target.

*Source: ITUC, 2010, pp. 47-49.*

## 10.6.2 Tripartite bodies and broad-based alliances

Some of the most successful legislative and enforcement reforms have been achieved through tripartism and multi-stakeholder coalitions.

In the Philippines, a multi-sectoral coalition known as the tripartite-plus Technical Working Group on the Promotion of Decent Work for Domestic Workers (TWG) has achieved several concrete gains for domestic workers. Comprised of three trade union centres, the national employers' organization, domestic workers' groups, and regional Asian NGOs, the TWG advocated for the adoption of the Domestic Workers Convention, the Philippines' subsequent ratification of Convention No. 189, and the enactment of a national law on domestic workers (Box 10.3). Since its formation in 2009, the priorities and scope of actions of the Philippine TWG have evolved. Currently, its priority is ensuring the effective implementation of the Domestic Workers Act (passed in January 2013) by building the capacities of implementing agencies, expanding the organization of domestic workers, organizing employers of domestic workers, and sustained public awareness-raising concerning the new regulations.

In Tanzania and Zambia, similar tripartite committees have adopted national action plans to promote decent work for domestic workers. Child domestic workers, many in informal kinship-based, live-in employment arrangements, make up a huge proportion of the domestic workers in both countries, according to the



findings of national studies on domestic workers. In October 2012, Tanzania's tripartite Technical Working Group adopted an action plan for 2012-2014. The aims were to promote the ratification of Convention No. 189; strengthen the capacities of CHODAWU Mainland and Zanzibar; and advocate nationally for domestic workers' rights, and the training of labour inspectors, mediators and conciliators in performing their functions in relation to domestic work issues. The national tripartite labour advisory body, LESCO, endorsed the ratification of C189 and, as of 2014, the issue was being deliberated on at Cabinet level.<sup>96</sup>

In Zambia, the Tripartite-Plus Technical Working Group (TPTWG) on domestic work was formally established and convened in December 2014, and adopted a national action plan in March 2015. The aims were to conduct national studies on domestic work and the regulatory framework; engage in advocacy; strengthen the leadership and organizing skills of the domestic workers union; and promote compliance with national regulations on domestic work on the part of the association of maids' centres by disseminating the code of conduct for employers of domestic workers and a model employment contract developed by the ZFE.<sup>97</sup> The tripartite partners and their allies in Tanzania and Zambia have realized concrete achievements under their national plans, but their alliances were clearly at the infant stage, and still facing important institutional and logistical challenges.<sup>98</sup>

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96 As of 2015, the ratification issue was still pending. All other planned activities were completed, including advocacy campaigns by CHODAWU and training for labour inspectors, conciliators and mediators. The Tanzanian TWG consisted of the labour ministry, the Trade Union Congress of Tanzania (TUCTA), CHODAWU, the Association of Tanzanian Employers (ATE), and two NGOs (Kiwohede and Kivulini) which provide services for child domestic workers. Sources: Various reports on ILO-assisted activities, including progress reports and final evaluation reports of projects funded under the ILO-Sida Partnership Agreement 2012-13 and 2014-15.

97 The TPTWG comprised the ministries of labour and of women, two trade union centres (ZCTU and FFTUZ) and their affiliated domestic workers' unions, the national employers' organization (ZFE), and an association of maids' centres. Sources: Various progress reports submitted to the ILO on ILO and Sida-assisted national actions on domestic work in Zambia.

98 Sida final evaluation reports for 2012-13 and 2014-15 observed institutional weaknesses in member organizations, a lack of resources to finance actions, and, in Tanzania, the inability of the labour ministry to provide political leadership on the domestic work issue and engage the tripartite group in a sustained manner.



### BOX 10.3: THE PHILIPPINES: The Technical Working Group (TWG) on domestic work

The TWG facilitated a unified position – built on tripartite consultations – on ILO C189 at the ILO Conference, and its ratification in 2013. Trade unions, domestic workers, Migrant Forum Asia and the labour and employment department coordinated advocacy and lobbying efforts to speak with one voice to secure ratification of Convention 189 and the passage of the Domestic Workers Act in 2013. While ECOP, the national employers' organization, was clearly in favour of ratification, its position regarding some of the social benefits for domestic workers under the proposed national law diverged from those of the workers' group. It nonetheless participated in policy discussions and "write-shops". And once the law was passed, it undertook to promote compliance among employers of domestic workers.

The priorities of TWG action plans have evolved over the years, from ratification of C189 and passage of the new law to effective implementation of the law and the organization of constituencies in the sector. Member organizations carry out joint and separate activities in accordance with their mandates and capacities, and have adopted various means of action. Since the enactment of the Domestic Workers Law, the TWG has broadened its consultative and planning processes to include representatives of agencies mandated to implement certain provisions of the law, in particular three social security agencies, the national vocational training authority, and the departments of local government, social welfare and justice.

Since its formation in 2009, and through many action plans, the TWG has learned the importance of the following:

- Sharing knowledge, expertise and resources among members of the network, and sharing their experiences with other teams at regional and global level;
- Pooling the competencies of members of the different unions and domestic workers organizations and carrying out research;
- Preparing for strategic discussions on wages, freedom of association and securing implementation of the new law;
- Developing a campaign plan (with advocacy strategies, a communication and media plan), targeting key people in the government and creating an ever expanding network of allies;
- Having open lines of communication.

*Source: ILO, ITUC, IDWF, 2016, p.32.*

## 10.6.3 Tripartite and multi-stakeholder child labour committees

Social partners have also engaged in collective or coordinated action to protect child domestic workers or to eliminate child labour in general. National Steering

Committees on child labour, set up to oversee ILO IPEC programmes as required by the memoranda of understanding between IPEC and individual governments, have tripartite representation from government, employers' organizations and trade unions. This has ensured the participation of all three ILO constituents in national and international consultations on issues concerning child labour. IPEC's experience has shown that some of these tripartite entities continue to function, even after the IPEC projects have ended (ILO-IPEC, 2010b). Being less contested as a labour-relations issue, child labour may sometimes be a point of consensus, providing a springboard for social dialogue regarding other matters.

In Togo, the social partners actively participated in a workshop to develop a sectoral action plan on child domestic work, and efforts to mark the 2009 World Day against Child Labour were undertaken in collaboration with government and NGOs, including the Bureau International Catholique pour l'Enfance (BIGE) and WAO Africa - an important member organization of Global March Against Child Labour (ILO-IPEC, 2013d, p. 55).



In Madagascar, during the 2004-2010 IPEC Programme, the government institutionalized (by decree no. 2005-523 of 9 August 2005) a national committee (Comité national de lutte contre le travail des enfants/NLTE) responsible for coordinating all activities concerning the fight against child labour, vetting proposals requiring government funding, and guiding the implementation of programmes to combat child labour (ILO-IPEC, 2010a, pp. 18-23). To implement the directives of the national committee, the government also created ten regional committees (CRLTE), one for each of the principal regions of the country: Diana, Boeny, Analamanga, Vakinankaratra, Atsinanana, Atsimo Andrefana, Alaotra Mangoro, Haute Matsiatra, Analanjirofoet and Vatovary Fitovinany. At the end of 2010, this institutional structure was still operational. The national and regional committees have brought together representatives of relevant government entities (ministries of labour, justice, and education), trade unions, civil society organizations, and other NGOs active on child labour issues. The non-governmental agencies were charged with field activities and direct interventions aimed at preventing child labour, removing children at risk and victims of worst forms of child labour. Regional observatories of child labour (“Observatoires régionaux de lutte contre le travail des enfants” or ORTE) were also put in place to provide the information required by the committees in planning and implementing their programmes.

In Uganda and Zambia, during the 2002-2006 IPEC Programmes, each country set up a national steering committee charged with overseeing policy and legislative development (ILO-IPEC, 2006b, pp. 49-50). The committees were comprised of government staff from the Ministry of Labour, representatives of other key ministries, such as education and social services, the national organization of employers, the police child protection unit and key NGOs working on child domestic work. This multi-sectoral representation proved very useful because the different actors in the task force were able to contribute the necessary technical support and ensure follow-up. This also made the problem of child domestic work more visible in the different policy and technical areas represented, and raised the profile of child domestic work issues from the community to the policy level. In Zambia, the National Task Force on Child Domestic Labour was behind the harmonization of laws on child workers, which were too complex and often contradictory. A statutory instrument was introduced to address hazardous work and gender issues in child labour.

## **10.7 POLICY ADVOCACY AND POLICY-MAKING AT INTERNATIONAL LEVEL**

Developing international labour standards, which may be Conventions, Recommendations or Protocols, at the ILO is a unique legislative process that involves representatives of governments, workers and employers from around the world (see ILO online diagram). In a fully participatory manner, situational analysis reports and draft instruments are circulated to member states and to workers’ and employers’ organizations, and discussed at the International Labour Conference in a series of steps. A two-thirds majority of votes at Conference is required for a standard to be adopted.



The historic adoption of the Domestic Workers Convention (No. 189) and its Recommendation (No. 201) in 2011 is a case in point. It was put on the agenda of the 99th session of the International Labour Conference by the Governing Body, and adopted with very broad tripartite support at its 100th session. This achievement was the culmination of years of advocacy by domestic workers' organizations and trade unions. It owes much to the involvement of the International Trade Union Confederation (ITUC), the IUF, the IDWF (IDWN at that time) and their member organizations and allies in the development of the Convention, and in mobilizing the engagement and support of many member states.

Since 2011, global and national campaigns have been waged by many organizations for the ratification of Convention 189. The "12 by 12" Campaign, which is led by the ITUC in close partnership with the IDWF and IUF, is a coalition of international and national trade-union movements, including domestic worker organizations, migrant rights groups, international NGOs and other civil society partners in more than 90 countries. It aims to mobilize workers around the world to push their governments to ratify C189 and to enact laws ensuring decent work for domestic workers. Launched in 2011, the coalition initially aimed to achieve 12 ratifications by the end of 2012. As of 31 December 2017, 24 countries had ratified C189.

The campaign was quickly embraced by national centres, unions, domestic workers' organizations, as well as women's, migrants' and human-rights groups. Strategic "12 by 12" planning meetings were held at national, regional and international levels in cooperation with the IDWN/IDWF. "12 by 12" teams emerged in more than 90 countries and partnerships and alliances were built. 175 ITUC affiliates joined the campaign, as well as hundreds of unions and other organizations. An international "12 by 12" network of nearly 2,000 activists is connected through the "12 by 12" Facebook page. "12 by 12" newsletters, press releases and articles are regularly posted on the ITUC's "12 by 12" webpage and widely circulated. The Campaign's official international partners today are the IDWF, IUF, PSI, ETUC, Human Rights Watch, Anti-Slavery International, Amnesty International, Caritas, SOLIDAR, Migrant Forum Asia, the Global March against Child Labour, World Solidarity and FOS, which have mobilized their networks in support of the campaign and continue to do so.





The IOE co-chairs the Child Labour Platform (CLP), together with the International Trade Union Confederation (ITUC), and in cooperation with the ILO and the UN Global Compact. The CLP aims to foster exchanges between business and other stakeholders in addressing child labour, particularly in supply chains, as a way of maximizing collective learning opportunities and a global knowledge base on efforts to eliminate child labour. Its main focus, however, is child labour in business enterprises (see ILO CLP website).

The Global March Against Child Labour is a worldwide network of trade unions, teachers' and civil society organizations that works towards the shared development goals of eliminating and preventing all forms of child labour, slavery and trafficking, and ensuring access for all children to free, meaningful and good-quality public education (Box 10.4).

### **BOX 10.4: The Global March Against Child Labour**

It seeks to eliminate child labour by questioning, attacking and changing the very systems that compel children to work, at the global, regional and national levels.

Global March works on a three-pronged strategy, or what it calls the Triangular Paradigm, which are three key processes affecting the future of the world, in particular our children: the elimination of child labour, education for all, and poverty alleviation.

Global March recognizes the critical importance of ensuring that the world continues to fulfil the aims of the Millennium Development Goals and achieve the Sustainable Development Goals by 2030, in particular the following Goals and Targets for ending child labour, slavery and trafficking, and promoting education for all:

Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

Target 16.2: End the abuse, exploitation, trafficking and all forms of violence against and torture of children.

*Source: Global March Against Child Labour website.*



## 10.8 KEY MESSAGES

- Employers' and workers' organizations bring unique knowledge and competence to bear in discussions regarding the world of work.
- They occupy a commanding position when it comes to influencing industrial relations and social policy at the national and international levels. In many countries, both social partners are integral to the functioning of national tripartite labour advisory, policy-making or statutory bodies on child labour and domestic work.
- Strong, independent and democratic workers' and employers' organizations are indispensable for meaningful social dialogue and for achieving consensus and compromise, on which harmonious labour relations and improved working conditions can be built.
- The domestic work sector departs from the social partners' conventional notions of employee, employer and labour relations. But many country examples show that the social partners have important roles to play in promoting social justice and decent work in this valuable but largely forgotten workforce.







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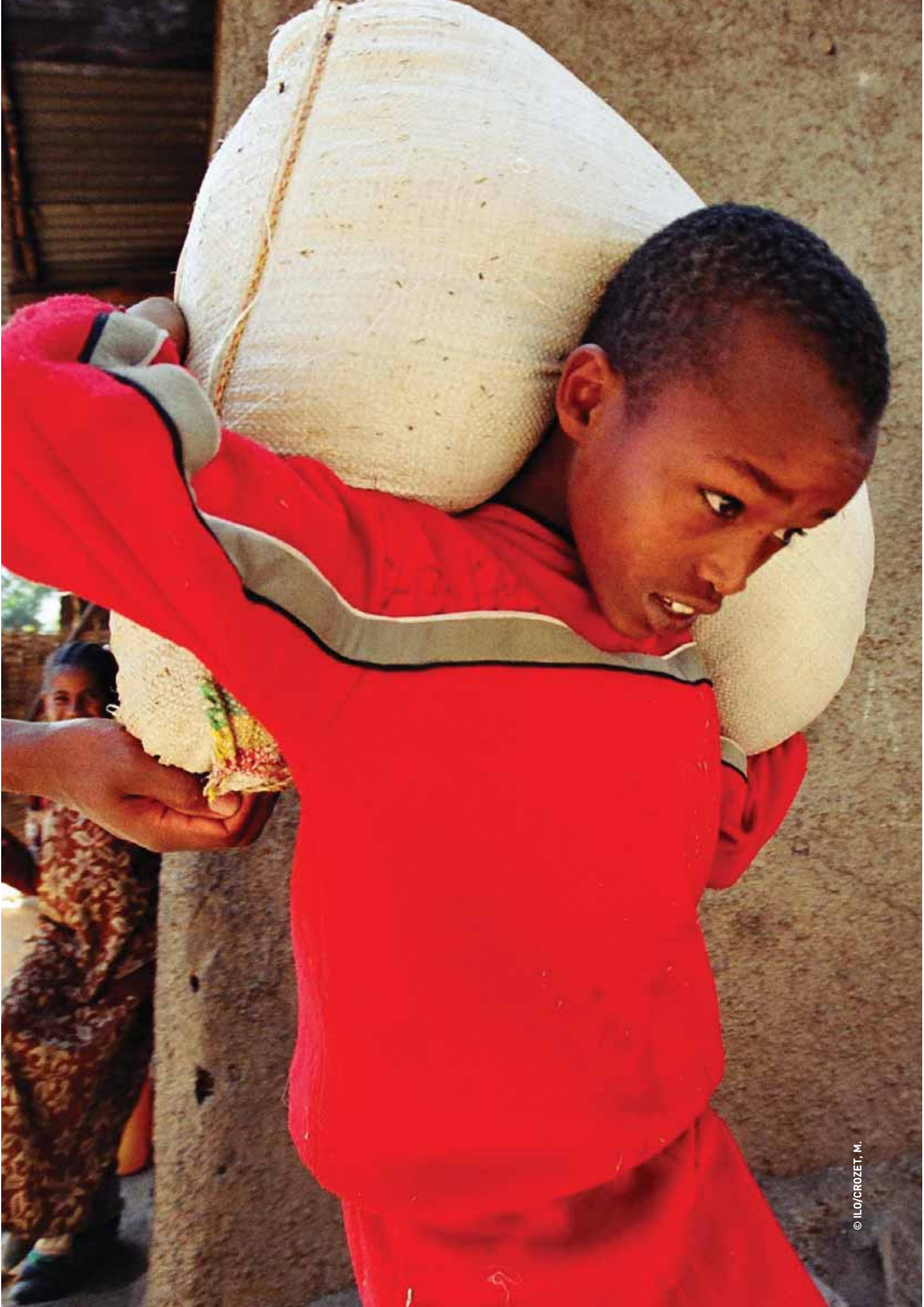




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# ANNEXES

## ANNEX A1.

### Survey of Child Domestic Workers in Bangladesh

#### Child Questionnaire To be asked to Child Domestic Workers aged 5 -17

Section 1: Identification particulars of sample household														
Sl.#	Item											Code		
I.	Serial number of sample PSU:											<input type="text"/>	<input type="text"/>	<input type="text"/>
II.	District:											<input type="text"/>	<input type="text"/>	
III.	Thana/Upazila:											<input type="text"/>	<input type="text"/>	
IV.	Union/Ward No.:											<input type="text"/>	<input type="text"/>	
V.	Mauza/Mahallah.:											<input type="text"/>	<input type="text"/>	<input type="text"/>
VI.	Stratum: Rural=1, Municipality <0.1million population=2, Municipality :2: 0.1 million population=3, City corporation=4												<input type="text"/>	
VII.	Segment number:												<input type="text"/>	
VIII.	Name of locality:													
XIX.	Household serial no.											<input type="text"/>	<input type="text"/>	<input type="text"/>
X.	Name and code of the CDW:											<input type="text"/>	<input type="text"/>	
XI.	Name of employer of the CDW:													
Particulars of Field Operation														
Item			Enumerator					Supervisor						
Name														
Date(s) of survey/inspection			D	D	M	M	Y	Y	D	D	M	M	Y	Y
			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Signature														



## Survey conducted by Associates for Community and Population Research (ACPR)

3/10, Block-A, Lalmatia, Dhaka-1207

Sponsored by  
International Labour Organization  
International Labour Office-Dhaka

Starting time	Hours	Minutes

Section 2: Family Information						
[PLEASE LIST INFORMATION OF ALL IMMEDIATE FAMILY MEMBERS WHETHER OR NOT THE CHILD IS LIVING WITH THEM]						
SL	Name of Family Member	Relationship to CDW*	Sex	Age (completed years)	Education level**	Occupation*** (Only for 5 years and above)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
01.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
02.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
03.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
04.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
05.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
06.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
07.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
08.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
09.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
10.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
11.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
12.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>



Column (3): Relationship*			
Self =01	Brother/sister/step brother/sister =05	Step father/mother =09	No relation = 12
Husband/wife =02	Grand mother/father =06	Nephew/niece =10	Other (Specify) =96 _____
Son/daughter =03	Father/mother in law =07	Uncle/aunty =11	
Mother/father =04	Brother/sister in law =08		
Column (6) Education level **			
Cannot read and write = 01	Below primary (class V) =03	SSC =06	Graduate & above =09
No formal education but can read and write =02	Primary (class V) =04	HSC =07	Don't know =97
	Middle ( class VIII) =05	Diploma =08	
Column (7): Occupation***			
Govt. service =01	Agricultural labour =06	Day labour =11	Student =15
Private service =02	Garments worker =07	Boatman =12	Old (Unemployed) =16
Business =03	Handicrafts =08	Domestic worker =13	Unemployed =17
Small trader =04	Poultry/dairy =09	Doing own household chores =14	Other =96
Professional (Doctor, leader, teacher) =05	Construction worker =10		
Section 3: Personal Information and Current Living Situation			
No Questions and Filters	Coding categories		Skip
01. Are you originally from this place?	Yes	1	05
	No	2	
02. Where from you are?	Village/Mahalla : _____ _____		
	Upazila/Thana: _____ _____		
	District: _____ _____		



Section 3: Personal Information and Current Living Situation			
No Questions and Filters	Coding categories		Skip
03 Why did you leave your original home?	Poverty/hunger	A	08
	Because of step mother/father	B	
	No one to look after me	C	
	Father/mother coming here	D	
	I ran away	E	
	Parents sent me away	F	
	A relative brought me here	G	
	Came with friends	H	
	Came to earn income	I	
	Others (Specify) _____	X	
04. How long ago did you come to this place? (IF LESS THAN 1 YEAR WRITE 00)	In years	<input type="text"/> <input type="text"/>	05
05. Does your family has own home?	Yes	1	
	No	2	
06. Does your family have farm land?	Yes	1	08
	No	2	
07. How much land does your family have?	In bigha	<input type="text"/> <input type="text"/>	
	Don't know	97	
08. What did you use to do prior to joining current job?	Attending school	1	10
	Working	2	
	Nothing	3	10



Section 3: Personal Information and Current Living Situation			
No Questions and Filters	Coding categories		Skip
09. What type of work did you do?	Farming	01	
	Fishing	02	
	Agricultural labour	03	
	Day labour	04	
	Small traders	05	
	Handicraft	06	
	Van/rickshaw puller	07	
	Poultry/dairy	08	
	Construction worker	09	
	Boatman	10	
	Domestic worker	11	
	Garments worker	12	
	Hotel boy	13	
	Others (Specify) _____	96	
10. How long are you working with the present employer? (IF LESS THAN 1 MONTH WRITE 00)	In months	<input type="text"/> <input type="text"/>	
11. Are you related with the present employer?	Yes	1	13
	No	2	
12. What is your relationship to the current employer?	Nephew/niece	1	
	Grandchild	2	
	Cousin	3	
	Other relatives (Specify) _____	6	
	13. At what age did you start working as domestic worker?	In completed years	<input type="text"/> <input type="text"/>
14. How many houses have you worked prior to this house?	No. of houses	<input type="text"/> <input type="text"/>	
	None	0	



Section 3: Personal Information and Current Living Situation					
No Questions and Filters	Coding categories			Skip	
15. Why did you change house?	Parent/guardian moved me	01		16	
	Punishment/harassment	02			
	Heavy workload	03			
	Low remuneration	04			
	Insufficient food	05			
	Sacked by master	06			
	Other (Specify)	96			
	_____				
16. Among the children of your parents, which child are you?  (if respondent is 3rd child of total 5 children of his/her parents write 3/5)			<input type="text"/> <input type="text"/>		
17. Has any member of your family ever worked as a domestic worker?	Yes	1			
	No	2			
18. What is the main source of income of your family?	Farming	01			
	Service	02			
	Trade	03			
	Wage work	04			
	Domestic work	05			
	Fishing	06			
	Other (Specify)	96			
_____					
19. Did your parents borrow loan from your employer's house?	Yes	1			
	No	2			
	Don't know	7			
Section 4: Type of work and work environment					
No Questions and Filters	Coding categories			Skip	
20. How many days a week do you work?	Days		<input type="text"/>		
21. At what time do you usually wake up in the morning? (Enter time in 0000 hr)	Hour	<input type="text"/> <input type="text"/>	Minute	<input type="text"/> <input type="text"/>	





Section 4: Type of work and work environment				
No Questions and Filters	Coding categories			Skip
22. At what time do you usually go to bed at night? (Enter time in 0000 hr)	Hour <input type="text"/> <input type="text"/>	Minute	<input type="text"/> <input type="text"/>	
23. How many hours on average are you working per day? (Probe)		Total hour	<input type="text"/> <input type="text"/>	
24. How many hours a day, on average, do you take rest during working hours? (in 0.5, 1.0, 1.5 hour)	Hour <input type="text"/> <input type="text"/>		<input type="text"/> <input type="text"/>	
	No rest		00	
25. What do you do during leisure time? (Read out) Subjects Yes No	i. Watch TV			
	ii. Play	1	2	
	iii. Entertainment	1	2	
	iv. Study	1	2	
	v. Go to school	1	2	
	vi. Sleep	1	2	
	vii. Sewing	1	2	
	viii. Other (Specify)	1	2	
	_____			
26. Where do you sleep?	Own house		1	28
	At my employer's place		2	
	Other (Specify)		6	28
	_____			
27. Where do you sleep at employer's place?	Own house		1	28
	Bedroom		01	
	Living room		02	
	Kitchen		03	
	Storeroom		04	
	Veranda		05	
	Corridor		06	
	Dining room		07	
	Other (Specify)		96	
	_____			



Section 4: Type of work and work environment						
No Questions and Filters	Coding categories			Skip		
27a. How is the quality of your sleeping place?	Better than home		1			
	As home		2			
	Not good as home		3			
	Other (Specify)		6			
	_____					
28. Do you do the following task? (Read out)	Tasks	Yes	No			
	I. Wash dish	1	2			
	II. Mop floors	1	2			
	III. Wash clothes	1	2			
	IV. Look after baby	1	2			
	V. Take child to school	1	2			
	VI. Go to market	1	2			
	VII. Help for cooking	1	2			
	VIII. Cook	1	2			
	IX. Serve food	1	2			
	X. Gardening	1	2			
	XI. Massage	1	2			
	XII. Cattle raising	1	2			
	XIII. Poultry	1	2			
	XIV. Water carrying	1	2			
	XV. Fuel collection	1	2			
29. How much monthly salary are you paid?	Taka	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	32
	None			0000		
30. Who usually collects your salary?	Self		01			
	Parents		02			
	Brother/sister		03			
	Relatives		04			
	Neighbor		05			
	Employer save it in the bank		06			
	Other (Specify)		96			
_____						



Section 4: Type of work and work environment				
No Questions and Filters	Coding categories			Skip
31. How did you spend your earnings?	Sent to parents		A	
	Buying clothes		B	
	Buying food		C	
	Buying medicine		D	
	Entertainment		E	
	Other (Specify)		X	
	_____			
32. What benefits do you receive from your employer (apart from salary)? (Read out)	Benefits	Yes	No	
	Food once	1	2	
	Food two times	1	2	
	Food three times	1	2	
	Medical expenses	1	2	
	New clothes	1	2	
	New clothes for Eid festival	1	2	
	Bonus	1	2	
	Tips	1	2	
	Oil/soap	1	2	
	Other (Specify)	1	2	
_____				
32. If meals are provided by employer, is there any difference between your and your master's food?	Yes		1	
	No		2	
Section 5: Education, health and personal matters				
No Questions and Filters	Coding categories			Skip
34. Are you currently attending school?	Yes		1	35c
	No		2	
35. Have you ever attended school?	Yes		1	
	No		2	
35a. If given an opportunity, do you want to go back to school?	Yes		1	
	No		2	



Section 5: Education, health and personal matters			
No Questions and Filters	Coding categories		Skip
35b. Why did you drop out from school?	Cannot afford	01	
	Because of work	02	
	Parents did not send	03	
	School is too far	04	
	Because of failing	05	
	Employer did not allow	06	
	Don't like	07	
	Other (Specify) _____	96	
35c. Did your employer promise you before joining work to admit you at school?	Yes	1	
	No	2	
36. What is your future aspiration?	Garment worker		
	To get married		
	To get a good job		
	Agriculture		
	Other (Specify) _____		
Not yet decided			
37. Have you ever fallen sick here?	Yes	1	40
	No	2	
38. How many months ago? IF LESS THAN 1 MONTH WRITE 00	Months ago	<input type="text"/> <input type="text"/>	
	Still sick	95	



Section 5: Education, health and personal matters				
No Questions and Filters	Coding categories			Skip
38a. What is/was the ailment?	Caught and cold	A		
	Fever	B		
	Headache	C		
	Respiratory	D		
	Back pain	E		
	Water borne disease	F		
	Fall in	G		
	Measles	H		
	Other (Specify)	X		
	_____			
38b. Do/Did you have any treatment?	Yes	1	39	
	No	2		
38c. Whom do/did you consult?	Doctor	A		
	Person in the shop/Pharmacy	B		
	Nurse	C		
	Homeopath	D		
	Traditional healer	E		
	No health professional	F		
	Other (Specify)	X		
_____				
39. Do/Did you have to work when you are sick?	Yes	1		
	No	2		
Section 6: Employer's Behavior				
No Questions and Filters	Coding categories			Skip
40. Did you ever experience any of the following incidents? (Read out)	Incidents	Yes	No	
	i. scolded	1	2	
	ii. slapped/beaten	1	2	
	iii. sexual violence by your employers family member	1	2	
	iv. Other (Specify)	1	2	



Section 6: Employer's Behavior			
No Questions and Filters	Coding categories		Skip
41. In general, what do you think about your employers' behavior?	Bad	1	
	Fair	2	
	Good	3	
	Very good	4	
42. Is there any advantage of working in a house as a domestic help?	Yes	1	44
	No	2	
43. What are the advantages?	Help in emergency situation	A	
	Occasional lump-sum money	B	
	Security/safety	C	
	Good food	D	
	Watch TV	E	
	Other (Specify)	X	
44. What future benefits do you expect from your employer?	Get me marriage/pay dowry	A	
	Send me to school	B	
	Get me a job	C	
	Help my parents	D	
	Other (Specify)	X	
	Nothing	Z	
45. Can you quit job?	Yes	1	47
	No	2	
46. Why can't you quit job?	Complete the year	1	
	Parents have taken debt	2	
	Parents don't allow	3	
	Other (Specify)	6	
	_____		
47. Have the employer allowed you to visit home?	Yes	1	49
	No	2	
	Employer will allow but I did not go	3	



Section 6: Employer's Behavior				
No Questions and Filters	Coding categories			Skip
48. How many times have you visited your home during the last year?	Times	<input type="checkbox"/>	<input type="checkbox"/>	50
	Did not go home during last year			94
	When I wish			95
49. How many months you had not been visited home?	Months	<input type="checkbox"/>	<input type="checkbox"/>	
50. Can you contact your friends as you wish in the neighborhood of this place?	Yes			1 44
	No			2
	Don't have any friend in the neighborhood			3
Section 7: Remark of the enumerator:				
Section 8: Remark of the supervisory officer:				
51. INTERVIEWER: Before leaving (the respondent) check the questionnaire carefully; After thorough checking, stop interviewing and then thank him/her sincerely for sparing his/her valuable time with you.				

Finishing time	Hours	Minutes



## ANNEX A2.

### Survey of Child Domestic Workers in Bangladesh

#### Employer Questionnaire

#### To be asked to Employer of Child Domestic Worker

Section 1: Identification particulars of sample household		
Sl.#	Item	Code
I.	Serial number of sample PSU:	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
II.	District:	<input type="text"/> <input type="text"/>
III.	Thana/Upazila:	<input type="text"/> <input type="text"/>
IV.	Union/Ward No.:	<input type="text"/> <input type="text"/>
V.	Mauza/Mahallah.:	<input type="text"/> <input type="text"/> <input type="text"/>
VI.	Stratum: Rural=1, Municipality <0.1million population=2, Municipality :2: 0.1 million population=3, City corporation=4	<input type="text"/>
VII.	Segment number:	<input type="text"/>
VIII.	Name of locality:	
XIX.	Household serial no.:	<input type="text"/> <input type="text"/> <input type="text"/>
X.	Name and code of the CDW:	<input type="text"/> <input type="text"/>
XI.	Name of employer of the CDW:	
XII.	Name of respondent:	





## Survey conducted by Associates for Community and Population Research (ACPR)

3/ I O, Block-A, Lalmatia, Dhaka-1207

Sponsored by  
International Labour Organization  
International Labour Office-Dhaka

Starting time	Hours	Minutes

Section 2: Demographical Particulars of Employer's Household						
SL	Name of Household Member	Relationship with the head of household*	Sex	Age (completed years)	Education level**	Occupation*** (Only for 5 years and above)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
01.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
02.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
03.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
04.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
05.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
06.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
07.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
08.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
09.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
10.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
11.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
12.			Male 1 Female 2	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>



Column (3): Relationship*							
Household head	=01	Brother/sister/step Brother/sister	=05	Step father/mother	=09	No relation	= 12
Husband/wife	=02	Grand mother/father	=06	Nephew/niece	=10	Other (Specify)	=96
Son/daughter	=03	Father/mother in law	=07	Uncle/aunty	=11		
Mother/father	=04	Brother/sister in law	=08				
Column (6) Education level **							
Cannot read and write	= 01	Below primary (class V)	=03	SSC	=06	Graduate & above	=09
No formal education but can read and write	=02	Primary (class V)	=04	HSC	=07	Don't know	=97
		Middle (class VIII)	=05	Diploma	=08		
Column (7): Occupation***							
Govt. service	=01	Farmer	=06	Day labour	=11	Student	=15
Private service	=02	Garments worker	=07	Boatman	=12	Old (Unemployed)	=16
Business	=03	Handicrafts	=08	Domestic worker	=13	Unemployed	=17
Small trader	=04	Poultry/dairy	=09	Doing own household chores	=14	Other	=96
Professional (Doctor, leader, teacher)	=05	Construction worker	=10				



Section 3: Particulars of the employer and information related to child domestic worker			
No Questions and Filters	Coding categories		Skip
01. Type of living house [Enumerator should observe]	Apartment	01	05
	Flat	02	
	Large concrete house	03	
	Small concrete house	04	
	Semi-concrete and semi tin	05	
	Tin house	06	
	Tin and bamboo	07	
	Other (Specify) _____	96	
02. Tenure of housing	Own house	1	
	Rented house	2	
	Govt. quarter	3	
	Sublet	4	
	Other (Specify) _____	6	
03. What is your monthly household consumption expenditure: If no home grown/produced stock then write 00000	Items	Taka	
	Total Taka	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
	Home grown/ produced stock	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
04. For how long have you employed this child for domestic work?	Months	<input type="text"/> <input type="text"/>	
05. Is he/she part time or full time?	Full time	1	
	Part time	2	



Section 3: Particulars of the employer and information related to child domestic worker			
No Questions and Filters	Coding categories		Skip
06. How did you recruit him/her?	Friends/relatives referred him/her	01	
	Other domestic workers referred him/her	02	
	S/he came on his/her own	03	
	Parents refereed her	04	
	His/her parents are indebted to the employer so they send their kids to work	05	
	Supplier or domestic workers	06	
	Other (Specify) _____	96	
07. Does the child live in your house?	Yes	1	
	No	2	
08. How many hours does s/he work daily?	Hours	<input type="text"/> <input type="text"/>	
	Other (Specify) _____	96	
08a. CHECK Q.05 AND CIRCLE IN APPROPRIATE CODE Full time 1	Full time	1	
	Part time	2	
09. Do you let her/him take time off during the day?	Yes	1	12
	No	2	
10. For how long do you let him/her take time off?	For school	A	12
	For doctors visits	B	
	To play	C	
	To go home	D	
	To run personal errands	E	
	For madrasha	F	
	For amusement	G	
	Other (Specify) _____	X	



Section 3: Particulars of the employer and information related to child domestic worker					
No Questions and Filters	Coding categories			Skip	
11. How many more households does he/she work for?	Number		<input type="text"/>		
	None		0		
	Don't know		7		
12. How much do you pay to him/her per month in cash?	Taka	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	None		0000		
13. Do you pay other benefits (apart from the wage in cash)	Yes		1	15	
	No		2		
13a. What are the other benefits that you give to him/her apart from the wage in cash?	Meal		A		
	Bonus		B		
	Medical		C		
	Dress		D		
	Help to family		E		
	Oil/soap		F		
	Other (Specify)		X		
	_____				
14. What would be imputed value of these other benefits per month?	Taka	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



Section 3: Particulars of the employer and information related to child domestic worker				
No Questions and Filters	Coding categories			Skip
15. Does he do the following task? (Read out)	Tasks	Yes	No	
	i. Wash dish	1	2	
	ii. Mop floors	1	2	
	iii. Wash clothes	1	2	
	iv. Look after baby	1	2	
	v. Take child to school	1	2	
	vi. Go to market	1	2	
	vii. Help for cooking	1	2	
	viii. Cook	1	2	
	xix. Serve food	1	2	
	x. Gardening	1	2	
	xi. Massage	1	2	
	xii. Cattle raising	1	2	
	xiii. Poultry	1	2	
	xiv. Water carrying	1	2	
	xv. Fuel collection	1	2	
16. What are the advantages of employing child domestic workers?	Nothing		A	
	They are less expensive		B	
	They are easier to deal with		C	
	Other (Specify) _____		X	
17. What do you do when the child is sick?	Nothing		A	
	Give him medicines		B	
	Take him to see a doctor		C	
	Give him time off		D	
	Other (Specify) _____		X	
	Not yet sick		Z	
18. CHECK Q.05 AND CIRCLE IN APPROPRIATE CODE.	Full time		1	20
	Part time		2	



Section 3: Particulars of the employer and information related to child domestic worker				
No Questions and Filters	Coding categories			Skip
18a. (IF NOT GOING TO SCHOOL ASK Q.18a AND 19 OR ELSE SKIP TO Q.20) Would you give the child time off to go to school?	Yes		1	20
	No		2	
19. What is its reason?	Child would be too tired to work		A	
	Child does not have specified spare time		B	
	Child may be misguided by others		C	
	School is too far		D	
	Other (Specify) _____		X	
20. Are you aware that it is illegal to employ children?	Yes		1	
	No		2	
21. What is the appropriate age for recruiting a child?	Years	<input type="text"/>	<input type="text"/>	
	Don't know		97	
Section 4: Remark of the enumerator:				
Section 5: Remark of the supervisory officer:				
22. INTERVIEWER: Before leaving (the respondent) check the questionnaire carefully; After thorough checking, stop interviewing and then thank him/her sincerely for sparing his/her valuable time with you.				

Finishing time	Hours	Minutes

## ANNEX A.3

### Qualitative research on Child Domestic Worker: Checklist of Observation and Investigation Topics for Information Gathering

The issues and topics that need to be covered in researching child domestic work have already been suggested in the text of the chapter (Section 3.3.1). The checklist here contains some of them, with some additions. Which of these should be selected will depend on the requirements, context and objectives of the research under consideration. The information will be collected, depending on the situation, from a judicious combination of observations in focus group discussions (FGDs), key informant interviews (KIIs), and interviews based on structure questionnaires with child domestic workers, their employers and their parents/guardians.

While key informants will tend to be members of the local administration, police officers, locally elected representatives, heads of village/community council or respected persons such as the school principals or community doctors, a focus group may consist of:

- the child domestic workers as a group,
- adults in the local households, communities and work environments,
- community leaders and influential/respected persons in the locality, and
- other knowledgeable persons, such as social workers or NGO representatives.

For obtaining information about the child domestic worker

Family context:

- parents alive, living together in the household
- number and age of siblings
- who is the primary caregiver
- any illness/disability among family members
- what is good and bad about the family's social and economic situation

Child's present living situation:

- living with family or employer/others
- sleeping, what times, where, how long, what conditions
- eating what times, what, how much, where
- bathing - where, how often
- toilet - what kind
- what is good and bad about current situation

Schooling:

- allowed to attend school
- ever attended school (type), and if so, for how long, when
- attending now (how many hours per day / week)
- why stopped if not attending, whether wants to return, and reasons



- presence of violence in the classroom/school environment
- what is good and bad about school

Work:

- is current occupation solely domestic work, or have other jobs also (list 2 main jobs)
- if domestic work is sole work, is work in only 1 household/1 employer, or multiple households/employers
- age at which child started to work for the first time
- length of time in present domestic job, and what age started
- work history
- parents' work history, if relevant

Personal Data:

- gender and stated age/estimated age
- language or ethnic group
- migrant status
- injuries, sicknesses, accidents
- fears and worries
- main needs, problems
- future plans and desires
- Identifiers:
  - name
  - location (relative to researcher's mapping if possible)

For obtaining information on the child's domestic work characteristics [for a detailed exposition of the issues, please refer to Part III Section 2 of ILO-IPEC, UNICEF, 2005.

Kind of work:

- common name/slang terms for industry, work or activity
- is this work or activity legal
- location (e.g. field, household, factory, marketplace, shop)
- location and type of any secondary economic activities
- size of enterprise(s)
- is enterprise legal

Tasks:

- list of specific tasks performed at this work site (with names and slang terms, if relevant)
- description of each task, as given by the child
- what is good and bad about each job

The employment process:

- working for household directly, or through agency
- how was employment arranged, by whom, through whom
- formal contract, verbal agreement, neither
- underlying financial obligations (advance to family, debt of family to employer)
- whether loan or repayment required for equipment



- food, sleeping quarters
- freedom to leave, and if not, why

Terms and conditions of work:

- hours and times of day
- shifts, part-time/full-time, days per week
- overtime work, irregularities, etc.
- timing of the child's payment (when/ how often paid/ to whom)
- mode of payment (wages, in-kind only, by piece, paid by each client)
- benefits (bonus on festivals, free food/transportation/ dormitory)
- transportation to and from the workplace, and time required
- given paid leave when sick
- what is good and bad about the terms and conditions

Working environment:

- working alongside immediate family
- relatives at same workplace
- other people present at same workplace (if so, who? Other children?)
- isolated workplace
- ratio of adults to children
- adequate food
- clean drinking water
- toilet facilities
- lighting and ventilation
- first aid kit/trained person
- freedom of movement permitted
- freedom to interact permitted
- what is good and bad about the situation

Physical risks:

- power machinery
- toxic chemicals
- noise
- air (smoke, fumes)
- temperature and exposure (sun, elements)
- weights carried/lifted
- physical position while working
- dangerous animals
- medical care
- closeness of medical help to work place
- protective gear (welding shields, gloves, boots, glasses, hard hat, ear plugs)
- physical abuse by employers, supervisors, fellow workers
- sexual abuse by employers, supervisors, fellow workers
- workplace isolated and unprotected
- perception of danger, threat, risk and its source

Emotional and psychological features:

- repetitiveness of tasks
- time stress
- quality stress (failures, mistakes)
- opportunities for learning, advancement
- opportunities for creativity
- high/low prestige of industry or task
- made scapegoat, harassment
- verbal abuse by employers, supervisors, fellow workers
- verbal sexual harassment by employers, supervisors, fellow workers
- incentives to do well
- punishments (including insufficient food/rest periods/no toilet facilities)



## ANNEX A.4

### Questionnaire for Rapid Assessment applied to Child Domestic Workers (Rapid assessment of child domestic workers in Nepal, 2001)

#### Questions and response categories

1. How old are you? .....
2. What is your caste? .....
3. Sex of the child .....
4. Duration of service in current place ..... Year ..... Month .....
5. Origin (home address) District .....
6. What did you used to do prior to joining current job?  
 Attended school ..... Own farm/household work .....  
 Wage work ..... Other (state) .....
7. Why did you come here?      Friend's advice ..... Own opinion .....  
    Parent's advice ..... Domestic conflict .....  
    Stepmother/father ..... Others (state) .....
8. With whom did you come to join?      Parents ..... Relatives .....  
    Friends ..... Alone .....  
    Broker ..... Others (state) .....
9. At what age did you start work as a domestic servant?  
    5 to 7 years ..... 8 to 9 .....  
    10 to 11 ..... 12 to 14 .....  
    15 and above .....
10. Is this your first place of work? *if not*, which place?  
    Yes ..... No .....  
    Second ..... Third .....  
    Fourth ..... Fifth or above .....
- Why did you chage your workplace?  
     Low remuneration ..... Punishment/harassment .....  
     Not allowed to attend school ..... Insufficient food .....  
     Sacked by master ..... Other (specify) .....
11. Do your parents know where you are?  
    Yes ..... No .....
12. Are your parents alive?  
    Father dead ..... Father alive .....  
    Mother dead ..... Mother alive .....  
    Father deserted ..... Mother deserted .....

13. Family members (exclude married sisters)  
Number .....
14. Which child are you (in order)?  
First ..... Second .....  
Third ..... Fourth .....  
Fifth ..... Other (specify) .....
15. Are there any members of your family younger than 18 years,  
working as wage earners or domestic workers?  
Yes ..... No .....  
*If yes, how many?* .....
16. Two main sources of income of your family?  
Farming ..... Service .....  
Trade ..... Wage work .....  
Other (specify) .....
17. Family has own home?  
Yes ..... No .....
18. Family has farm land?  
Yes ..... No .....
19. *If has land:*  
Bigha/Ropani ..... Katha/Aana .....
20. Are your parents indebted?  
Yes ..... No .....  
Do not know .....
21. If yes, did they borrow loan from your master's house?  
Yes ..... No .....  
Do not know .....  
*If yes, how many Rs?* ..... Do not know .....

### Questions on type of work and work environment

22. Type of main work you do here:  
Kitchen work ..... Dish washing .....  
Child minding ..... Clothes washing .....  
Housecleaning ..... Other (specify) .....
23. What is your second priority job?  
Kitchen work ..... Dish washing .....  
Child minding ..... Clothes washing .....  
Housecleaning ..... Other (specify) .....
24. Time you start in the morning? .....
25. Time you finish in the evening? .....



26. Do you have any injury?

*If yes,*

Yes ..... No .....  
 Cut ..... Burn .....  
 Fracture ..... Others (specify) .....

27. Quality of your food?

Better than home ..... As home .....  
 Not as good as home ..... Others (specify) .....

28. Are there any differences between your food and your master's?

*If yes, what is the difference?*

Yes ..... No .....  
 Different food ..... Leftovers/waste food .....  
 Others (specify) .....

29. Quality of your bed?

Better than home ..... As home .....  
 Not as good as home ..... Others (specify) .....

30. Did you buy any of these during last three months?

Clothes ..... Slipper/shoes .....  
 Soap ..... Toothbrush/paste .....  
 Food items ..... Others (specify) .....

31. How much salary and other benefits have you been promised?

Per month Rs ..... Annual Rs .....  
 Only food and clothing ..... Food, clothing, schooling facility .....  
 Service provide later on ..... Do not know .....

32. Who collects your salary?

Self ..... Parents .....  
 Others (specify) .....

33. Are you satisfied with work load and pay?

Work: Yes ..... No .....  
 Do not know .....  
 Salary: Yes ..... No .....  
 Do not know .....

34. What type of work and salary will make you happy?

Work load: Ok ..... 3/4 of present load .....  
 1/2 of present load ..... Do not want to continue work .....  
 Salary: Ok ..... 50% increment .....  
 100% increment .....

35. Have your parents taken a loan after you began work?

*If yes, how much?*

Yes ..... No .....  
 Do not know .....  
 Rs ..... Do not know .....

### Questions on education, health and personal matters

36. Are you literate? Yes ..... No .....
37. Up to which grade have you studied? .....
38. Do you go to school now? Yes ..... No .....
39. *If yes*, in which grade are you studying?  
Class .....
40. Do you have enough educational materials?  
Yes ..... No .....
41. Which is your homework time? Morning ..... Daytime .....  
Night ..... No time for homework .....
42. If you are not admitted to school, has master promised to admit you at school?  
Yes ..... No .....
43. Have you dropped out of school? Yes ..... No .....  
*If yes*, reasons for dropping out  
Master don't pay fee .....  
Excessive work load in home .....  
Discrimination in school .....  
Others (specify) .....
44. Are you better off here than home? Yes ..... No .....  
*If yes*, what are reasons  
Education ..... Food .....  
Clothing ..... Urban area .....  
Companion ..... Others (specify) .....
45. Have you fallen sick here? Yes ..... No .....
46. *If yes*, type of sickness?  
Caught a cold ..... Fever/measles .....  
Chest pain/respiratory problem ..... Headache .....  
Water-borne disease ..... Back pain .....  
Others (specify) .....
47. Who pays for medical expenses? Self ..... Master .....  
Others (specify) .....
48. Do you have to work when you are sick?  
Yes ..... No .....



### Questions on penalties (punishments)

49. Have you been penalized (punished)?

Yes ..... No .....

50. Can you quit your job?

Yes ..... No .....

*If not, why not?*

Must complete the year .....

Parents/relative have taken debt .....

Can't get better than this job .....

Parents don't allow .....

Others (specify) .....

51. How do you spend your leisure time?

Watch TV ..... Play .....

Study ..... Other (specify) .....

52. Are you allowed to visit home?

Yes ..... No .....

53. How many times have you visited your home in the past year? .....

54. *If not allowed*, for how many years have you not visited home?

Number .....

55. Would you bring somebody like yourself to work as a servant?

Yes ..... No .....

*If yes*, mark two reasons:

Better than in village ..... Good food .....

Good clothing ..... Schooling .....

Others (specify) .....

*If not*, mark two reasons:

Feel isolated ..... Bad treatment .....

Bad or not enough food .....

Work load ..... Other (specify) .....





