



International
Labour
Organization

► The road to decent work for domestic workers



▶ **The road to
decent work for
domestic workers**

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1. Introduction

In 2011, the ILO adopted the Domestic Workers Convention, 2011 (No. 189), the first international legal instrument entirely devoted to domestic work. In its Preamble, the Convention recognizes the contributions of domestic workers to the global economy and the persistent undervaluation of domestic work. Considering that domestic workers are some of the most marginalized workers, the Convention sets out to ensure that they enjoy decent work – like all other workers – while taking into account the specificities of the sector.

Since then, governments, employers' organizations and workers' organizations have made efforts to promote the ratification and implementation of Convention No. 189. In 2021, on the occasion of the tenth anniversary of the Convention, the ILO published the report *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, which provided an overview of the situation of domestic workers today and presented a decade's worth of progress made – as well as the gaps that remain in ensuring decent work for domestic workers in both law and practice.

The present report summarizes those findings. It includes a summary of the number of domestic workers worldwide, the share of domestic workers in informal employment, and the extent to which domestic workers are covered by labour and social protection in law and in practice. The report estimates the share of domestic workers who are in informal employment – those informally employed due to gaps in legal protection as well as those whose informality is due to gaps in implementation – and provides good practices to close these gaps. The report concludes with a road map for governments, social partners and other stakeholders to work towards achieving decent work for all domestic workers.

The original report provides robust data with great amounts of detail and should always be used as a reference tool for information. This shorter version aims at providing a clear overview of the key messages and places particular attention on what is needed for policymaking moving forward, namely:

1. concrete tools for assessing the sources of informality in domestic work (in order to address the legal and implementation gaps); and
2. concrete measures for promoting formal employment practices.

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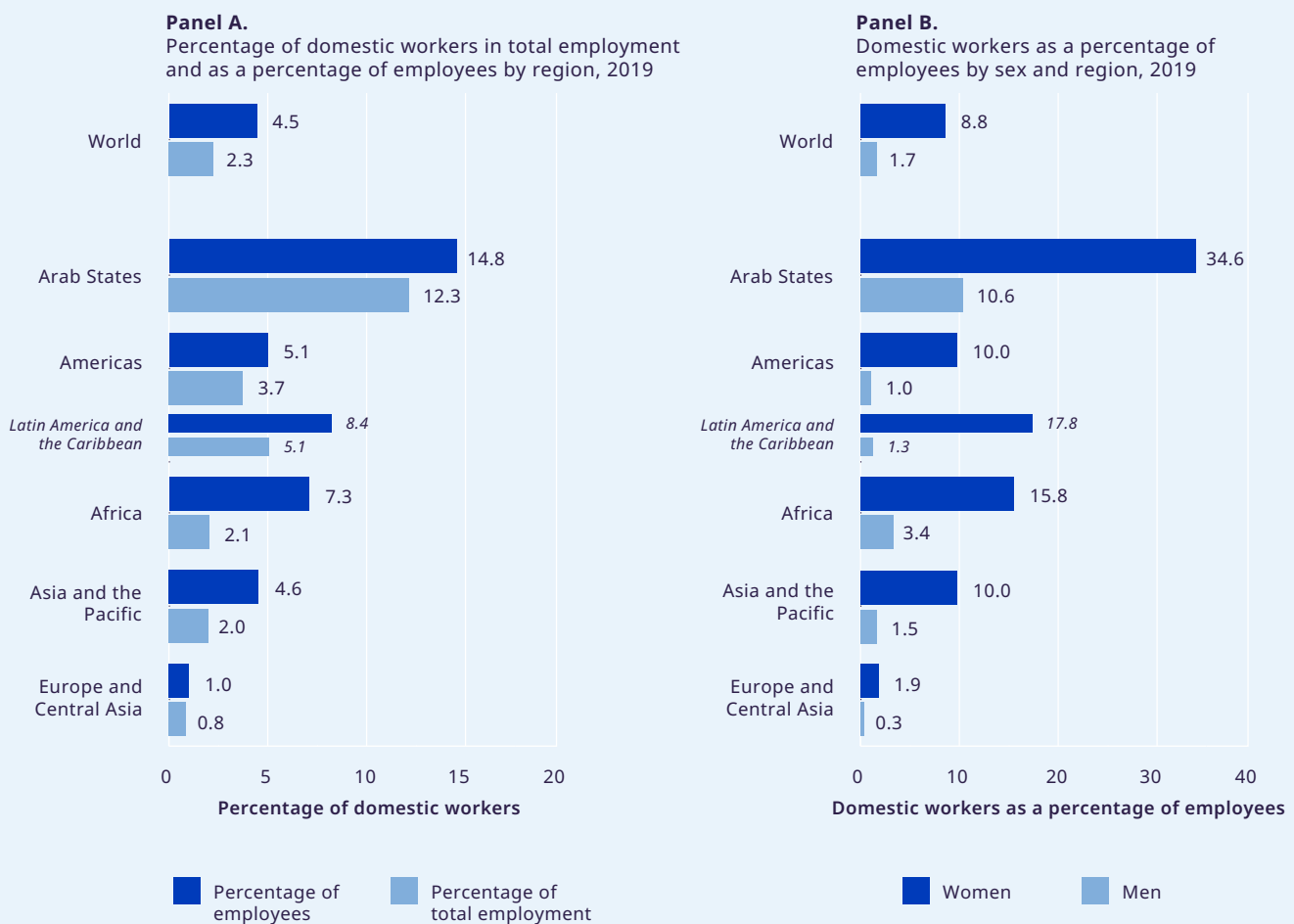
**2. Domestic work:
Where do we stand now?**

► 2.1. Domestic workers across the world and recent trends

According to the Domestic Workers Convention, 2011 (No. 189), domestic workers are those workers who work in or for a household or households on an occupational basis. As key members of the care economy, domestic workers provide indirect and direct care services to private households. Globally, at least 75.6 million men

and women over the age of 14 were employed as domestic workers in 2019. These include domestic workers hired directly by households as well as those hired through or by service providers.¹ By this definition, 1 in 22 employees works as a domestic worker, accounting for 4.5 per cent of all employees worldwide.²

► Figure 1. Domestic workers as a percentage of total employment and as a percentage of employees



Note: ILO calculations. See figure 1.1 in ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

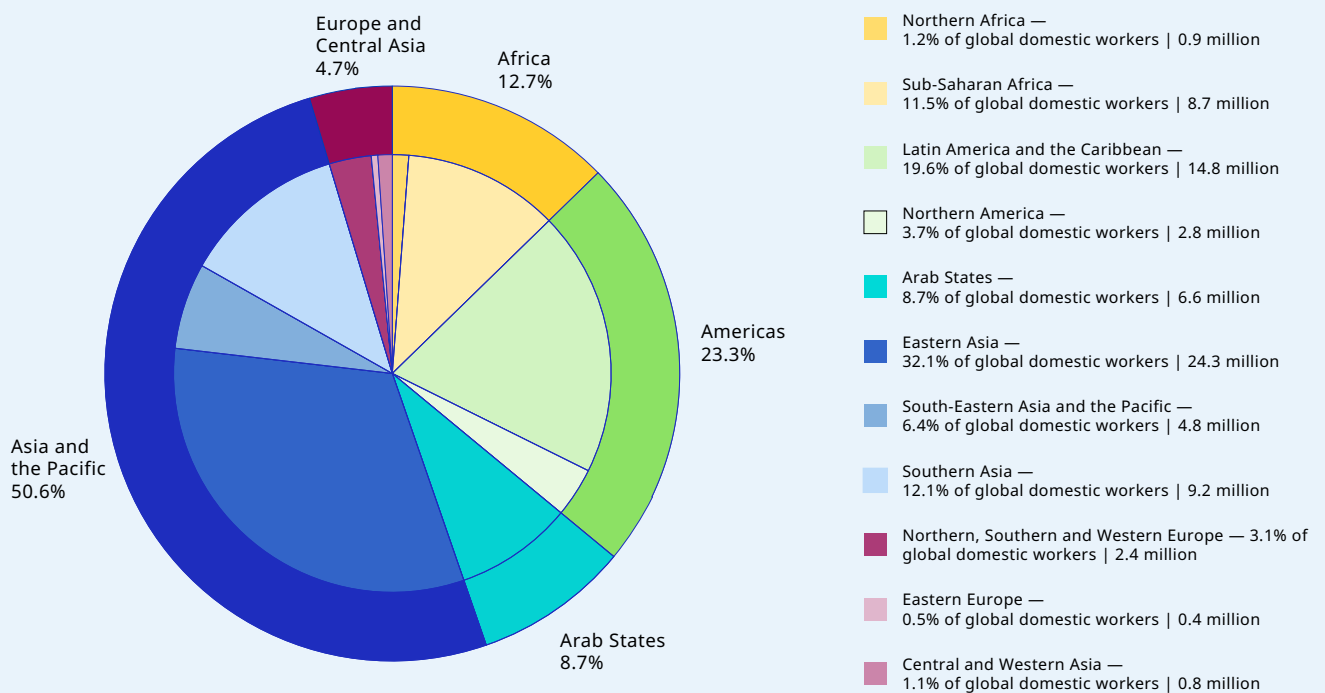
1 The estimates presented in this report capture “domestic workers” as defined by the 20th International Conference of Labour Statisticians (ICLS) definition, which was adopted in 2018 to align more closely with the definition set out in Convention No. 189. This statistical definition includes: (a) domestic employees, defined as all workers engaged directly as employees of households to provide services mainly for consumption by the household members, irrespective of the nature of services provided; (b) domestic workers employed by service providers; and (c) domestic service providers employed for profit.

2 Throughout this document, all domestic workers have been considered as employees, meaning that all proportions of domestic work are expressed as a percentage of employees (not including self-employed).

The world’s largest employers of domestic workers are in Asia and the Pacific (where 50 per cent of all domestic workers are employed) and the Americas (where 23 per cent of all domestic workers are employed). By contrast, Europe and Central Asia employ the smallest share of all domestic workers (4.7 per cent). Domestic work represents by far the largest share of total wage employment in the Arab States, where domestic workers account for 14.8 per cent of all employees. Domestic workers also represent an important share of employees in Africa

(7.3 per cent), Latin America and the Caribbean (8.4 per cent) and Asia and the Pacific (4.6 per cent). By contrast, domestic workers represent only 1 per cent of employees in Europe and Central Asia. Domestic workers are overrepresented in upper middle-income countries, mostly due to this income group containing the largest employers of domestic workers and greater levels of inequality.

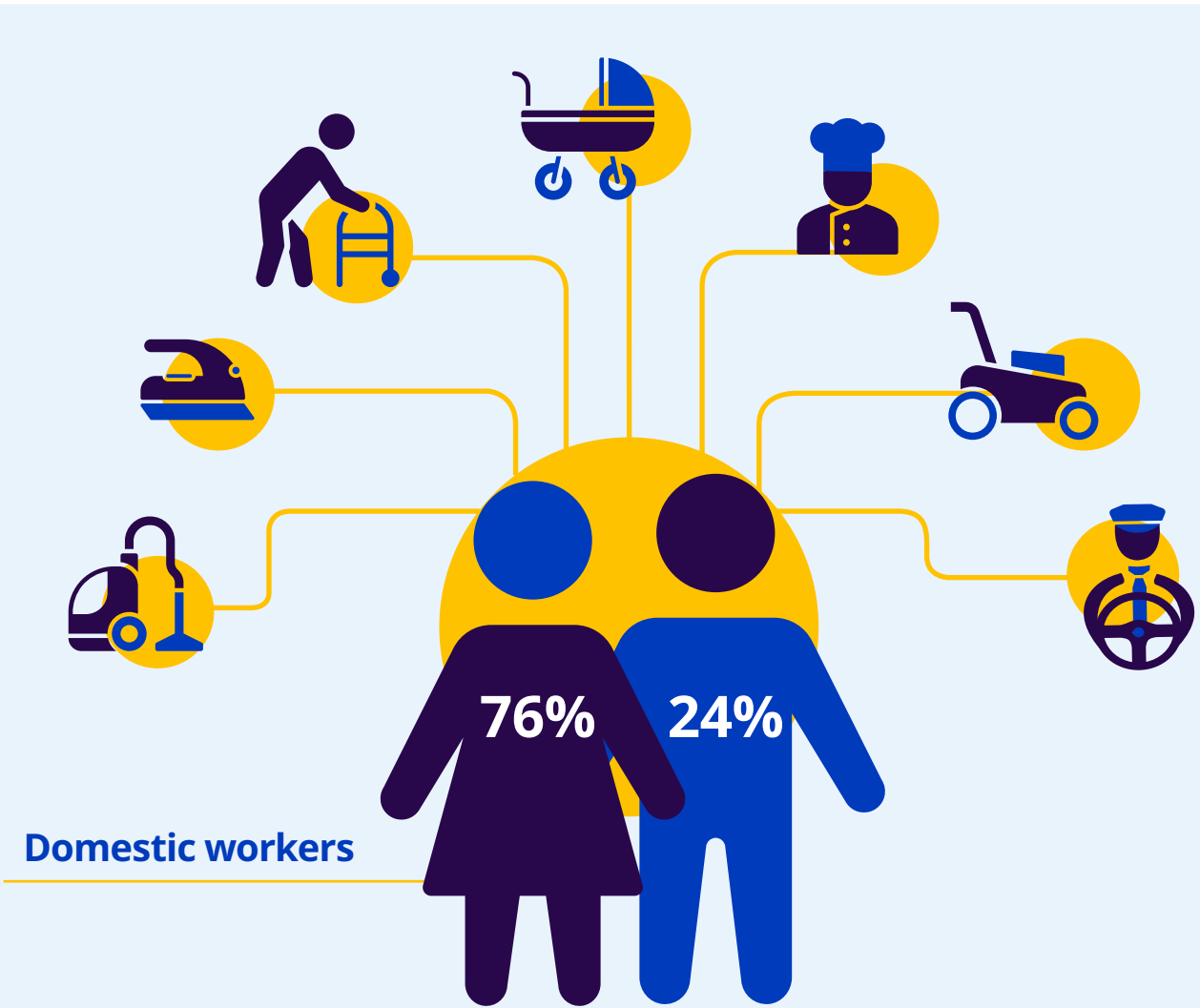
► **Figure 2. Distribution of domestic workers by subregion, as % of global domestic workers, 2019**



Note: ILO calculations. See figure 2.1 in ILO, *Making Decent Work a Reality for Domestic Workers*.

Domestic work is female-dominated, with women accounting for 76.2 per cent of domestic workers. **Globally, one in every 12 female employees works as a domestic worker.** The sector is over 80 per cent female in the Americas and in Europe and Central Asia. But nearly a quarter of domestic workers globally are men, and **men make up 40**

to nearly 65 per cent of domestic workers in certain regions: 63.4 per cent in the Arab States, 53 per cent in Northern Africa and 42.6 per cent in Southern Asia. However, the sector represents a much smaller source of employment for men generally: only 1.7 per cent of men employees work as domestic workers.



There is a relatively clear segregation between men and women in their most typical occupations in domestic work; with few exceptions, women domestic workers work as domestic cleaners and helpers and direct caregivers, whereas men domestic workers tend to work as cooks, drivers, building maintenance and security guards.

Domestic work will continue to be in high demand across the world, especially in the light of demographic changes. The workforce for domestic work is likely to be sustained due to continued income inequality within and between countries, as well as unequal access to education and care services.

► 2.2. Forms of employment in domestic work

Domestic workers are not only employed for a variety of tasks in and for private households, but also in diverse ways. Domestic workers may:

- work on an hourly, daily or monthly basis;
- live in or out of the household in or for which they perform their work;
- work with or without a written contract;
- be employed directly by one household or several households;
- be employed by or through a service provider.

Service providers – which can include public and private employment agencies, including digital platforms – play an important role in domestic work. The global estimates presented in this report reflect both domestic workers hired directly by households as well as those hired by or through service providers. While it was not possible to produce specific estimates for each type of arrangement, country-level data suggests the extent to which service providers play a role in the domestic work market. For example, in the United States of America, 57 per cent of domestic workers do not work directly for private households but instead work through service providers. The proportions of domestic workers employed by or through service providers are estimated at 18 per cent in the Dominican Republic

and 21 per cent in Ecuador. In Zambia and Senegal, around one quarter of domestic workers appear to be employed through service providers. Higher proportions can be found in Thailand (34 per cent), Cambodia (43 per cent) and Nepal (51 per cent). In the European Union, 70 per cent of domestic workers are employed by public or private organizations.^{3 4}

When appropriately regulated, service providers play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. However, concerns have been raised about the growing role of unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework. For example, one recurring problem faced by domestic workers is the charging of illegal fees for recruitment or placement, with this problem being particularly prevalent among migrant domestic workers (see Article 15 of Convention No. 189 and Paragraph 23 of the Domestic Workers Recommendation, 2011 (No. 201)).

Digital platforms that provide domestic services through a website or digital application are also on the rise. After a period of slow growth in the first decade of the twenty-first century, the number of digital labour platforms in the domestic work sector globally has risen eightfold, from 28 in 2010 to 229 in 2020.

3 Based on estimates produced by the European Commission on personal and household services.

4 Owing to the way in which domestic workers are captured in national statistics in Arab States, it was not possible to estimate the percentage of domestic workers employed by or through service providers; however, it is clear that most domestic workers in the region are placed through private recruitment agencies.

► 2.3. Decent work for domestic workers

The Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011, recognize the economic and social value of domestic work and are a call for action to address important decent work deficits in the sector. By adopting these two

international standards in 2011, the International Labour Conference sent a clear message: domestic workers, like other workers, have the right to decent working and living conditions, in law and in practice.

► Box 1. The components of decent work

Decent work comprises:

- safe work;
- adequate earnings;
- decent working time;
- stability and security of work;
- social dialogue;
- employers' and workers' representation;
- employment opportunities;
- social security;
- work, family and personal life balance;
- abolishing child and forced labour; and
- equal opportunity treatment.



While all existing international labour standards also apply to domestic workers (if not provided otherwise), the articles of Convention No. 189 complement these instruments with specific standards that are adapted to the sector. Importantly, the Convention seeks to achieve equality of treatment between domestic workers

and other workers, calling on ILO Member States to ensure labour and social protection for domestic workers under conditions that are no less favourable than those provided to other workers, particularly with respect to working time, wages, social security and access to justice.

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3. Decent work for domestic workers today?

Ten years after the adoption of Convention No. 189, the ILO sought to estimate the extent to which domestic workers enjoy decent work, both in law and in practice. The main measure to estimate access to decent work is informality. Informality can stem from:

1. exclusion from labour and social security laws and/or inadequate levels of legal protection; and
2. lack of implementation and compliance with laws and regulations.

This section will first show the ILO estimate on the total percentage of domestic workers who are informally employed, regardless of the source of this informality. It will then look more closely at the two sources of informality noted immediately above.

► 3.1. Informality in domestic work

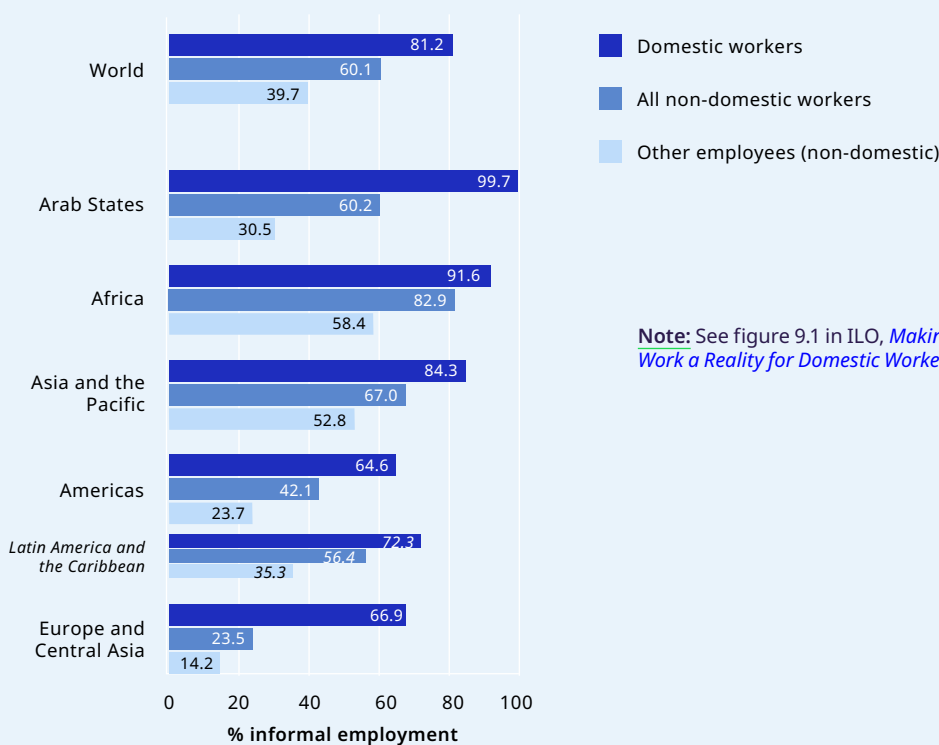
Despite the essential responsibilities of their job, **eight out of ten domestic workers are informally employed, meaning they do not have access to social security.**

Informality tends to be higher among domestic workers than among other employees, even in regions with generally high levels of informality such as Africa or Asia and the Pacific. Globally, **the share of informal employment among domestic workers is twice that of the share**

among other employees. As we will see below, the fact of being informally employed is also strongly associated with the lowest wages and either very short or very long hours of work.

Female domestic workers are more exposed to informality than their male counterparts in 67 per cent of countries reviewed. However, men are overrepresented in the Arab States and Africa, where the rates of informality of domestic workers are the highest.

► Figure 3. Share of informal employment among domestic workers and non-domestic workers by region (%), 2019



Note: See figure 9.1 in ILO, *Making Decent Work a Reality for Domestic Workers*.

► **Box 2. Social security is a fundamental human right**

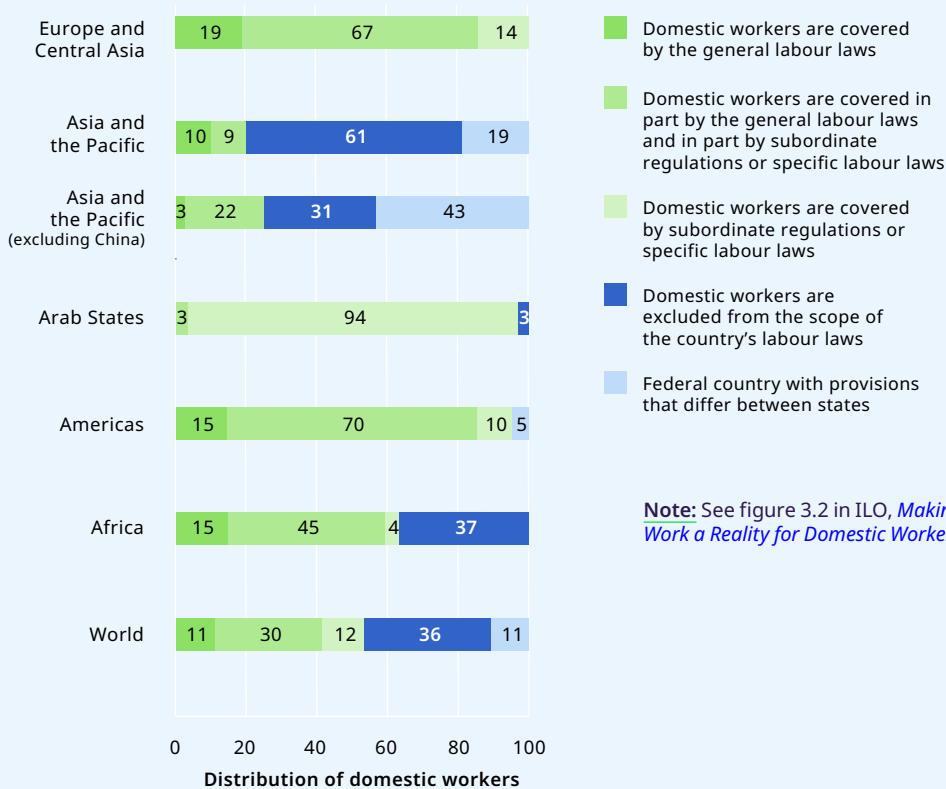
Effective social security systems guarantee income security and access to health protection, thereby contributing to the prevention and reduction of poverty and inequality and the promotion of social inclusion and human dignity. They do so through the provision of benefits, in cash or in kind, which are intended to ensure access to medical care and health services, as well as income security throughout the life cycle. Universal social protection is essential for advancing social justice, fighting inequality and promoting inclusive growth.

3.1.1. Extent and level of labour law coverage

Globally, 95 of 108 countries reviewed (88 per cent) recognize domestic work in their labour laws, thus providing some form of legal recognition to more than half (53.4 per cent) of all domestic workers worldwide. Countries that provide legal recognition of some kind have done so through

general labour laws, or through specific labour laws or subordinate regulations, or a combination of the two.⁵ However, 36.1 per cent of domestic workers remain wholly excluded from labour laws (see figure 4).

► **Figure 4. Coverage of domestic workers by national labour legislation by region (%), 2020**



Note: See figure 3.2 in ILO, *Making Decent Work a Reality for Domestic Workers*.

⁵ More precisely, 11.4 per cent of domestic workers are covered by the general labour laws; 11.8 per cent are covered only by subordinate regulations or specific labour laws; and 30.2 per cent are covered by a combination of the two.

Domestic workers who are recognized by the labour law generally may still be excluded from specific legal provisions, or the level of protection provided to domestic workers may not be adequate. For example, **a high percentage of domestic workers remain excluded from specific provisions** limiting normal weekly hours of work (48.9 per cent), providing weekly rest (37.3 per cent) and providing paid annual leave (36.4 per cent). More than one-third (34.2 per cent) are not legally entitled to a minimum wage in countries where a minimum wage exists, and 50.1 per cent have no legal entitlement to social security. **A small but significant percentage of domestic workers are covered by laws, but not to the same extent as other workers**, in the areas of working time and wages especially (figure 5).

The percentage of domestic workers legally covered on an equal footing with other workers tends to be lower than the percentage of countries providing equal legal protection, as some of the countries excluding domestic workers from the scope of laws or not providing equal protection are also among the largest employers of domestic workers. It is therefore noteworthy that a high percentage of countries provide equal rights for domestic workers with respect to weekly rest (77.8 per cent), paid annual leave (77.8 per cent) and maternity leave (74.1 per cent). But fewer countries provide for a minimum wage that is equal to or higher than that of other workers (64.8 per cent) or provide for maternity cash benefits (68.5 per cent). Only half of all countries reviewed provide equal rights with respect to normal weekly hours.

Some regions are more likely to have legal exclusions for domestic workers than others. For example, 61.5 per cent of domestic workers are wholly excluded from labour laws in Asia and the Pacific and 94 per cent in the Arab States (and are instead covered only by subordinate regulations). In Africa, 37 per cent are wholly excluded, but there also remains a high percentage (45 per cent) that are covered by labour laws but under conditions that are normally less favourable than for other workers.

Regional disparities are evident when considering specific policy areas (see figure 5). In the Arab States and in Asia and the Pacific, in provisions on working time, wages and maternity protection, domestic workers are either excluded or are covered under less favourable conditions when

compared with workers generally. By contrast, domestic workers in the Americas and in Europe and Central Asia are nearly all covered by most policy areas, and in most cases under conditions that are no less favourable than those provided for workers generally.

3.1.2. Extent of social security law coverage, including maternity protection

The ILO's social security standards are globally recognized as a key reference for the design of sound, sustainable and rights-based social protection systems. The Social Security (Minimum Standards) Convention, 1952 (No. 102), addresses nine social risks that make up the nine key branches of social security: (i) medical care, (ii) sickness, (iii) unemployment, (iv) old age, (v) employment injury, (vi) family responsibilities, (vii) maternity, (viii) invalidity, and (ix) survivors' benefits. The ILO found that 60.7 per cent of the 168 countries reviewed provide some legal coverage to domestic workers for at least one branch of social security (figure 6, panel A). As a result of such coverage, globally almost half of all domestic workers (49.9 per cent) are covered, by law, by at least one branch of social security. This percentage is highest in Europe and Central Asia (98.2 per cent), the Americas (97.6 per cent) and Africa (63.4 per cent), and significantly lower in Asia and the Pacific (27.9 per cent) and the Arab States (3.8 per cent). As illustrated in figure 6, Panel B below, the most common branch of social security to be legally provided to domestic workers is pension coverage, covering 45.4 per cent of domestic workers. The least common branch is unemployment benefits, covering 28.6 per cent of domestic workers.

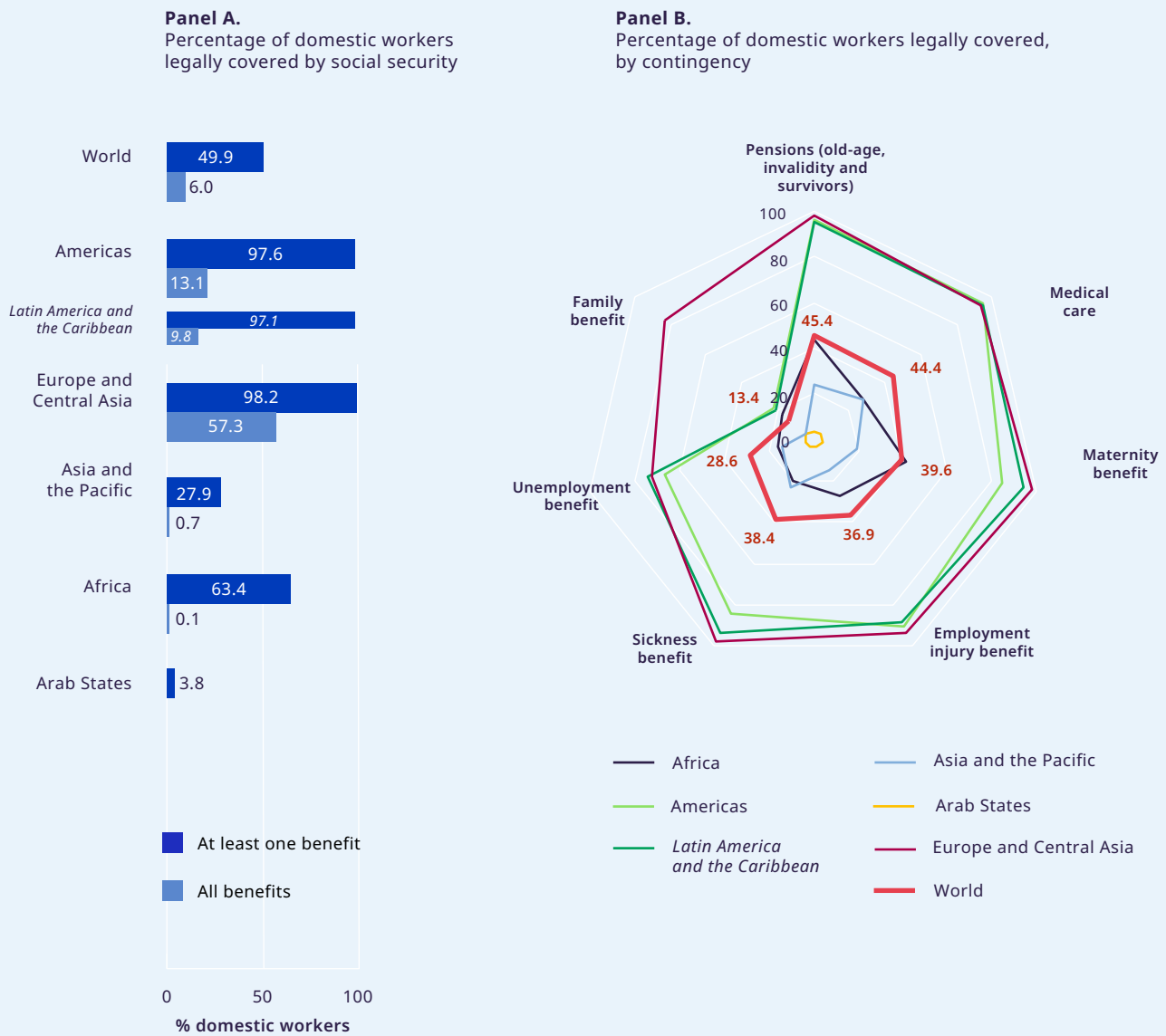
The lack of maternity protection for domestic workers deserves special attention given that the vast majority of domestic workers globally are women. In law, a large proportion of women domestic workers are excluded from maternity leave provisions (46.5 per cent) and entitlements to maternity cash benefits (47.6 per cent), and even more are excluded in practice as a result of their informal status. The absence of medical care and the lack of occupational safety and health prevention measures during pregnancy can involve a serious risk for the mother and her baby.

► **Figure 5. Percentages of domestic workers with entitlements related to key working conditions as compared to other workers, 2020**



Note: Based on figures 4.2, 4.5, 4.8, 5.2, 5.5, 6.5 and 6.8 in ILO, *Making Decent Work a Reality for Domestic Workers*.

► **Figure 6. Percentage of domestic workers with legal social security coverage, 2020**



Note: See figures 6.1 and 6.3 in ILO, *Making Decent Work a Reality for Domestic Workers*.

► 3.2. Actual working conditions

Being legally covered is necessary but not sufficient to enjoy decent working conditions. Even when they enjoy labour and social protection in law, many domestic workers do not have access to effective protection in practice due to a lack of implementation and compliance with applicable laws and regulations. This section details the real working conditions of domestic workers with respect to wages, working time, violence and harassment, and occupational safety and health.

3.2.1. Wages

Domestic workers are some of the lowest earners among all wage employees, and domestic workers in informal employment earn far less than either formal domestic workers or other employees. Low wages are often due to the lack of an applicable minimum wage to domestic workers and/or non-compliance with minimum wage provisions. Live-in domestic workers are particularly vulnerable, as they work very long hours and are often paid a monthly salary that translates into very low hourly wages. They are also frequently paid a portion of their wage in kind, further reducing their cash pay, and increasing their dependence on the household employer.

Globally, domestic workers earn 56.4 per cent of the average monthly wage of other employees. Women domestic workers earn just half of the average monthly wage of all other employees; whereas male domestic workers earn 67.3 per cent of the average monthly wage of other employees. Domestic workers in informal employment earn 49 per cent of that of all other employees, and just 37.6 per cent of the average wages of formal employees. This latter ratio drops to 35.1 per cent for female domestic workers in informal employment.

Domestic workers in high-income countries earn 53 per cent of the average wage, and about half of them work less than 35 hours a week. While this might make them the highest paid per hour among domestic workers worldwide, their salaries remain substantially lower compared to other employees in these countries. Africa is the region in which domestic workers earn the least compared to other employees.

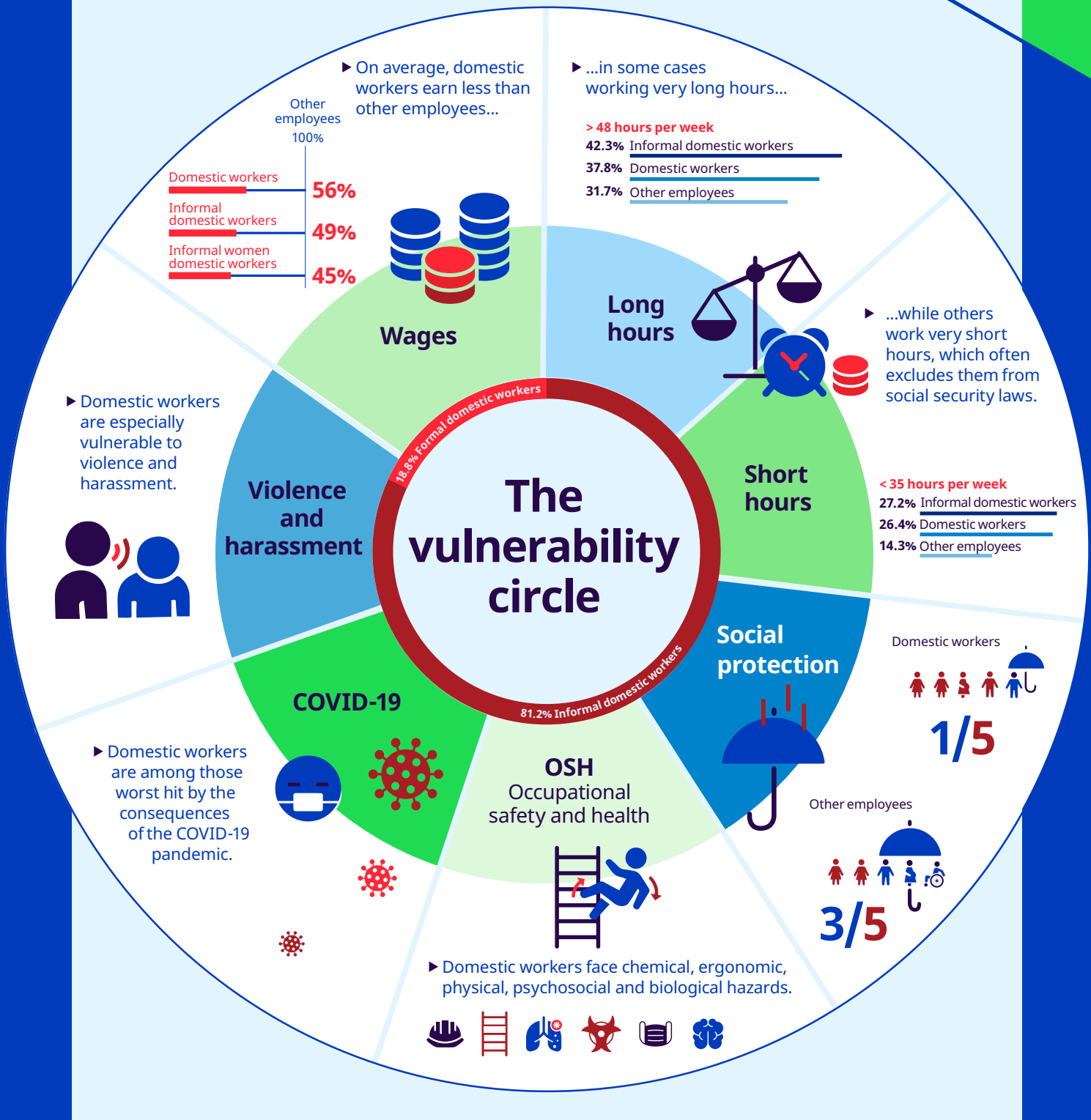
► **Box 3. The potential of full, effective minimum wage coverage for domestic workers**

Many countries have ensured that domestic workers are legally covered by the same minimum wage as other workers. When a minimum wage is effectively implemented, it has the potential to reduce pay gaps, wage inequality, household income inequality and relative (household) poverty, thus contributing to Sustainable Development Goal targets 1.2 and 10.1.

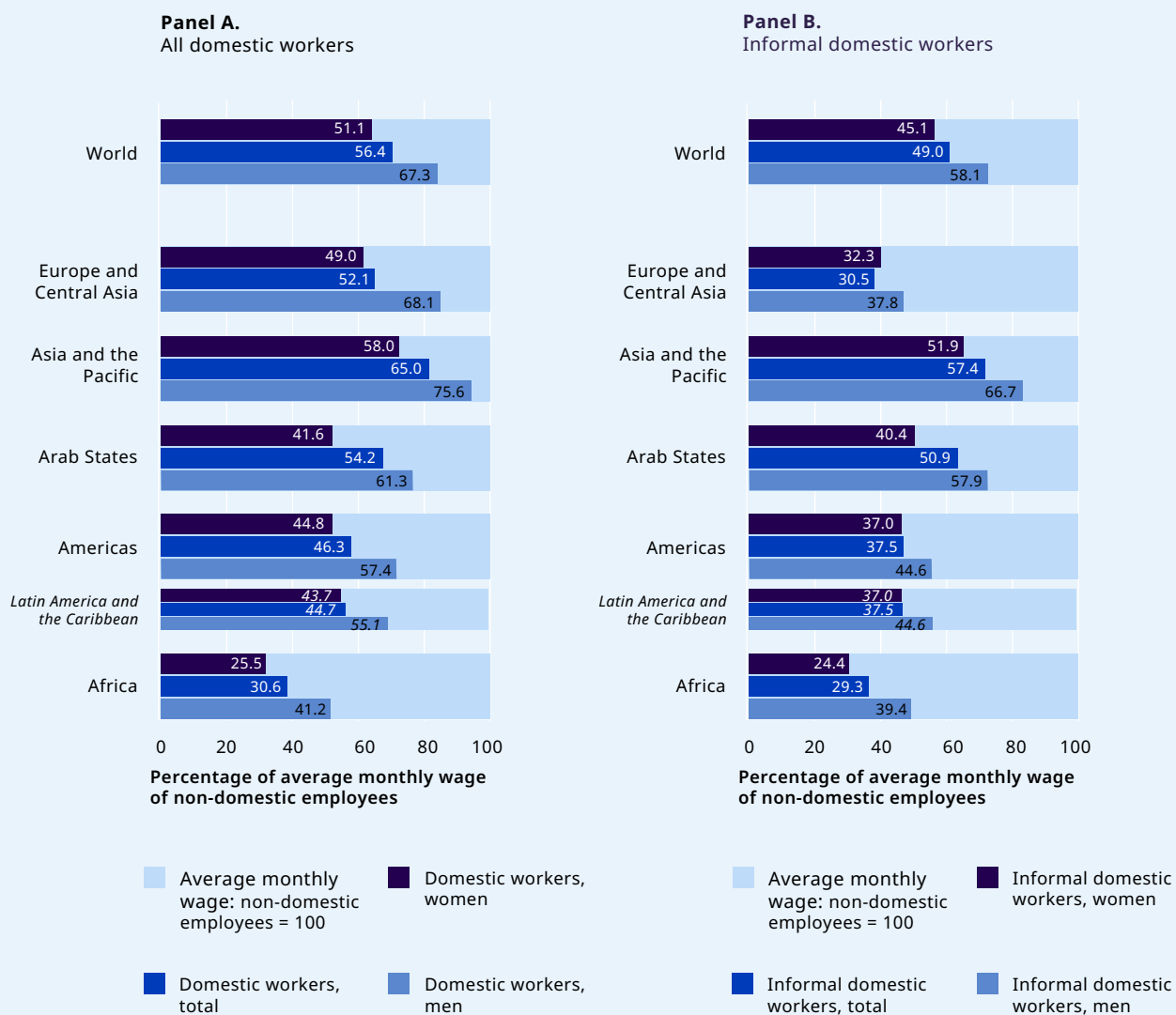
A simulation covering 39 countries found that, in the majority of countries reviewed, full compliance with minimum wage provisions could reduce the pay gap between domestic workers and other employees, as well as overall wage and household inequality. In ten countries, it would contribute to reducing overall relative poverty.

Working conditions of domestic workers

Decent work deficits affect all domestic workers, and especially those informally employed



► **Figure 7. Average monthly wage of domestic workers as a percentage of the average monthly wage of other employees, by region and sex, 2019**



Note: ILO calculations. See figure 7.2 and figure 9.5, panel A in ILO, *Making Decent Work a Reality for Domestic Workers*.

3.2.2. Working time

Domestic workers are less likely to work within the range of normal weekly hours and are more likely to work very short or very long hours compared to other employees. Globally, 64 per cent of all domestic workers work outside the scope of “normal hours”, compared to 46 per cent among other employees. Domestic workers are more likely to work excessive overtime (more than 60 hours per week) or very short hours of work (less than 20 hours a week), as compared to their employee counterparts, across countries in all income groups. The figures are more extreme for informal domestic workers (see figure 8).

Most domestic workers work more than 48 hours a week in the Arab States (75 per cent) and in Asia and the Pacific (50 per cent). Long hours are mostly associated with live-in domestic work, which predominates in these regions, and which is often performed by migrants. In Europe and Central Asia, the tendency is to work shorter hours: 28 per cent work less than 20 hours and 24 per cent work 25–34 hours. In Latin America and the Caribbean, there is a stronger tendency to work “normal” hours compared to other regions: 39.9 per cent of domestic workers work a 35–48-hour workweek, and 47.9 per cent work fewer than 35 hours. This suggests a tendency towards compliance with labour laws, and of employers hiring domestic workers on an hourly or daily basis (which also suggests a reduction in the number of live-in domestic workers).

Very short and very long hours both entail significant risks. Short hours are associated with low, uncertain and unstable income, compounding

decent work deficits. Those who work very long hours often do so because of their low hourly wages, pushing them to work more to earn a living. For live-in domestic workers, long hours tend to be the result of a lack of legal limits on working time and lack of minimum wage coverage. Those who work long hours find themselves exposed to work–life imbalances and health impacts, likely compromising their psychological and physical health.

3.2.3. Poor working conditions as both cause and consequence of informality

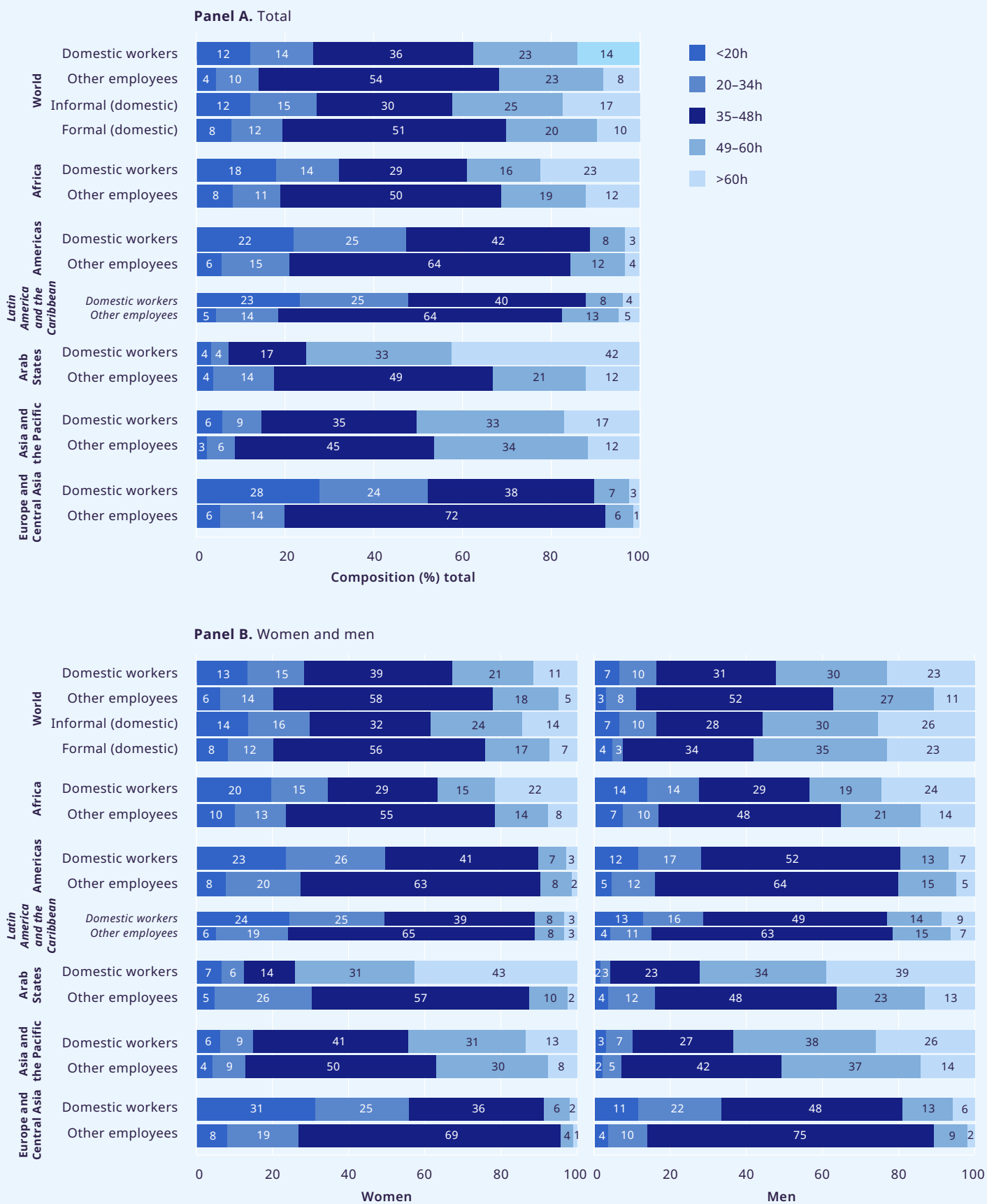
Decent work deficits are often greatest among informal domestic workers. The correlation between informal employment and working time and wages works in both directions: domestic workers with the shortest and longest hours and the lowest wages tend to be informally employed. Conversely, domestic workers in informal employment work more extreme hours (both shorter and longer) in comparison with formal domestic workers and earn lower wages. For domestic workers who work short hours or earn low wages, informality may be a result of the fact that their hours worked per household or per week fall below established thresholds for accessing social security, effectively barring them from coverage (see box 4). Long working hours and low wages can also be closely correlated to informality in the form of inadequate or insufficient legal limits on working time and no right to a minimum wage, or the insufficient enforcement of such laws where they do exist.

► Box 4. The potential for the law to be effective in practice: Minimum thresholds and other eligibility conditions

Data shows that short hours, sometimes spread over multiple employers, can lead to informality associated with the inability to meet minimum thresholds in terms of numbers of days or hours of work required to be eligible for social security benefits. Given actual working hours of domestic workers, the inclusion of unfortunate minimum thresholds can explain to some extent the particularly strong correlation between short working hours and informality in both Europe and Central Asia and in the Americas, where domestic workers working fewer than 20 hours per week are more than twice as likely to be in informal employment as their counterparts working 40–44 hours a week.¹

¹ See figure 9.4 in ILO, *Making Decent Work a Reality for Domestic Workers*.

► **Figure 8. Working time patterns among formal and informal domestic workers compared to other employees, by sex and region (%), 2019**



Note: ILO calculations. See figures 7.1 and 9.3 in ILO, *Making Decent Work a Reality for Domestic Workers*.

► 3.3. Occupational safety and health⁶

Domestic workers tend to experience decent work deficits in relation to occupational safety and health (OSH) and are more vulnerable to the impacts of OSH risks due to the characteristics of their work, the nature of their workplaces and the specificities of the sector. In their cleaning responsibilities, domestic workers are typically exposed to chemical hazards such as bleach, ammonia, insecticides, glues and medications that can enter the body through inhalation, skin contact or ingestion, causing immediate (intoxication, allergies) or long-term effects, such as cancer. Domestic workers also face physical hazards, such as working at heights, as well as ergonomic hazards stemming from tasks such as lifting, moving and handling heavy loads, and repetitive postures (such as long hours standing), without the possibility of sharing or shifting the workload with co-workers. Moreover, domestic workers often work for multiple households and in close proximity with the persons in the households in which they work, making them especially vulnerable to biological hazards and communicable diseases, such as the COVID-19 virus (see box 5).

Live-in domestic workers are furthermore overexposed to risks such as long working hours, workplace isolation and social exclusion. Those working in informal employment are particularly vulnerable in the face of OSH risks, owing to their lack of access to healthcare and social protection.

Legal provisions on OSH rarely cover the domestic work sector. In some cases, domestic workers are excluded from such legislation because of their exclusion from labour law, while at other times they are explicitly excluded from OSH legislation. Without clear OSH guidelines for the domestic sector or due to lack of consideration for the sector's specificities, it becomes difficult to target existing problems and expose violations. Certain social and cultural characteristics of domestic workers may increase their exposure to OSH risks. For example, domestic workers may not speak or read the language of the place in which they live and work, as is often the case for migrant domestic workers and indigenous domestic workers. Low rates of literacy can also contribute to difficulties in accessing information on OSH risks. In addition, domestic workers are rarely trained in OSH standards.

► Box 5. The impact of COVID-19

The COVID-19 pandemic has cast a spotlight on the essential role of domestic workers, as well as their dire working and living conditions. The pandemic had a differing impact depending on whether domestic workers were formally or informally employed, were live-in or live-out domestic workers, and the confinement measures adopted in a given country. Among domestic workers, those in informal employment have been more affected than most.

First, domestic workers were highly likely to lose their jobs. A review of 20 countries found that between the last quarter of 2019 and the second quarter of 2020 the number of domestic workers decreased drastically and to a greater extent than other employees, ranging from 5 per cent to about 20 per cent in most European countries covered, and from 25 per cent to about 50 per cent in the Americas, reaching over 70 per cent in Peru.

Among those who remained employed, many saw a reduction in their working hours, resulting in a dramatic reduction in the total amount of wages received among all domestic workers. The decrease in the total amount of wages received by domestic workers was between 1.5 times to five times greater than that experienced by other employees.

Meanwhile, live-in domestic workers were more likely to retain their jobs but were confronted with longer and more intense working hours due to school closures and more rigorous cleaning chores, often without access to personal protective equipment such as rubber gloves and masks. In some extreme cases, however, live-in domestic workers were dismissed and left with no source of income or shelter and at high risk of trafficking.

6 This section is derived from ILO, "Migrant Domestic Workers: Promoting Occupational Safety and Health", Global Action Programme on Migrant Domestic Workers and Their Families Research Series, 2016.

► 3.4. Violence and harassment

Psychosocial hazards form another set of OSH risks faced by domestic workers; the most frequently being violence and harassment in its different forms, including gender-based violence. Violence and harassment against domestic workers is a systematic phenomenon, deeply embedded in the patterns of society and too often seen by domestic workers as “normal”, “part of our life” or “part of our culture” (IDWF 2020, 34 and 37).

The most common types of violence and harassment experienced by domestic workers in their workplaces include economic abuse, psychological abuse, physical and sexual abuse, verbal abuse and lack of access to appropriate food. Other less frequent but alarming types of violence are bullying, coercion, violations of privacy and withholding of wages (IDWF 2020, 9).

Domestic workers are particularly vulnerable to violence and harassment at work due to a confluence of factors: work is carried out behind closed doors, in isolation and in working environments with deepened power imbalances.

When they are dependent on their employer, either economically or because of their migrant status, domestic workers are more likely to tolerate violence and harassment. The absence of complaints mechanisms and opportunities to organize and exercise freedom of association also make domestic workers more vulnerable. The fact that they are often excluded from labour and social protection laws and frequently do not have formal employment exacerbates this dependence, as they would not have unemployment or other forms of insurance to fall back on should they need to leave an abusive employer. Poor understanding of what constitutes violence and harassment, low awareness of their rights and lack of training on OSH standards contribute to the vulnerability of domestic workers. Factors related to the demographic profiles of many domestic workers also contribute to increasing risks, for instance: discriminatory views of the worker's ethnicity, nationality or migration status; language barriers; and social exclusion.

► **Box 6. Systematically addressing violence and harassment**

Preventing violence and harassment in the world of work is inextricably linked to ending discrimination, promoting equality and extending economic security. As acknowledged in the ILO Violence and Harassment Convention, 2019 (No. 190), it is important to adopt an inclusive, integrated and gender-responsive approach that tackles the underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power. Comprehensive legal protection, access to justice, capacity-building and awareness-raising are needed to address this systematic phenomenon in domestic work.

Source: IDWF 2019, 37; ILO 2019, 68.

The background features a large green triangle pointing downwards from the top-left corner. Inside this green triangle is a smaller blue triangle pointing to the right. Within the blue triangle is a green outline of a triangle pointing to the right, which is slightly offset from the blue triangle's edges.

4. Formalization of domestic work

As seen above, decent work deficits are greatest among informally employed domestic workers, and the majority of domestic workers are in informal employment. Conversely, formal employment implies that domestic workers are not only covered by labour and social security laws, but also that those laws are effectively implemented and enforced in practice. Formalization is therefore a means of and a necessary condition for making decent work a reality for domestic workers.

This chapter provides a few basic steps towards developing a strategy to make decent work a reality for domestic workers. It begins in section 4.1 with an estimate of the numbers of domestic workers who are in informal employment due to:

1. gaps in legal protection, including those who are excluded from protection and those for whom legal protection is not equal to that of other workers; and
2. gaps in the implementation of laws and regulations.

Section 4.2 then provides best practices that could serve to inform strategies and interventions to:

1. extend labour and social security laws, while ensuring adequate levels of protection; and
2. ensure the implementation of and compliance with those laws and regulations.

► 4.1. Assessing sources of informality

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

1. Gaps in legal protection, including:
 - exclusion from labour and social security laws;
 - inadequate levels of protection.⁷

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

Making decent work a reality for domestic workers therefore requires, first, the extension of labour and social security laws so that they provide adequate protection to domestic workers, and second, the effective implementation of those laws.



⁷ While it is possible to produce estimates concerning exclusion from laws, it is not possible to measure the adequacy of the level of protection due to methodological challenges. However, guidance on how to assess gaps in the level of protection and good practices to close these gaps are provided in the following section.

4.1.1. Informality due to legal gaps

Among informal domestic workers, 66 per cent (or 40.7 million) are in informal employment as a result of exclusions from labour and social security laws. The large majority of domestic workers in the Arab States (96 per cent) and Asia and the Pacific (86 per cent) are informally employed because of their exclusion from social security and labour laws. In Africa, 61 per cent of domestic workers are informal due to exclusion from labour laws.

In order to be considered fully formally employed, domestic workers should enjoy adequate levels of protection. While this report has not evaluated the level of protection per se, it has compared the level of protection enjoyed by domestic workers to that enjoyed by other workers – and here, the gaps can be significant. In some countries, domestic workers are covered by labour laws, but the level of those protections is not equivalent to that enjoyed by other workers (see section 3.1.1. above). This particularly affects Africa, where domestic workers tend to be included in labour laws, but with less favourable rights than those enjoyed by other workers. For example, 53 per cent of domestic workers who are covered by a minimum wage in Africa only have the right to a minimum wage that is lower than that of other employees (see figure 5, panel F). In the Arab States, domestic workers have increasingly gained the right to paid annual leave and limits on normal weekly hours, but under conditions that are consistently less favourable than for other workers (see figure 5, panel C).

4.1.2. Informality due to implementation gaps

Domestic workers are only considered formally employed when they enjoy *effective* labour and social security protection and can actually access their rights and benefits. Globally, 20.7 million informal domestic workers (34 per cent of domestic workers who are informally employed, or 27 per cent of all domestic workers) are fully covered by labour and social security laws but remain informally employed because they are either not registered with social security or because their employers are not making contributions. Implementation gaps particularly affect domestic workers in Europe and Central Asia and in Latin America and the Caribbean. In these regions, a lack of compliance with applicable laws means that rates of informality remain high (up to 66.9 per cent and 72.3 per cent of domestic workers, respectively) despite most domestic workers already being covered by social security laws⁸ and labour laws.⁹

8 The percentage of domestic workers legally covered for at least one benefit is 98.2 in Europe and Central Asia and 97.1 in Latin America and the Caribbean.

9 One hundred per cent of domestic workers in Europe and Central Asia and 99 per cent in Latin America and the Caribbean are covered by some form of labour law.

Making decent work a reality for domestic workers

Social dialogue, employers' and workers' representation

- Safe work
- Adequate earnings
- Decent working time
- Stability and security of work

Employment opportunities

- Social security
- Work, family and personal life balance
- Abolishing child labour and forced labour
- Equal opportunity treatment

Empowerment



Arrival

Decent work

- ▶ Domestic workers have access to effective protection

Aim for adequate levels of protection



14.2 million

Close implementation gaps

- ▶ Domestic workers covered by laws that are insufficiently implemented in practice

20.7 million



Close legal gaps

- ▶ Domestic workers not covered by labour and social security laws

Recognition of the employment relationship



40.7 million



Social dialogue between employers, workers and governments



Start



► 4.2. Closing the gaps: Examples of best practice from around the world

Decent work needs everyone's efforts.

Ensuring decent work for domestic workers requires addressing the two main sources of informality by: (1) closing legal gaps while ensuring that the level of protection is adequate; and (2) closing implementation gaps. The means of closing these gaps involves several elements, many of which have already been proven to be effective and carried out by governments, service providers, and workers' and employers' organizations, as well as by individual household employers and domestic workers themselves. This section presents a number of best practice examples of actions taken by all of these parties, though the best results are achieved when all actors are actively involved and complement each other's actions.

4.2.1. Closing legal gaps

Domestic workers should be covered by labour and social security laws to the same extent as other workers. Improvements in legal coverage should be addressed in an ongoing process, through social dialogue, and in particular in consultation with organizations of domestic workers and of employers of domestic workers, where they exist.

Addressing legal exclusions

To address the exclusion of domestic workers from labour and social security laws, some countries have carried out comprehensive legal reforms to address gaps in legal protection, either by inclusion in the general labour code (for example, in the **Philippines** in 2013)¹⁰ or through the adoption of a specific labour law or special regulation on domestic work (for example, in **Argentina** in 2013)¹¹.

In other countries, laws have been reformed to ensure the inclusion of domestic workers under specific provisions as a measure to progressively extend protection. This has proven an essential measure for addressing some of the most glaring gaps in legal protection, such as with social security. For example, in **Thailand**¹² a ministerial regulation was adopted in 2012 that makes most of the Labour Protection Act applicable to domestic workers, except for the minimum wage rules and maximum working hours per day. With respect to social security, in **South Africa** domestic workers were included in the Unemployment Insurance Fund, which provides unemployment and maternity benefits. Implementation was accompanied by resources to train and employ additional labour inspectors (ILO 2016b; UN Women and ITUC 2013; Bamu-Chipunza 2018).

10 Republic Act No. 10361, otherwise known as the "Domestic Workers Act" or the "*Batas Kasambahay*". It should be noted that domestic workers in the Philippines are excluded from working time provisions, and the minimum wage for domestic workers is the lowest of any group in the private sector.

11 Law on Workers in Private Households (Act 26844, 2013).

12 Ministerial Regulation No. 14, B.E. 2555 (2012) under the Thai Labour Protection Act.

► Box 7. Progress in legal coverage since 2010

After ten years of efforts on behalf of governments, employers' organizations and workers' organizations, more laws and policies cover domestic workers now than in 2010. The greatest progress has been made with working time, in particular weekly rest periods.

Thanks to new or revised laws on working time, more domestic workers enjoy limits on normal weekly hours, as well as guarantees with respect to weekly rest and paid annual leave. Since 2010, there has been an increase of 21 percentage points in the proportion of domestic workers who now have similar or equal rights to weekly rest periods as other types of workers, resulting in 48.9 per cent of domestic workers worldwide enjoying equal rights as other workers in 2020.

The slowest progress has been with minimum wages. There has been a small increase in the number of domestic workers who are entitled to a minimum wage equal to that of other workers and who have a right to receive their minimum wage fully in cash. Moreover, there has been an increase in the number of women domestic workers who have maternity leave entitlements and maternity cash benefits that are at least equal to those of other workers.

► Figure 9. Global growth in domestic workers covered by labour laws and policies on equal footing with other workers (in percentage points), 2010–2020

Global growth in percentage points, from 2010 to 2020

Coverage by general and/or specific labour laws



Working time

Entitlement to weekly rest



Paid annual leave

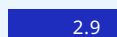


Limitation of normal weekly hours



Minimum wage

Extent of minimum wage coverage

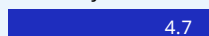


Minimum wage paid in cash only



Maternity protection

Maternity leave entitlements



Maternity cash benefits



Note: See figures 3.3, 4.3, 4.6, 4.9, 5.3, 5.6, 6.6 and 6.9 in ILO, *Making Decent Work a Reality for Domestic Workers*.

With respect to OSH, in **Spain**¹³ a decree adopted in September 2022 (in force since 1 October 2022) guarantees domestic workers the right to health and safety protection equivalent to that of any other employed person. In **Portugal**¹⁴ the law requires employers to ensure that the place of work, tools, products and processes do not present a risk to the worker's health. In **Guyana**¹⁵ the OSH law explicitly applies to domestic workers. Provisions in place in **Pakistan's Punjab Province**¹⁶ require employers of domestic workers to comply with the general OSH provisions.

To protect domestic workers from violence and harassment at work, some countries have extended the definition of domestic violence beyond traditionally understood family relationships. For example, in **Indonesia**¹⁷ live-in domestic workers are considered as members of the household for which they work and as such are protected against physical, psychological, sexual and economic violence. In **Ghana**¹⁸ the Domestic Violence Act prohibits all forms of violence and harassment occurring in the household environment. Domestic workers are included in the definition of a domestic relationship and thus are protected by the Act.

In designing these labour and social security laws, specific attention should be given to ensure that all domestic workers are covered. Even where the law provides for the coverage of domestic workers in principle, minimum thresholds that are insufficiently aligned with the typical working arrangements of domestic workers can contribute to their exclusion. To address these barriers, many countries have taken steps to extend legal coverage by eliminating or reducing legal thresholds on minimum working time, duration of employment or earnings. For example, **Uruguay**, **Colombia**¹⁹ and **Belgium** have extended legal coverage to domestic workers by allowing workers who work part-time or have multiple employers to enroll with social insurance (Lexartza, Chaves, and Carcedo 2016; Lebrun, forthcoming). In 2013, Argentinian

Law No. 26,844 was enacted to repeal the 1956 Domestic Service Statute, providing coverage for all domestic workers, regardless of the number of hours worked or number of households served.

Ensuring adequate levels of legal protection

Access to decent work means access to adequate levels of protection, and Convention No. 189 calls on ILO Member States to ensure that domestic workers should enjoy levels of protection no less favourable than those enjoyed by other workers. In many cases though, domestic workers do not enjoy the same rights as other workers (see Chapter 3). One way of ensuring that the level of protection is adequate is through social dialogue. For example, in **Argentina**, a national tripartite negotiating body for defining wage levels and working conditions has ensured that the minimum wage for domestic workers meets the needs of workers and employers and reflects realities in various regions in the country (Pereyra 2018).

In **Brazil**, the first collective agreement was signed in 2017 between the Domestic Workers Union of the Municipality of São Paulo (STD MSP) and the Union of Domestic Employers of the State of São Paulo (SEDESP), and recently renewed in 2021. The agreement fixes wages above the minimum set at the national level, provides for a daily and monthly minimum wage to ensure the adequate coverage of domestic workers working in both arrangements, and includes a wage scale for live-in domestic workers and measures to limit working time (Acciari 2021).

Workers' organizations have been one of the main drivers in advocating for policy reforms at the country level. For example, their advocacy has been instrumental in Paraguay and Peru, whose governments eventually brought the minimum wage of domestic workers into line with the national minimum wage.²⁰

13 Royal Decree-Law No. 16/2022.

14 Domestic Service Contract Decree Law No. 235/92, article 26.

15 Occupational Safety and Health Act, section 4(2).

16 The Punjab Domestic Workers Act, 2019, section 4, stipulates that the employer shall provide dignified working and OSH conditions.

17 Act No. 23 of 2004 regarding Elimination of Violence in the Household, article 2.

18 Act No. 732 of 2007, section 2(I)(i).

19 Reported in ILO gap analysis.

20 As per Paraguay's Law No. 6338/2019 amending the Law on Domestic Workers No. 5407/2015, which states that domestic workers are covered by the general minimum wage rates, and per Peru's Law No. 31047/2020 on Domestic Workers, article 6.

Organizations of domestic workers represent the interests of domestic workers at the local, national, regional, and global levels. The challenges in organizing domestic workers include the high turnover of domestic workers in employment; their relative time poverty owing to their long hours of work; the difficulties of reaching domestic workers at the workplace to organize them; and their lack of experience as leaders, stemming from the position of most domestic workers as marginalized members of society. Despite these challenges, domestic workers are organized in many countries across the world and are part of other organizations or form their own. The International Domestic Workers Federation (IDWF) is now an affiliate of the IUF²¹ and represents over half a million domestic workers through 78 affiliates in 61 countries around the world. Deep leadership trainings held in the United States and in Latin America have helped domestic workers to establish their own representative organizations and build and retain membership.

Organizations of employers of domestic workers are still rare, but there is an increasing number of them. Where they exist, they have significantly contributed to the achievement of decent work by representing the collective voice of employers in social dialogue and by providing assistance to households in managing the employment relationship. These organizations have also served as a means of bridging the interests of both workers and employers, thereby facilitating joint advocacy for increased public investment in domestic work. As such, employers' organizations often work towards formalizing the sector in ways that result in improvements for domestic workers and employers alike.

Organizations such as FEPEM²² in France and Nuova Collaborazione in Italy were each formed for the purpose of representing households in collective bargaining. In **Italy**, three national and two local employers' organizations now sit at the bargaining table. In **Brazil**, the SEDESP was set up in 1989 with the objective of representing domestic employers and offering legal assistance about labour relations (Acciari 2021). In 2015, the Association of Employers of Domestic Workers in **Zambia**

(AEDWZ) was founded to further social dialogue, disseminate information on domestic workers and their employers' rights and obligations, and support dispute settlements. Organizations such as SACRA and LACCU,²³ based in **Argentina** and **Uruguay**, respectively, were civil society groups formed to represent housewives, which were later called upon to represent employers in social dialogue (Pereyra 2018).

When representative organizations of domestic workers and of their employers exist, the conditions are in place for the negotiation and conclusion of tripartite or bipartite agreements, including collective bargaining agreements. The collective bargaining agreements that result from such negotiations often result in more adapted wages, better working conditions and benefits for domestic workers, while also establishing employment practices that work towards formalization. The collective bargaining agreement in **Italy**, for example, sets conditions of work and employment, defines the system of industrial relations in the sector, and outlines a range of services relating to the employment and welfare of domestic workers. This includes support for recruitment; the establishment of labour contracts; the settlement of labour disputes; and legal, tax compliance and other administrative services (De Luca 2020). The social partners in Italy have also set up a bipartite healthcare fund to ensure sufficient healthcare coverage for domestic workers. This fund provided for hospital stays and quarantine periods for domestic workers infected with the COVID-19 virus.

4.2.2. Closing implementation gaps

While legal gaps are being closed, it is equally important to plan for the implementation of the law, including promotion and enforcement of compliance. Beyond the legal framework, there are many drivers of informality. Formalization efforts have therefore used a combination of enabling and deterrent approaches, which can be taken by one or several actors in coordination

21 That is, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations.

22 That is, the Fédération des Particuliers Employeurs de France.

23 That is, respectively, the Sindicato de Amas de Casa de la Republica Argentina and the Liga de Amas de Casa, Consumidores y Usuarios.

with one another. **Anyone, from a household employer to the government can contribute to making decent work a reality for domestic workers.** Indeed, the implementation of the laws in place must be enhanced through the combined efforts of all actors involved in domestic work.

As a number of good practices from across the world will demonstrate, this can be achieved through:

1. simplifying procedures;
2. incentivizing formal employment;
3. raising the awareness of both workers and employers of their rights and obligations;
4. promoting and enforcing compliance; and
5. creating a culture of decent work and compliance.

Simplifying procedures

Complying with legal obligations requires domestic workers, the households that employ them, and service providers to follow specific procedures, from drafting and signing contracts to filling out official paperwork, some of which can be difficult to understand. Simplification of these procedures can assist households to formalize the employment relationship.

The simplification of registration and social security contribution procedures is crucial and can be realized through:

- behaviourally-informed or human-centred design;
- reducing burdensome administrative procedures;
- allowing people to register and make contributions at diverse locations; and
- digital technologies.

In **Mexico**,²⁴ the Institute of Social Security (IMSS) implemented an electronic registration system in 2020 to facilitate the registration of domestic workers through the web or a mobile application. The system allows employers to

register and pay social insurance contributions for their domestic employees quickly and easily. While the system was originally designed as a measure to promote physical distancing following the onset of the COVID-19 pandemic, it has had a positive impact on registration rates. The IMSS further established that domestic workers should have a single account for multiple employers to make their contributions to, without having to coordinate among themselves.

Domestic workers' organizations have also developed tools to make information accessible in simple ways. In **Argentina**, a domestic workers' union (Union Personal Auxiliar de Casas Particulares) has developed a mobile application that includes a calculator in which workers and employers introduce the number of hours worked and the calculator estimates the weekly or monthly wage. In **Brazil**, the "Laudelina" application was developed by the National Federation of Domestic Workers (FENATRAD) to provide information and help domestic workers calculate social security contributions. A similar application called "Dignas" was developed in **Mexico** by the domestic workers' association CACEH.²⁵

Organizations of employers of domestic workers have also provided support to households to navigate the sometimes-complex procedures to declare the employment relationship and to register with social security (see below).

Incentivizing formal employment

In broad terms, domestic workers and their employers are more likely to favour formal employment when it is more financially attractive than informal employment. The financial costs of formal employment can be reduced through fiscal incentives such as tax breaks or subsidies. In **Costa Rica**, for example, a percentage of the social security contributions of domestic workers and their employers to the Social Security Institute is subsidized by the Government (ILO 2016b). Similar subsidies exist in **Turkey** (ILO 2016b). Countries have adopted different forms of incentives that include making employer's contributions tax-deductible (as in **Finland, France, and Germany**)

24 Based on information provided by the ILO Country Office for Mexico, and on *Acuerdo número ACDO.AS2. HCT.220720/190.P.DIR.*

25 That is, the Center for Support and Training of Domestic Workers (Centro de Apoyo y Capacitación para Empleadas del Hogar).

and reducing contributions for employers who have made timely payments (as in **Ecuador**) or for those using the service voucher system (as in **Belgium** and **France**) (ILO 2016b). In **France**, a combination of tax benefits and direct subsidies for household employers, combined with exemptions from social contributions for domestic workers, contributed to a 30 percentage-point decline in undeclared work between 1996 and 2015.

When effectively regulated, service providers can also act as agents of formalization (Fudge and Hobden 2018). In **France** and **Belgium**, for example, a household can enter into a service agreement with a private enterprise that manages the employment relationship with the domestic worker, subject to labour and social security laws.

Raising awareness of workers and employers of their rights and obligations

When informality is driven by a lack of knowledge or awareness of obligations, information campaigns can act as an important first step towards promoting formal employment and decent work across many important policy areas, from working time and wages to violence and harassment. Such campaigns have been carried out in countries around the world. For example, in **Zambia** an awareness-raising programme launched in 2018 was directed at employers of domestic workers who lacked awareness of their obligations to register their domestic workers with the National Pension Scheme Authority (NAPSA). In **Angola**,²⁶ following the introduction of social security legislation to cover domestic workers, the Provincial Directorate of Public Administration, Labour and Social Security carried out a campaign in Lunda Sul Province aimed at registering domestic workers with the social security system (*Portal de Angola* 2017).

Digital technology can also be harnessed for this purpose. For example, **Italy** and **Uruguay** established free telephone services to respond to information requests on issues related to the social protection of domestic workers (ILO 2016b). In **South Africa**, the Commission for Conciliation,

Mediation and Arbitration collaborated with the South African Broadcasting Corporation to conduct a six-month radio campaign entitled “Make Your Rights Work for You”. The campaign aimed to raise the awareness of vulnerable workers, including domestic workers, of their rights, potential vulnerabilities and what to do in case of unemployment, discrimination or complaints.

Several governments have adopted practical measures to promote compliance with OSH guidelines, including through guides, campaigns and trainings. In 2017, **Paraguay** adopted a “Guide to Occupational Safety and Health for Domestic Workers” with the technical assistance of the ILO and the participation of representatives of the relevant institutions in the field.²⁷ In **Mexico**, to build the capacity of household employers and to inform domestic workers of possible risks, the Secretary of Labour and Employment Promotion of Mexico City (STYFE) developed a Protocol on OSH for employers and domestic workers.

Measures have also been taken to raise awareness of rights and obligations with respect to violence and harassment in the world of work. **Paraguay’s** Directorate for the Promotion of Working Women offers advice on the rights of female workers, including domestic workers. Among other topics, the Directorate provides information on violence and harassment and provides a mediation service for domestic workers and employers (Paraguay, MOLES 2017, 25). **Argentina** developed the *Guide for Women Workers in Private Households*, which includes information on prevention measures and on the hotlines available for reporting cases of gender-based violence.²⁸ In June 2011, **Indonesia** set up the toll-free hotline “Hello TKI” to support migrant workers and their families both within and outside the country. In the first year of operation, the hotline received almost 250,000 calls and emails from migrant workers, their family members or persons interested in working abroad (Farbenblum, Paoletti and Taylor-Nicholson 2013). In **Zambia** and **Singapore**, codes of conduct and guides for employers explicitly condemn violence and harassment against domestic workers as well as provide for punitive measures in case of misconduct (ILO 2020; Singapore, MOM, n.d.).

26 See Presidential Decree 155/16 of 9 August 2016.

27 CEACR, *Direct Request – Domestic Workers Convention, 2011 (No. 189) – Paraguay*, adopted 2019, published 109th session, International Labour Conference, 2021.

28 CEACR, *Direct Request – Domestic Workers Convention, 2011 (No. 189) – Argentina*, adopted 2019, published 109th session, International Labour Conference, 2021.

Workers' and employers' organizations are key actors for disseminating information on legal rights and obligations to their respective constituents. In **Mexico**, the National Union of Household Workers and CACEH ran an outreach campaign in 2019 targeting parks that domestic workers typically frequent. The campaign aimed to inform domestic workers of their rights and to register them with the social security system. A similar campaign was carried out by the Union Personal Auxiliar de Casas Particulares (UPACP), the domestic workers' union in **Argentina**. The UPACP made use of mobile units targeting neighborhoods with high concentrations of employers of domestic workers in order to inform domestic workers and their employers of their rights and responsibilities and to provide information on how to register with social security schemes. Between 2018 and 2020, these units reached some 10,000 domestic workers and employers.²⁹

Employers' organizations are also instrumental in raising the awareness of both workers and employers of their rights and obligations. In **France**, the FEPEM has offices all over the country and has set up a telephone hotline to assist employers of domestic workers in navigating the employment relationship, as well as provide legal advice. The hotline responded to almost 30,000 calls in 2020 alone. Two organizations in **Sweden**, Almega and KFO, offer management and leadership training to build individual employers' capacities to manage their obligations within the employment relationship and improve their knowledge of pertinent legislation in the sector.

In some countries, workers' and employers' organizations have worked hand-in-hand to raise awareness. In **Argentina**, a guide for workers and employers was developed and disseminated in print and digital format through the UPACP, the domestic workers union, and SACRA, the

organization of employers of domestic workers, which together distributed upwards of 20,000 print guides to employers and domestic workers in 2018 alone. That same year through the UPACP, another 70,000 workers and employers (in roughly equal shares) downloaded the digital version of the guide. A video clip produced by the UPACP summarizing the content of the guide also received 100,000 views from workers and another 30,000 from employers.³⁰ In **Uruguay**, a domestic workers' union, an employer association, the government social security office and a university jointly developed an information booklet on the rights and responsibilities of workers and employers, which has become a key organizing tool for the union, which uses it in seminars around the country. In **Belgium**, social partners in the service voucher system (Joint Committee 322.01) concluded agreements that aim to ensure domestic workers, through trade union³¹ and service-voucher enterprises,³² have access to necessary information on OSH prevention and protection measures.

Service providers such as agencies, digital platforms and cooperatives – which have a role in job screening, facilitating immigration procedures and job placement – can potentially play a decisive role in informing both domestic workers and employers about social security rights and duties (Fudge and Hobden 2018). Domestic worker cooperatives, such as the Service Workers' Centre Cooperative in **Trinidad and Tobago** or the National House Managers Cooperative in the **Republic of Korea**, play an important role in awareness-raising among their members and those that they provide services to. The female worker-owned cooperative "Si Se Puede/We can do it!" in **New York, United States**, not only helps migrant women to navigate the immigration process, but also to secure gainful employment.

29 Data provided by UPACP; on file with author.

30 Data provided by UPACP; on file with author.

31 CCT 25/08/2017, article 16.

32 "Accueil dans l'entreprise", Commission paritaire 322.01: CCT 25/08/2017, article 4.

► **Box 8. Fair from the start: Making decent work a reality****Decent work begins at home**

The main parties involved in the day-to-day provision of domestic work – the worker, the household employer and sometimes the service provider – play a very important part in making decent work a reality. While legal frameworks that recognize the employment relationship must be in place, the actors within that employment relationship must also take specific steps to ensure the implementation of these laws. In addition to complying with legal obligations, these actors can also help achieve decent work through mutual respect, dialogue and clear communication, to name only a few means.

For all workers, one of the key components is knowledge about their rights. Help can be found via online tools, virtual and real-life communities, and trade unions and other organizations. For migrant domestic workers, it is important to be informed about rights and realities in the country of destination prior to departure, as well as to connect with support networks in the country of destination. Trade unions have played a particularly essential role in building the individual bargaining power of domestic workers through collective representation, provision of information and legal assistance.

Whether employing a domestic worker directly or via a service provider, households must acknowledge their role in the employment relationship. This crucial element is easily overlooked because domestic workers are employed in the private sphere of the household. All employers must be informed about the rights of the domestic worker and fulfill their own legal obligations at all times. Domestic workers should be **informed of the terms and conditions of their employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written a contract** in accordance with national laws, regulations and/or collective agreements (Convention No. 189, Article 7).

Timesheets, work schedules and pay slips are also important tools to help domestic workers and employers reach agreement on work schedules, time worked and wages paid, and help enforce compliance with legal obligations, as they provide a written record of actual working conditions. Monitoring the working time of domestic workers requires a clear understanding of the distinction between working time, periods of rest and periods of standby time, as well as **clear demarcations of when working time begins and ends**. It is also important to ensure that domestic workers are free to dispose of their off-duty time as they please, including by leaving the household if they so wish.

Decent work at home checklist

- Information about rights and responsibilities (consult official sources and share with friends/family).
- Dialogue (to agree on terms, but also to keep the relationship healthy over the course of employment).
- Written contract.
- Document working conditions with working time forms/task sheets/pay slips.

Ensuring fair recruitment

The employment relationship between domestic workers and their employers first starts to take shape during the recruitment process. Therefore, whether domestic workers are hired by the household directly or through/by a service provider, decent work for domestic workers must also include fair recruitment. Fair recruitment is generally understood to mean recruitment carried out within the law, in line with international labour standards and with respect for human rights.

Achieving decent work and fair recruitment for domestic workers must therefore also include the appropriate regulation of service providers (as outlined by Paragraph 23 of Recommendation No. 201 and the ILO General Principles and Operational Guidelines for Fair Recruitment). This regulatory context should include social policy, tax policy and business regulation, including licensing regulation. In the case of migrant domestic workers, regulation may also include immigration policy (Fudge and Hobden 2018).

Promoting and enforcing compliance

Effective implementation requires an institutional structure that is mandated to promote and enforce compliance. Within government, labour inspectorates have typically carried out this role, through both preventive and punitive measures. However, when it comes to domestic work, inspections of household premises have been a cause for concern. Yet, many countries have overcome this challenge by setting the conditions under which entry into household premises may be granted, by adopting alternative methods of inspection outside the household, and by building the capacity of inspectorates.

For instance, labour inspectorates have been mandated to carry out visits to households in numerous countries, whether to respond to complaints, distribute information, or spot-check compliance. In **Uruguay**, a team dedicated to promoting and enforcing compliance in domestic work was established within the General Labour and Social Security Inspectorate of the Ministry of Labour and Social Security. The domestic work inspection team may visit homes in which domestic workers are believed to work. Inspectors may interview domestic workers at the front door of homes and request that employers provide documentation to verify that they are up to date with their obligations. These visits also serve to share information on rights and responsibilities and to identify cases of abuse. Inspectors may not freely enter homes (though they may freely enter business premises), but they may enter a home after obtaining a court order (ILO 2016b).

Some countries have invested in training labour inspectors in the particularities of domestic work in order for them to better identify and address cases of non-compliance or abuse. This is true for the aforementioned domestic work inspection team in **Uruguay**. In the **United Republic of Tanzania** (mainland only), 31 labour officers and inspectors underwent ILO training on the domestic work sector in 2015. In addition, the Tanzanian domestic workers' union cooperates with employment agencies to ask employers to sign a contract authorizing the trade union to visit workplaces and review working conditions, including relating to OSH (ILO 2015a, 37–38).

The enforcement of labour and social security regulations is also aided by documentation that can provide proof of employment relationship and working conditions. In the **United States**, regulations have established that employers may require live-in domestic workers to record their hours and wages and submit them to the employer, who is responsible for keeping such records for three years, so that can be inspected by representatives of the Department of Labor, if needed. The guidance requires the employer and worker to come to an agreement concerning periods of rest during meals, at night and when off-duty, specifying that these periods must be of sufficient duration to enable workers to make effective use of that time. If the rest period is interrupted, it must be counted as work (United States, DOL 2013).

Service providers, when appropriately regulated, can also help to promote compliance at the time of hiring or placing domestic workers. Intermediary agencies in **Zambia** use a code of conduct developed by a tripartite technical working group at the point of hire, which leads to salaries well above the statutory minimum wage and a high degree of compliance, despite a lack of systematic enforcement (Zambia Federation of Employers 2011). In **Ghana**, licensed recruitment agencies require employers of domestic workers to enter into a formal employment relationship with the worker.

Workers' and employers' organizations each contribute to promotion of compliance. Beyond their efforts at raising awareness (outlined above), workers' organizations help to identify cases of abuse and provide workers with access to legal advice and support in dispute resolution.

Organizations of employers of domestic workers contribute to decent work and formal employment by offering administrative, legal and regularization services that build the capacity of individual employers to comply with their legal obligations and provide decent working conditions for the workers they employ. Employers' organizations in **Belgium, Brazil, France, Italy, and Uruguay** all provide administrative support, tax advice and contractual advice and also provide model employment contracts and guides for employers. In the state

of São Paulo, Brazil, the employers' organization SEDESP, founded in 1989, assists its members in the calculating employment costs and tax payments, and advises on contractual obligations (Acciari 2021). The association DOMINA³³ in Italy has offices in almost all regions and supports its members in setting up contracts in line with the provisions of the collective bargaining

agreement, and in managing payroll and social security contributions. There also exist bipartite efforts to help enforce compliance. For example, in Uruguay, domestic workers and employers can receive free comprehensive legal assistance thanks to collaboration between a domestic workers' union, an employers' association, the government social security office and a university.

► Box 9. Encouraging professionalization in the domestic work sector

Where efforts to professionalize domestic work have resulted in formal employment and decent work, several conditions have been met:

- trainings are backed by a public institution, trade union or cooperative;
- they provide quality training that meets the needs of households; and
- they ensure compliance with applicable labour standards through written contracts.

One observed practice is that training schools, whether run by domestic workers' unions or public vocational training centers, have also acted as a point of hire for household employers. When households approach the school to hire a trained domestic worker, they are requested to sign a contract stipulating terms and conditions of employment that are in line with labour laws. A union-run training school in Argentina has trained 30,000 domestic workers to date. In Hong Kong (China), the Hong Kong Domestic Workers General Union, an affiliate of the Hong Kong Confederation of Trade Unions (CTUTC), implements a government-funded jobs-training programme for local domestic workers, which has maintained the highest job placement rate, even though their certified workers demand higher wages than others.

Source: ILO 2015b.

Other bipartite efforts to promote compliance focus on preventing and addressing disputes or conflicts. In **Qatar**, a bipartite labour management (or joint) committee has been established by Qatar Manpower Solutions Co. (WISA), a public company set up in April 2019 to address the growing labour market needs of households for part-time, live-out and urgent domestic work services. Comprising equal numbers of workers and management representatives, joint committees like that of WISA make a major contribution, through social dialogue, to improving labour relations, preventing and addressing conflict, and promoting organizational effectiveness and workers' well-being.

Creating a culture of decent work and compliance

The high rates of informality in the sector – even in countries in which clear labour and social security laws are in place – suggest that there is a detrimental social norm of non-compliance when it comes to domestic work. The good practices mentioned above show ways to enhance compliance, but these efforts will be most effective when a culture of compliance is created. Presupposing any change towards compliance is citizens' trust in the institutions that promote formalization. Building this trust requires a change in the political environment such that

33 That is, the National Association for Family Employment in the Domestic Work Sector (Associazione Nazionale Famiglie Datori di Lavoro Domestico)

institutions take the actions needed to ensure that formalization results in effective benefits. Such actions involve improving the accountability, effectiveness and transparency of institutions and providing adequate levels of benefits. Not only are these important preconditions for improving the perception of the fairness of institutions and increasing the willingness of domestic workers and employers to formalize, but they also form the basis of a sustainable formalization.

Insights from behavioural science can also be used to design truly effective programmes and policies. The start of such interventions is researching the psychological and contextual determinants of people's actual behaviour. For example, through casual observation, household employers can observe typical behaviour in the employment of domestic workers and make a decision on how to act on that basis. If the majority of people or the most influential people in one's environment do not adopt formal employment practices, it is unlikely that others will depart from informal social norms. Moreover, even if an employer personally believes it is important to formally employ their domestic worker – in other words, if their personal norms differ from what they perceive to be the social norm – employers may still not break from the social norm out of fear of reprisal from their peers. Conversely, domestic workers may not want to become formal if they observe that their peers are not in formal employment.

Since social norms influence behaviour, they can also act as a tool to change behaviour. Social norm interventions change behaviour by changing the perceptions that people have about what is typical and desirable behaviour. Such interventions have had significant impact in various real-world settings. Social norms are frequently used in awareness-raising or behaviour-change communication campaigns. These campaigns make use of the information gathered on the existence of a social norm and empirical evidence of behaviour to change people's perceptions of what is typical and desirable behaviour. One strategy to change social norms is to provide evidence of new behavioural trends. For instance, even if the rate of formalization is low,

communication campaigns can emphasize the growth in the number of people registering their domestic workers. To build these campaigns, it is important to begin with a diagnosis of the social norms in place. The first steps towards this end are currently being undertaken in **Guatemala** and **Zambia**.

Social norms are powerful influencers of behaviour, but so are other psychological factors. For instance, most people like to feel that their behaviour is in line with their own values or self-perception. If someone considers themselves to be a good employer in principle, they are more likely to agree to adopting decent work behaviours in practice. For example, in **Argentina**, the Ministry of Labour used behavioural insights to promote compliance with social security registration. A behaviourally informed letter was written and sent to households above a certain income, reminding them of their obligation to register their domestic workers with social security and providing them with the necessary information to do so. Focus group discussions conducted prior to the campaign had found that most employers saw themselves as good employers and did not see informal employment as a departure from that image of themselves; rather, employers justified their non-compliance by stating that it was the preference of their domestic workers not to be registered with the social security system. Meanwhile, focus group discussions among domestic workers revealed that they did in most cases wish to be formally employed. The letter reinforced the identity of employers as being good employers and drew attention to the fact that informal employment was not a behaviour consistent with being a good employer. Some 173,022 households were randomized into a control group and a treatment group. The letter had a statistically significant positive impact of 0.23 per cent: an average of two more households per 1,000 registered their domestic workers after receiving the letter, representing an increase of 8.9 per cent in the rate of registration as compared with the control group (Ohaco and Vello 2019).



**5. The way forward:
The Five Steps to
Decent Work**

Making decent work a reality for domestic workers remains an urgent priority for achieving the ILO Decent Work Agenda and to reduce gender inequality. This report has summarized the two main sources of informality in the domestic work sector – namely, legal gaps and implementation gaps – and estimated the numbers of domestic workers in informal employment because of these two sources. It has also proposed some good practices to close these legal and implementation gaps. This final chapter will demonstrate how governments and social partners can use the content and the structure of this report to guide them through five steps to advance towards decent work for domestic workers.

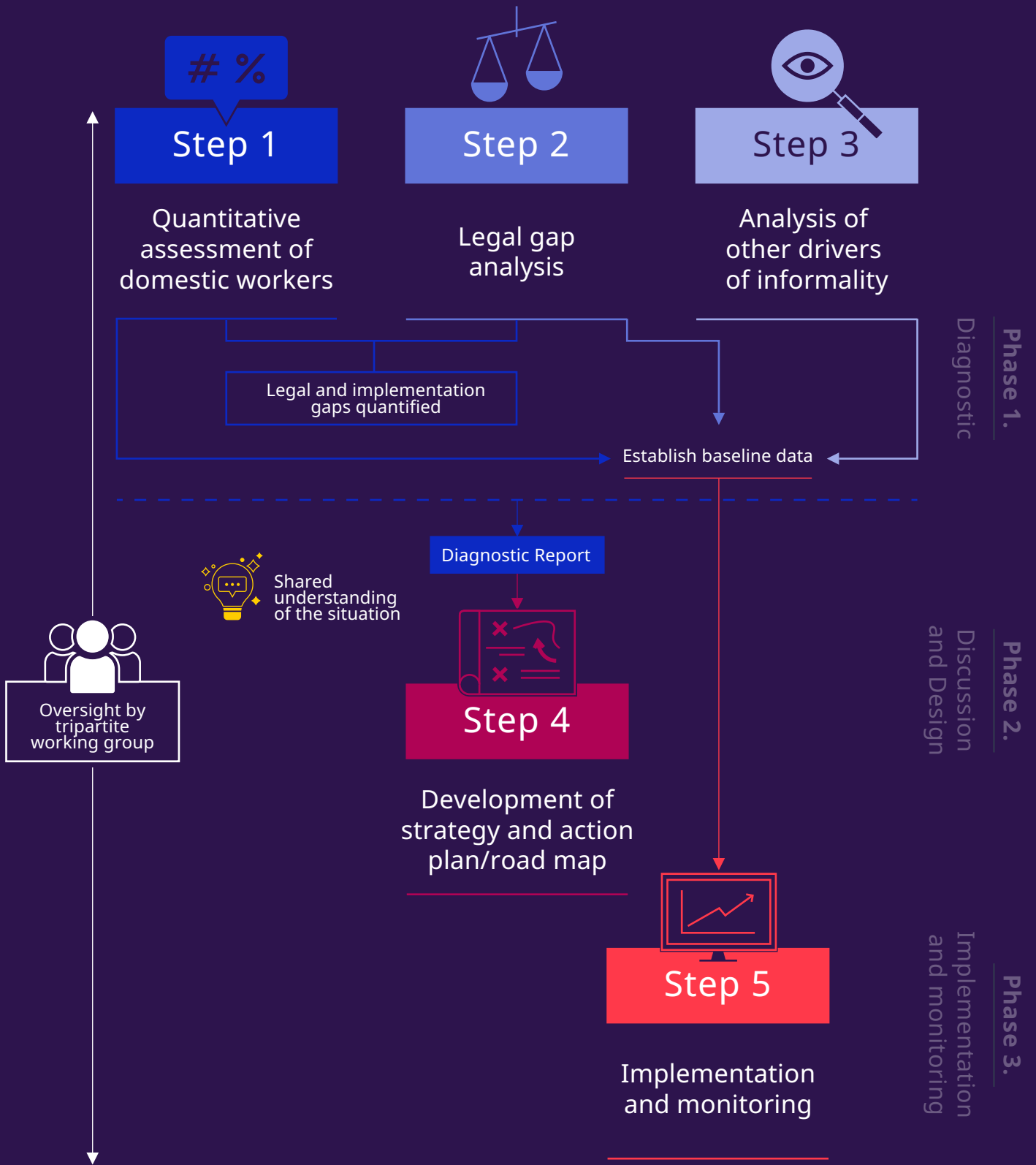
These **Five Steps to Decent Work** for domestic workers are as follows:

1. Estimate the number of domestic workers and the share of domestic workers in informal employment.
2. Analyse gaps in labour and social security laws and regulations.
3. Identify other drivers of informal employment practices and non-compliance.
4. Discuss the results of Steps 1–3, and develop a strategy or action plan through social dialogue.
5. Begin implementing the action plan and monitor progress towards its objectives.

The Five Steps are to be taken across three distinct phases, as seen in figure 10 below. As this chapter details each of the Five Steps below, it will also highlight the kinds of support that the ILO has provided to constituents around the world over the last ten years. At each step, reference is also made to relevant sections of the ILO report *Making Decent Work a Reality for Domestic Workers* where further information can be found. Governments and social partners seeking to promote formalization and decent work in their domestic work sector can seek support from the ILO in their efforts.

Before beginning the Five Steps, it is important to establish a **technical working group** that will serve as the main consultation body for each step. The working group should be composed of representatives of any pertinent government ministry or department, the most representative workers' and employers' organizations, and, where they exist, organizations of domestic workers and of employers of domestic workers. This working group can be called together by the Ministry of Labour or equivalent, for example. Clear tasks and objectives set out in terms of reference can help guide the purpose and activities of the working group.

► Figure 10. The Five Steps to Decent Work intervention model



Step 1. Estimate the number of domestic workers and the share of domestic workers in informal employment

If something can be measured, it can be managed. The estimates provided in this report are based on a methodology that most countries can use and adapt to gather data on domestic work either from existing labour force survey data, or from special representative surveys. Data collection should include the number of domestic workers and the share of domestic workers in informal employment. Demographic data on the characteristics of domestic workers – including their gender; age; education; employment-related information, in particular on their working conditions (including on the form and level of remuneration and working time); or other factors – helps to inform the next four steps. The technical working group can provide guidance as to the indicators to be used and to help collect and analyze data.

Further guidance:

The methodology to identify domestic workers in national surveys can be found in *Making Decent Work a Reality for Domestic Workers* (Annex 4). The recommended questions and method to identify workers in informal employment, including domestic workers, can be found on the ILO website in section 7 of the ILOSTAT database description referring to *informality in labour force statistics*. Alternatively, in *Making Decent Work a Reality for Domestic Workers*, national level sex-disaggregated data for the most recent available year can also be found on the number of domestic workers and share of employment (Annex 5), number and distribution of domestic workers hired directly by households or through service providers (Annex 7), and the share of domestic workers who are live-in or live-out (Annex 8). In addition, national level data on informality and working conditions of domestic workers can be found [here](#).³⁴

Step 1 output:

A quantitative report detailing the number and characteristics of domestic workers and their working conditions, including the extent of informality.

How the ILO can help with Step 1:

The ILO develops methodologies for data collection on domestic work. The ILO also provides technical assistance to constituents in enumerating and surveying domestic workers and in analysing data with the objective of producing unique country-level and global data on domestic work.

Step 2: Analyse gaps in labour and social security laws and regulations

A sound Diagnostic Phase will likely include a closer look at the legal framework to assess which laws cover domestic workers (if any), and whether the level of protection provided to domestic workers by these laws is adequate. Such analysis

could be conducted under the supervision of the technical working group, including organizations of domestic workers and of employers of domestic workers, where they exist.

³⁴ https://www.ilo.org/re-Search/DomesticWorkers/map1_en.html

The quantitative data on informal domestic workers collected in Step 1 and the results of the Step 2 legal analysis can then be combined to assess the extent to which the country's domestic workers are covered by labour and social security laws – both in absolute terms, and in comparison to other workers. To achieve this, a coding scheme was developed to record the extent to which domestic workers were covered by the legal provisions of interest, and if so, whether the level of protection afforded was identical to, more favourable than or less favourable than those applicable to other workers.

The results of Steps 1 and 2 can also be used to assess the share of domestic workers who are in informal employment due to **gaps in legal protection** versus those who are in informal employment due to **gaps in implementation**. One useful proxy indicator concerning gaps in legal protection is the legal entitlement of domestic workers to a contributory pension, with the understanding that if a domestic worker has such an entitlement, it implies that they are recognized as a worker under the relevant labour laws. However, as noted above, workers who are covered by social security laws may still be working informally if their employers do not actively contribute to a social security scheme on the workers' behalf. Such a scenario represents a



Further guidance:

To assess the share of domestic workers covered by labour and social security laws, a more complete methodology is available in Part II (page 53) of *Making Decent Work a Reality for Domestic Workers*.

gap in the implementation of the laws currently in place. Therefore, a conservative estimate of the implementation gap can be calculated as the difference between:

- (a) the percentage of domestic workers in informal employment (a proxy of the total coverage gap); and
- (b) the percentage of domestic workers excluded from the scope of social security law (that is, the gap in legal protection).

As noted above, (a) would be determined as part of Step 1, and (b) would be determined using the results of Steps 1 and 2 by focusing on pension coverage as a proxy for legal protection coverage.



Further guidance:

To calculate the size of legal and implementation gaps, see the methodology outlined in Chapter 9 (page 200) of the ILO report *Making Decent Work a Reality for Domestic Workers*.

Step 2 output:

1. A report detailing the gaps in legal coverage of domestic workers, as compared to other workers and in light of relevant ILO standards.
2. A quantitative report on the number and share of domestic workers who are in informal employment due to legal gaps and due to implementation gaps.

How the ILO can help with Step 2:

The ILO developed a methodology to quantify legal and implementation gaps. The ILO also frequently assists governments and social partners in conducting or reviewing legal analyses in light of ILO standards – particularly Convention No. 189 – so as to assess the extent and nature of legal gaps.

Step 3: Identify other drivers of informal employment practices and non-compliance

Even when legal gaps are closed, rates of informality can be high. As shown in this report, there can be numerous other drivers of informality, including (but not limited to):

- low institutional capacity to implement the laws and enforce compliance;
- low awareness among employers and domestic workers;
- concerns around the costs of compliance;
- social norms and behaviours that do not promote decent working conditions; and
- negative attitudes and perceptions of domestic work.

Therefore, it is important to look beyond gaps in legal coverage and inadequate levels of legal protection to consider other factors, including the behavioural drivers that may be influencing informality in domestic work. A diagnostic of these additional drivers of informality using a mix of quantitative and qualitative research tools can help identify these factors so that targeted strategies can be developed to address them. The technical working group can help provide guidance as to the factors that should be researched.

Step 3 and Phase 1 outputs:

A report summarizing the various additional drivers of informality identified through surveys, focus group discussions, key informant interviews, and other methods. This report would serve as a complement to the reports on the legal framework created during Step 2.

A consolidated report summarizing the findings of the Diagnostic Phase and presenting key conclusions and recommendations. This information can also serve as a baseline for actions to be taken in Phase 2 (Discussion and Design) and Phase 3 (Implementation and Monitoring) to close gaps in the protection of domestic workers.

How the ILO can help with Step 3:

The ILO has worked closely with constituents in developing methodologies to diagnose the drivers of informality in domestic work. Most recently, this has involved the use of behavioural insights to identify behavioural barriers to compliance and to design interventions that target those barriers. Such diagnoses have been carried out in countries/territories like Argentina, Guatemala, Hong Kong (China) and Zambia.

Step 4. Discuss the results of the Diagnostic Phase, and develop a strategy or action plan through social dialogue

The data and analyses resulting from the Diagnostic Phase can be presented to the working group at one or several workshops. A discussion could be held among the parties at these workshops to achieve a shared understanding of the findings and to validate the reports. The technical working group may wish to invite other key stakeholders to one or more of the workshops or may wish to hold a separate workshop specifically for other stakeholders to gain and share understanding of the results.

Once validated, data from Phase 1 can be used to develop action plans or road maps towards formalizing domestic work. Strategies, action plans or road maps can be developed by all members of the working group (and other key stakeholders, as relevant) and should aim to target one or several of the drivers of informality in domestic work. For example, if a diagnostic showed a primary barrier to social security registration was the fact that employers of domestic workers did not have sufficient access to information about why and how to register them, an intervention could be designed to provide such information through the social partners, a mass media communication campaign, and simplified registration procedures. The examples of good practices in this report, and those found in Part III of the ILO report *Making Decent Work a Reality for Domestic Workers* can serve as inspiration. Action plans often include joint activities for all parties as well as specific actions for individual parties. In each case, one party of the working group can take the lead responsibility for each activity. The actions most frequently undertaken to reduce informality in employment include:

- revision or extension of laws and policies;
- development of awareness and communication campaigns to change social norms and behaviours;
- redesign of social security systems;
- building the capacity of the labour inspectorate to promote and enforce compliance.



Further guidance:

Beyond the good practices provided in this report there are many more that can be found in Part III of the ILO report *Making Decent Work a Reality for Domestic Workers* regarding the achievement of decent working time, wages and social security (chapter 7), promotion of occupational safety and health and prevention of violence and harassment (chapter 8) and formalizing domestic work (chapter 9).

These and any other actions can be adapted to the specific drivers of informality found in the country in question and designed through social dialogue and in consultation with key stakeholders.

The working group could also ensure the development of a monitoring framework. This includes the monitoring of the rate of informality and working conditions among domestic workers. The framework could also include monitoring of the implementation of specific policy measures. The results of the Diagnostic Phase can serve to establish the baseline indicators and help to inform the discussion and decide the way to ensure the monitoring of specific policies. This framework will be essential to Step 5 below.

Step 4 output:

1. Validation and adoption of a set of conclusions and recommendations emanating from the reports generated during Phase 1.
2. Creation and adoption of a strategy and action plan or road map.
3. Creation and adoption of a monitoring framework and indicators.

How the ILO can help with Step 4:

The ILO has helped to convene relevant parties, facilitate discussions, and present the findings from research, as well as provide technical inputs on ILO standards and international good practices to close legal and implementation gaps. The ILO has also built the capacity of employers' and workers' organizations, and, where they exist, organizations of domestic workers and of employers of domestic workers so that they can successfully participate in such social dialogue.

Step 5. Begin implementing the action plan and monitor progress towards its objectives

Once the action plan is finalized, under the supervision and coordination of the working group, the activities would be implemented by the parties tasked to do so.

Over the course of implementation, progress made could be monitored and evaluated periodically using the diagnostic findings from

Phase 1 as a baseline as well as the monitoring framework and indicators developed as part of Step 4.

Periodic meetings of the working group can help to monitor progress and make any necessary adjustments.

Step 5 output:

1. Periodic progress reports.
2. Periodic policy evaluations.

How the ILO can help with Step 5:

The ILO has provided support to working groups to implement such strategies. It has also helped build the capacity of governments, including labour inspectorates, to implement, promote and enforce compliance with laws. In addition, the ILO has supported workers' and employers' organizations (including organizations of domestic workers and of employers of domestic workers) to organize and provide services to domestic workers and household employers, as well as to engage in social dialogue. The ILO has also developed the capacity of national statistical offices and ministries involved in formalization processes to develop monitoring systems.

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