



United Nations Research Institute for Social Development

# UNRISD

RESEARCH AND  
POLICY BRIEF

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## At the Crossroads of Class and Gender REALIZING DOMESTIC WORKERS' LABOUR RIGHTS

Women domestic workers suffer a double injustice: they are discriminated against as women and their rights as workers are not recognized. With the SDGs, UN member states have committed to tackling both issues (Goal 5 on gender equality and Goal 8 on decent work). UNRISD research on previous efforts to bring about policy change and legal reform in this complex area has identified some of the drivers of successful mobilization, as well as a range of constraints. This Brief presents recommendations based on the research that can help policy makers, women's and labour rights advocates and funders to effectively support domestic workers' labour rights.

### An Invisible Workforce

Domestic workers' labour rights are excluded from most countries' labour laws. Advocating for these rights is highly complex because they cut across multiple issues: gender (most domestic workers being women, they are often subject to violence and sexual harassment); migration; and labour (wages, working conditions and social protection). In addition, activists face the significant challenge of organizing a very dispersed workforce working in private homes, as well as opposition from women workers whose only way to join the labour market is to transfer unpaid domestic and care work to domestic workers. On the whole, domestic workers are an invisible workforce. To compound the situation, the process of legal reform is itself a complex one that requires negotiation and contestation between these different stakeholder groups and their conflicting interests.

Advocacy to recognize domestic workers as workers, to recognize their labour rights, and to change societal attitudes towards them, has therefore been protracted and convoluted and not always crowned with success, as examples in China, India and Indonesia show (see box on UNRISD Project). UNRISD analysis of these cases reveals the crucial role played by women's movements and some successful strategies, as well as sticking points that need to be negotiated differently for successful outcomes. This Brief presents recommendations in support of advocacy for domestic workers' labour rights.

### Supporting Domestic Workers' Labour Rights: Key Recommendations

#### Strengthen the capacities of domestic workers to organize

In all three countries studied, creating domestic workers' unions and organizations resulted in stronger advocacy. In India, unionization allowed domestic workers' groups to gain legitimacy and a place at the table in negotiations between the state, employers and workers. Indonesian feminist organizations, which initially addressed the issue of violence against domestic workers, were able to extend their advocacy efforts to address labour rights by supporting the creation of unions for domestic workers. And

in China, organizations assisting migrant women workers, who in large cities work mainly as domestic workers, encouraged them to form groups to amplify their voices. Because domestic workers lack the time and space to engage in political activities, however, the impacts of such efforts remain limited.

#### Provide financial resources for long-term advocacy activities

Acknowledging the need for advocacy organizations means acknowledging the need to finance those organizations. For example, the advocacy efforts of Indonesian women's organizations, ongoing for more than a decade, virtually collapsed in the absence of continued funding.

#### Create alliances between domestic workers' organizations

Domestic workers' organizations often start as small-scale, local groups, resulting in a multiplicity of different entities. Federating them can make their voices stronger and their demands more visible, as

#### Why is advocating for domestic workers' labour rights a challenge?

UNRISD research shows that the recognition of domestic workers' labour rights is still a relatively neglected policy issue across China, India and Indonesia. Efforts to mobilize around this issue have been more challenging than with other issues, such as violence against women, for a variety of reasons. First, the isolation of domestic workers severely limits their ability to organize. Second, society tends to see paid domestic work as work with low social value, so support is hard to mobilize around this issue. Third, it raises questions about the redistribution of resources between classes: elites, both women and men, rely most on cheap domestic work. Finally, it provokes opposition from women workers whose ability to join the labour market depends on hiring domestic workers. This raises other questions about redistribution: of unpaid care and domestic work within households, and between the household and society.

While this paints a fairly bleak picture, understanding how the issue of domestic workers' labour rights plays out can help advocates to develop strategies for policy change which respond to the points identified above.



## The UNRISD Project: When and Why do States Respond to Women's Claims? Understanding Gender-Egalitarian Policy Change in Asia

The research focused on women's advocacy for the approval of the Law against Domestic Violence, 2015 in China, the amendment of the rape laws in 1983 and in 2013 in India, and the approval of the Anti-Domestic Violence Law no. 23/2004 in Indonesia. The project also examined policy change processes for protecting domestic workers' labour rights and for equally sharing unpaid care work in the three countries (see Project Brief no. 5).

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demonstrated by the Indian National Platform for Domestic Workers, the Indian Domestic Workers' Rights Campaign and the Indonesian National Advocacy Network to Protect Domestic Workers. Small local groups often need a trigger to come together: the consultations in preparation for ILO Domestic Workers' Convention no. 189/2011 provided such an impetus.

## Strengthen technical knowledge in domestic workers' organizations

Support from and leadership by professionals, such as lawyers and scholars, significantly increases activists' ability to effectively influence processes of legal reform. It was thanks to technical support from lawyers and scholars that the Indonesian Advocacy Network to Protect Domestic Workers was able to produce a draft bill for domestic workers' protection. In China, where academics are a legitimized voice, research on domestic workers' working conditions is effectively used as evidence to influence civil society and state actors' views.

## Enhance solidarity between movements, especially between women's and labour organizations.

Domestic workers fall between the cracks: labour, informal workers', migrant workers', and women's

movements often fail to pick up on their specific demands. However, being a cross-cutting issue can also be used strategically: different entry points can be selected and combined according to context. For example, the Indonesian Network to Protect Domestic Workers joined forces with migrant organizations to advocate together to amend existing laws on the protection of overseas migrant workers, largely domestic workers.

## Collaborate with international and transnational organizations

Organizations like the ILO and the International Domestic Workers Network (IDWN) can support national domestic workers' organizations. The IDWN worked together with both Indian and Indonesian organizations to collect data on domestic workers' status and develop adequate frameworks to promote their rights.

## Dialogue with state actors in all areas related to paid domestic work

Because paid domestic work relates to migration, labour and gender, advocacy movements need to address state actors in all of these fields. The Indonesian National Advocacy Network to Protect Domestic Workers collaborated with the National Commission for Women, which led to a bill for domestic workers' labour rights being included in the 2016 legislative agenda of the national parliament, and also prompted the Ministry of Foreign Affairs to host a workshop on the ratification of ILO Convention no. 189/2011.

## Ratify ILO Domestic Workers' Convention no. 189/2011

The ILO Domestic Workers' Convention no. 189/2011 extends basic labour rights, such as minimum wages, daily and weekly leave, access to social security, written employment terms and conditions, and protection from violence, to domestic workers. By setting the minimum labour standards for paid domestic work, it provides activists with a powerful tool to advocate for domestic workers' labour rights and to hold states accountable. Since few countries have ratified the Convention, national organizations need support to advocate for its ratification, which in turn would oblige states to integrate its comprehensive measures into national legislation.

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This Research and Policy Brief was prepared by Paola Cagna and Joannah Caborn Wengler.

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