

# ILO Curriculum on Building Modern and Effective Labour Inspection Systems

Module  
**16**

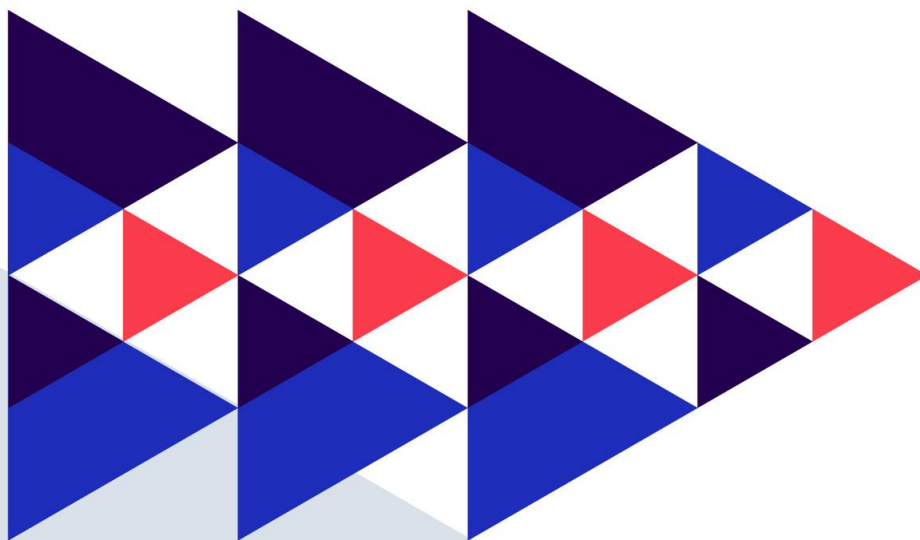
▶ **Labour inspection in  
domestic work**



ILO Curriculum on Building Modern and  
Effective Labour Inspection Systems

► Module **16**

# Labour inspection in domestic work





### ► What this module is about

This module presents labour inspectors and policymakers with the main challenges that the labour inspectorate will encounter when carrying out their work in the domestic work sector. It provides an overview of the provisions of ILO Conventions, the most common risks of non-compliance, and possible ways of addressing the challenges faced.

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### ► Objectives

The aim of this module is to make participants familiar with the domestic work sector and help them to design strategies to enforce and promote compliance with the labour regulations.

At the end of this module, participants will be able to:

- identify the main characteristics of the domestic work sector;
  - understand the main challenges faced by domestic workers and their employers;
  - take into account good practices for promoting compliance that are being applied in different regions;
  - draw on different methods and strategies of labour inspection for the domestic work sector;
  - identify promotional activities that can be included in labour inspection actions;
  - propose new approaches to collaboration with traditional and non-traditional partners;
  - practice the soft skills that labour inspectors need in their interactions with domestic workers and their employers.
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# ▶ 1. The world of domestic workers

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## 1.1 Who are the domestic workers?

Domestic workers are not a homogenous group. Their demographic profile differs from country to country and region to region (in terms of age and gender, as well as migration status). They perform tasks as varied as cleaning the house, washing and ironing, babysitting, taking care of elderly and sick people, gardening, driving the family car and taking care of the family pet. The tasks and services performed by domestic workers vary from country to country and may change over time.

Simply put, the distinctive feature of domestic workers is that they are employed by and provide services for private households. They may work full or part-time, live in the house of the employer or commute to and from the house where the work is performed, work for a single family or for many, perform all the usual domestic chores or take care of specific activities according to the demands of the employer. The employer may be a member of the household, an enterprise that renders commercial services to private clients, a cooperative or even a public service.

The Domestic Workers Convention, 2011 (No. 189) provides a broad framework for understanding domestic work. It is inclusive in spirit, covering those who live in or out of the household concerned; work on an hourly, daily, monthly or other basis; work for a single or multiple households; and are employed by the household or through a third party. Regardless of the working arrangements, the common factor is that their activities are performed in or for private households.

Article 1 of the Domestic Workers Convention, 2011 (No. 189) enshrines a broad definition of domestic work:

- a) the term “domestic work” means work performed in or for a household or households;
- b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Recently, domestic work has also been recognized as a key occupation within the care economy (ILO 2018a). The ILO defines care work as consisting of two kinds of activities, which are not mutually exclusive. First, those that involve direct, face-to-face, personal care activities, such as feeding a baby, helping an older person take a bath, or carrying out health check-ups or teaching young children. Second, those involving indirect care activities that do not entail face-to-face personal care, such as cleaning, cooking, doing the laundry and other household maintenance tasks that provide the preconditions for personal caregiving.

Domestic workers are care economy workers who work in or for a household or households on an occupational basis. The inclusion of domestic workers in the care economy is recognition of the fact that domestic workers provide services and goods that are socially necessary for the maintenance of households and the well-being of families. These services and goods most often take the form of direct or indirect care activities. Indirect care activities are services that cover many aspects of everyday life, such as cleaning, ironing, tutoring, shopping for groceries and preparing meals, as well as administrative assistance.

Although they may not involve direct contact with members of the household, these activities ensure that members of the household are able to live in a safe and healthy environment. They therefore complement care activities, understood as personal assistance services for people with a certain level of dependency, such as young children, the elderly or the disabled. For the latter, these assistance activities must enable them to remain in their homes.

Some occupations stand at the intersection between social care and domestic work, particularly when the work is performed for or through a third party. This area of overlap has implications for how workers are accounted for in national statistics. For example, personal care workers who provide services to households through a third party are likely to be counted, statistically speaking, as care workers in health and social work, whereas if they were to provide the same services directly for a household, they might well be counted as domestic workers. In both cases, however, they would fall within the scope and definition of domestic workers as per the Domestic Workers Convention, 2011 (No. 189).

In 2019, at least 74.8 million men and women over the age of 15 were employed as domestic workers around the world (World Employment Social Outlook, ILO 2018-a).<sup>1</sup>

Domestic work remains a female-dominated sector, employing 57 million women, who account for 76.3 per cent of domestic workers. Women outnumber men in virtually all countries, and in all regions, except in Arab states. The proportion of women domestic workers is highest in the Americas, at 89 per cent.<sup>2</sup>

In addition to the gender dimension, domestic work is closely connected with international migration. Domestic workers do not look for work only in their home countries, but frequently move to other countries in search of better employment opportunities, often with employment agencies as intermediaries.

Domestic workers are among the most vulnerable workers. Their generally low social and economic status, lack of formal education, ethnic marginalization and the isolated nature of the domestic workplace makes them particularly vulnerable to exploitation and poor working conditions. In many cases, they have to contend with:

- ▶ low wages and pay cuts, if they are paid at all;
- ▶ lack of working benefits or social protection;

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<sup>1</sup> <https://www.ilo.org/global/research/global-reports/weso/2018/lang--en/index.htm>.

<sup>2</sup> Ibid.



- ▶ excessive hours of work and heavy workloads;
- ▶ inadequate accommodation and lack of privacy; and
- ▶ exposure to violence in the workplace, and all sorts of psychological and sexual abuse perpetrated by the employer or his/her family or co-workers.

## 1.2 Where are the domestic workers?

According to ILO estimates, in 2019 at least 74.8 million men and women were employed as domestic workers across the world. If all domestic workers were concentrated in a single country, this country would be home to the seventh largest national labour force in the world, following the Russian Federation. Domestic work is an important source of employment: globally, a little over one in 50 workers are employed as domestic workers, accounting for 2.3 per cent of employment worldwide. They represent an even larger proportion of waged employment: roughly 1 in 25 waged employees are employed in domestic work (accounting for 4.4 per cent of all waged employment). Domestic work being a largely (though not exclusively) urban phenomenon, it is worth noting that domestic work also represents 3.1 per cent of non-agricultural employment.

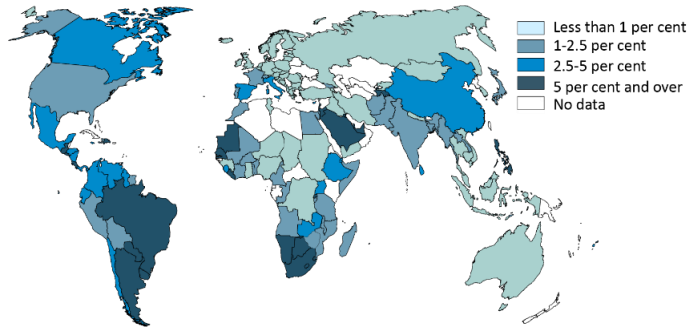
Domestic work represents the largest share of waged employment in Arab states, where 13.8 per cent of waged employees are domestic workers. Domestic work also represents an important share of waged employment in the Global South, for instance in Africa (7.1 per cent), the Americas (5.1 per cent) and Asia and the Pacific (4.6 per cent). In contrast, domestic work represents only 1 per cent of employment in Europe and Central Asia.<sup>3</sup>

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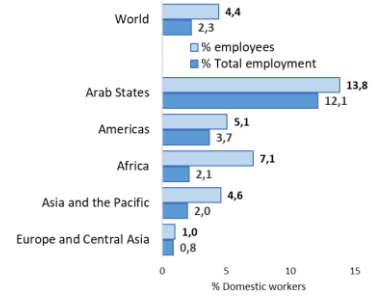
<sup>3</sup> Ibid.

► **Percentage of domestic workers in total employment | Total (2019)**

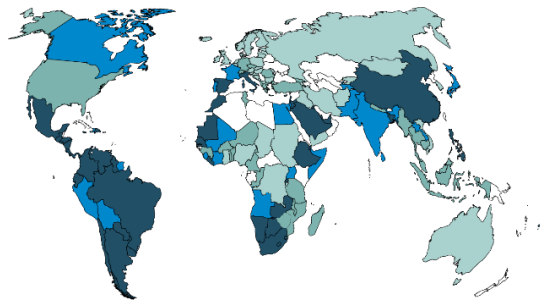
Panel A. Country



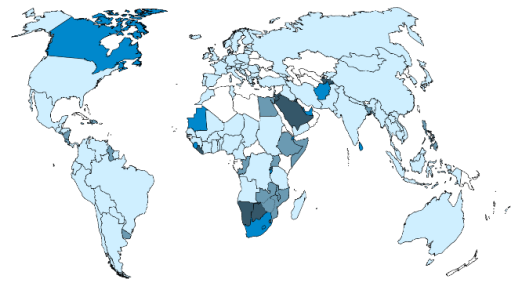
Panel B. Global and regional estimates



Panel C. Women



Panel D. Men



## ▶ 2. International labour standards in relation to domestic work and labour inspection

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In 2011, the ILO adopted the Domestic Workers Convention No. 189 and Recommendation No. 201. These instruments lay down the basic principles and minimum labour standards for domestic work. They also highlight the importance of measures to ensure compliance with laws and regulations protecting domestic workers, including through labour inspection.

### *Rights and entitlements of domestic workers as defined by Convention 189*

- ▶ Protection from of all forms of child labour endangering children's normal physical, psychological and social development;
- ▶ Minimum age for employment not lower than for other occupations and consistent with the provisions of the Minimum Age Convention, 1973 (No. 138);
- ▶ Right to create or join trade unions, whose members should be free of any kind of pressure and persecution, and have the right to collectively bargain with employers;
- ▶ Protection against forced labour, for instance giving workers the right to keep travel and identification documents in their possession, and to decide whether or not to reside in the household;
- ▶ Protection against any kind of abuse, violence, discrimination and harassment, including of a sexual nature;
- ▶ Entitlement to equal treatment with other workers in respect of working hours, overtime compensation, daily and weekly rest periods, paid annual leave and minimum wage coverage;
- ▶ Entitlement to receive information on the precise terms and conditions of employment in an appropriate, verifiable and easily understandable manner, preferably through a written job offer or contract of employment. Migrant domestic workers should receive this information before crossing national borders;
- ▶ Entitlement to regular payment in cash at least once a month or by bank transfer, bank cheque, postal cheque, money order or other lawful means as agreed with the worker;
- ▶ Payment in kind only by mutual agreement, for the personal use of the worker and provided that the attributed monetary value is fair and reasonable;
- ▶ Ability to decide how to spend periods of daily, weekly or annual leave;
- ▶ Entitlement to a minimum weekly rest of 24 consecutive hours;
- ▶ Consideration as hours of work of all periods during which domestic workers are not free to dispose of their time and remain at the disposal of the household;

- ▶ Entitlement to carry out their work in conditions of safety and health, extending to the living conditions for live-in domestic workers;
- ▶ Social security coverage on a par with other workers;
- ▶ Access to effective complaint mechanisms, including labour inspection, having enforcement capacities and able to impose deterrent sanctions.

The Convention is not a stand-alone instrument and needs to be implemented and interpreted in line with other international labour standards.

*List of Conventions of special relevance for the domestic work sector:*

- ▶ Forced labour Convention, 1930 (No. 29)
- ▶ Abolition of Forced Labour Convention, 1957 (No. 105)
- ▶ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- ▶ Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- ▶ Minimum Age Convention, 1973 (No. 138)
- ▶ Worst Forms of Child Labour Convention, 1999 (No. 182)
- ▶ Equal Remuneration Convention, 1951 (No. 100)
- ▶ Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- ▶ Migration for Employment (Revised) Convention, 1949 (No. 97)
- ▶ Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- ▶ Private Employment Agencies Convention, 1997 (No. 181)
- ▶ Labour Inspection Convention, 1947 (No. 81)
- ▶ Domestic Workers Convention, 2011 (No. 189)

## ▶ 3. Labour inspection and domestic workers

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According to international standards, in particular Article 3 of the Labour Inspection Convention, 1947 (No. 81), the functions of labour inspection are multifaceted. On the one hand, labour inspectors monitor compliance and enforce labour law; on the other, they carry out advisory activities, providing information, advice and training, and have a role in leading employers and workers to achieve decent working conditions, fairness at work and good governance in the workplace. In addition, labour inspectorates are expected to identify gaps and breaches in laws and regulations and bring these to the attention of the appropriate institutions.

Convention No. 189 and Recommendation No. 201 establish minimum labour standards for domestic workers and also highlight the importance of measures to ensure compliance with the laws and regulations intended to protect them, including through labour inspection. Specifically, Article 17 of Convention No. 189 stipulates that:

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy.

In addition, the Domestic Workers Recommendation (No. 201) addresses issues related to compliance and enforcement in the domestic work sector, including freedom of association, discrimination, medical testing, child labour, living conditions, terms and conditions of employment and formalization of contracts, harassment and abuse, hours of work, wages, rest periods and holidays, termination of employment, grievances and occupational safety and health.

The peculiar features of the domestic work sector present greater challenges for labour inspectors than they encounter in other sectors, due in particular to:

- ▶ the difficulty of gathering information on possible non-compliance, mostly because of the informality of the employment relationship;
- ▶ difficulties in gaining access to the workplace;
- ▶ the lack of complaints from domestic workers.

Domestic work is in fact a challenging and demanding field for labour inspectors, in which few specific inspection policies, strategies, methods and tools are currently available. Labour inspectors are also rarely trained in the specificities of domestic work.

Policymakers, managers and field labour inspectors are often not aware of the best models or recommended practices for intervention in the sector. A good understanding of the characteristics of both employers and workers, and of the working conditions in the sector, is fundamental to properly planning and conducting labour inspection visits. If they are to ensure the effectiveness of labour legislation in this field, labour inspectors will need to know how to identify the problems, which indicators to look for, how to investigate non-compliance and how to communicate with the parties to the domestic work relationship.

The challenges of labour inspection in the domestic work sector are more fully described in Chapter 5 below.

## ▶ 4. Labour conditions of domestic workers

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As already mentioned, domestic workers constitute one of the most vulnerable categories of workers. Physical violence, child labour and forced labour are among the human rights abuses that often affect these workers, particularly women and girls. Further abuses include long hours of arduous work without rest and unfair pay practices, such as excessive deductions for accommodation and food. Such abusive conditions are widespread and have serious consequences for domestic workers and their families. Indeed, with basic needs and material provisions denied them, millions of domestic workers are not able to realize their human rights and live in freedom and dignity.

This chapter focuses on the most common problems that domestic workers face in their employment relationship, in particular its informal nature, the non-recognition of labour rights and social protections, problems relating to wages and working time, and all the possible abuses relating to forced labour, child labour, discrimination and the right of freedom of association. The occupational hazards common in the sector are also briefly presented.

### 4.1 Working conditions in general

Informal employment of domestic workers is common in many countries. The domestic worker is often “invisible”, undeclared where social security registration and other compulsory declaration requirements are concerned. When the relationship is registered with the social security agency, wages are in some cases not fully declared (e.g. the value of remuneration in kind according to national legislation may not be reported). Undeclared work in the sector, as in others, undermines decent working standards, as workers are deprived of entitlements provided by national labour laws and are not covered by social security, even where social protection schemes for domestic workers exist.

Despite some progress in extending labour and social security laws to domestic workers, estimates show that 56.3 million (75.3 per cent) of all domestic workers remain in informal employment.<sup>4</sup>

Working time is another area in which domestic workers frequently enjoy weaker protection than other workers. In 2020, fifty per cent of the 108 countries reviewed had set limits on normal weekly hours at least equal to those applicable to other workers. In another 19 per cent of countries, normal weekly hours for domestic workers were longer than those applicable to other workers. This leaves almost a third of countries that do not impose such limits. In fact, the working hours of domestic workers around the world are among the longest and most unpredictable.

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<sup>4</sup> ILO calculation based the ILO’s harmonized definition of informal employment. Estimates based on 138 countries representing 91.8 per cent of global employment.

For many domestic workers, the right to the minimum wage can be restricted by the extent to which **payments in kind** are permissible. Of the countries in which domestic workers *are* entitled to a minimum wage, about half allow a portion of the minimum wage to be paid in kind, while the other half stipulate that the minimum wage must be paid in cash only. Put differently, based on analysis of the data collected in 2020, more than a third (36 per cent) of countries prohibit any payment of the minimum wage in kind, and a roughly equal number of countries (37 per cent) allow such payment.



#### ▶ Ensuring equality of treatment for live-in and live-out domestic workers

Live-in domestic workers notoriously work some of the longest hours, often without rest. It is frequently said that they remain at the disposal of the household members at any time, day or night. Difficulties in distinguishing between working time and periods of rest for live-in domestic workers have led some governments to regulate working time through periods of rest. While this approach can simplify implementation for workers and employers, it is important that they be designed so as to ensure equality of treatment between live-in domestic workers and other workers. An example of this is Argentina, which has taken a dual approach for live-in and live-out domestic workers, resulting in similar outcomes: live-out domestic workers are guaranteed nine hours daily rest, plus three consecutive hours for lunch, which is equal to the 12 consecutive hours of rest guaranteed for live-in domestic workers. Both also have the right to 36 hours weekly rest, which must include Sunday. It should also be noted that domestic workers are included in provisions governing normal weekly hours.

Despite the enormous contribution they make to supporting households and society generally, domestic workers typically earn some of the lowest wages (ILO 2011a). The low pay of domestic workers has frequently been associated with the undervaluation of domestic work. The Domestic Workers Convention, 2011 (No. 189) recognizes this persistent undervaluation of domestic work in its preamble, associating it with women's unpaid work in the home, as well as discriminatory attitudes towards the groups that typically perform domestic work, namely women, girls, migrants, ethnic minorities and the poor.

This can partly be attributed to the fact that the formal skill requirements are relatively low, many of the skills required for domestic work are taken for granted, and the bargaining position of domestic workers is usually weak.

Estimates in fact suggest that domestic workers typically earn less than half of average wages – and sometimes no more than about 20 per cent of average wages. At the same time, they are **frequently victims of abuses such as:**

- ▶ non-payment or late payment of wages;
- ▶ overtime requirements without compensation;



- ▶ non remuneration of “stand-by” periods, when domestic workers remain available to work;
- ▶ imposition of in-kind payments or deductions without the workers’ prior knowledge and agreement;
- ▶ a high proportion of the remuneration paid in kind, and excessive cash value attributed to in-kind payments.

Monitoring compliance is complicated for labour inspectors if there is no physical evidence of the facts. For this purpose, Recommendation No. 201 suggests that hours of work, including overtime and periods of standby, should be accurately recorded, and that these records should be accessible to domestic workers (§ 8). At the time of each payment, domestic workers should also receive a written account of the total remuneration due to them, as well as the specific amount and reason for of any deduction (§15).

### *Maternity protection*

Maternity protection is a crucial instrument for ensuring the health, well-being and economic security of childbearing women. It has been shown to facilitate female employment, reduce the motherhood pay gap, and lead to better health outcomes for mothers and their infants (ILO 2018a). A study in Bangladesh also found that maternity protection can increase longevity on the job (Ahmed 2017). Unfortunately, women from socially disadvantaged groups and those in the informal economy frequently lack such protection (ILO 2018a). Domestic workers are no exception.

Extending maternity protection to domestic workers is an important measure for improving the conditions of women at the bottom of the labour market. As stated above, 57 million domestic workers (76.3 per cent of the total) are women, many of whom are of childbearing age. The vast majority also are in informal employment, largely due to the lack of policies to provide maternity protection and affordable childcare.

Domestic workers play a key role in supporting families, with women workers in particular meeting indirect and direct care needs (ILO 2018a). This is never truer than when they are hired to care for infants and young children. As a reminder, women dedicate 3.2 times more hours than men to unpaid care work, and this commitment increases with the presence of children in a household, particularly when they are under five years of age (ILO 2018a). It is therefore perhaps no surprise that mothers of children aged 0–5 years show some of the lowest employment rates (47.6 per cent) compared to fathers (87.9 per cent), non-fathers (78.2 per cent), and non-mothers of young children (54.4 per cent) (ILO 2018). Hiring a domestic worker has been a common solution to this problem, evidenced by a higher number of domestic workers hired directly by households in countries where care policies are absent or inadequate (ILO 2018).

Yet, domestic workers themselves have historically been excluded from maternity protection, as well as other care policies that would enable them to access decent work and formal employment (ILO 2018a). In the absence of such protection, domestic workers who become pregnant face serious health and economic risks. Without protection, they may feel compelled to continue to

work late into the pregnancy, often performing hazardous tasks, putting their unborn child and themselves at risk. If they are also excluded from health coverage, they face the additional risk of not being able to access adequate healthcare during and after pregnancy. In many cases, domestic workers also face the risk of dismissal when their employers learn of a pregnancy. For domestic workers who live with their employers, this can lead to them losing both their jobs and their accommodation. When domestic workers lose their jobs or incomes without effective maternity and employment protection, they are left with no income replacement (ILO 2013b).

In recognition of the high risks of maternity for domestic workers, and their frequent exclusion from legal provisions, Article 14 of the Domestic Workers Convention, 2011 (No. 189) calls on Member States to ensure that domestic workers enjoy maternity protection under conditions not less favourable than those applicable to workers generally. The Maternity Protection Convention, 2000 (No. 183) adds valuable insights as to the level of maternity protection that should be applicable to workers generally: leave entitlements should be no less than 14 weeks, and cash benefits should be no less than two-thirds of previous earnings. Furthermore, maternity benefits should preferably be provided through compulsory social insurance or public funds.

To ensure equal protection, Article 14 invites Member States to take measures that account for the specific characteristics of domestic work. Indeed, specific measures can play an important role in achieving equal treatment. For example, domestic workers and their household employers may not have the same capacity to contribute to social security as workers and economic units in other sectors, which might necessitate the fixing of a differentiated rate of contribution or public subsidies. The fact that most employers are households, and not enterprises with human resource departments, might also necessitate specific measures to promote compliance through awareness-raising and the simplification of registration and contribution procedures.

## 4.2 Forced labour

Domestic workers are at times victims of forced labour, in many cases associated with human trafficking. Although they do not necessarily work in remote areas, they are even more invisible than workers in plantations, mines or other places hidden from public scrutiny. When restricted in their movements, being forbidden to go out or to answer the door or the phone, forced domestic workers can be completely unknown to other people, including neighbours; only the members of the household will be aware of their existence. Particularly when they are migrants, both the workplace and the exterior world can be hostile, as they may not know the country's culture, language or even their whereabouts. This places them on a very high scale of vulnerability.

The general assumption that labour inspectorates are uniquely placed to take action against forced labour as they can access workplaces at any hour of the day or night, and they can take immediate action, may not be so straightforward for domestic work, as this freedom of access is limited. Even so, labour inspectors are well placed to identify and recognize the indicators of forced labour in the sector.

### *Indicators of forced labour<sup>5</sup>*

The following list of indicators can help labour inspectors detect whether a worker may be a victim of forced labour. Checking some indicators depends only on direct observation of the workplace, while in other cases an interview with the worker or an analysis of documents and registers may be necessary. As most countries characterize forced labour abuses as crimes, interventions can be made in conjunction with the police and, in such cases, the role of labour inspectors should be to protect workers' rights, such as wage entitlements for the period of effective work and the correlative social security entitlements. The following is a list of indicators of forced labour in the domestic work sector. Inspection techniques are suggested for each group of indicators.

#### **Physical violence (interview, observation, not necessarily requiring access to the workplace)**

- ▶ Does the worker show any sign of maltreatment, such as bruises?
- ▶ Does the worker show signs of anxiety?
- ▶ Is there any other sign of mental confusion or traces of violence?
- ▶ Does the employer demonstrate violent behaviour?

#### **Restriction of freedom of movement (some indicators require an inspection visit)**

- ▶ Is the worker locked up at the workplace?
- ▶ Is the worker forced to sleep at the workplace?
- ▶ Are there visible signs that indicate that the worker is not free to leave the workplace or particular areas of the household, such as his or her room?
- ▶ Is the worker allowed to make or answer phone calls? Is the worker allowed to answer the door?
- ▶ Is the worker entitled to have a mobile phone?
- ▶ Does the worker need to obtain authorization from the employer to leave the workplace? Can the worker carry his or her identification documents with him or her?

#### **Threats (interviews, document analysis, not necessarily requiring access to the workplace)**

- ▶ Does the worker make statements that are incoherent or show indoctrination by the employer?
- ▶ Does the worker report any threat?
- ▶ Is there any sign that the worker is subject to racketeering or blackmailing (with or without the complicity of the employer)?

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<sup>5</sup> Adapted from Andrees, Beate (2008), *Forced labour and human trafficking: a handbook for labour inspectors*. International Labour Office, Geneva.

- ▶ Does the worker show anxious behaviour?
- ▶ Are workers forced to work excessive (unpaid) overtime or to carry out tasks that they prefer not to do, and are the workers threatened if they refuse?
- ▶ Is the worker in an irregular situation (e.g. migrant workers) and threatened with denunciation to the authorities?

**Debt and other forms of bondage (interviews, document and registries analysis, not necessarily requiring access to the workplace)**

- ▶ Does the worker have to repay high recruitment or transportation fees? If so, are these deducted from salary?
- ▶ Is the share of remuneration in kind for accommodation or food excessive?
- ▶ Has any loan or advance been paid that make it impossible to leave the employer?
- ▶ Are work permits bound to a specific employer? Has there been any complaint about the employer before?

**Withholding of wages or non-payment of wages (interviews, document and registries analysis, not necessarily requiring access to the workplace)**

- ▶ Does the worker have a regular employment contract? If not, how are wages being paid?
- ▶ Is there any illegal wage deduction?
- ▶ Has the worker received any wage at all?
- ▶ What is the amount of the wage in relation to national statutory requirements?
- ▶ Do the workers have access to their earnings?
- ▶ Have the workers been deceived about the amount of their wages?
- ▶ Are wages paid on a regular basis?

**Retention of identity documents (interview, observation, not requiring access to the workplace)**

- ▶ Are the identity documents of workers in their own possession? If not, are they in possession of the employer? Why?

Some of the indicators may be easier to ascertain than others. For instance, to check on whether the worker suffers any constraint on his or her freedom of movement, the labour inspector can ask him or her to follow him outside the employer's domain (out of the building or onto the street, for example), possibly without having to enter into the premises. He can also summon the worker to appear at the labour inspectorate with his/her passport or other identity document. Incoherent answers by the worker, evidence of indoctrination or mischievous information from the employer can be detected by repeating the same question in different words in several parts of the interview.

Soft skills are important tools for labour inspectors, who should be trained to use them to obtain as much information as possible and detect contradictory messages by reading verbal and non-verbal codes.

### 4.3 Child labour

Globally, 17.2 million children are estimated to be involved in domestic work, two thirds of them in situations of child labour (because they have not reached the minimum age for employment or because they are working under hazardous conditions). While the exact number of children in forced labour or who are trafficked for domestic work remains unknown, there is evidence that considerable numbers are in debt bondage in exchange for money paid to a third party or in repayment of an outstanding loan, or are victims of trafficking or in situations of servitude.

Child domestic workers are a high-risk group because of their possible exposure to:

- ▶ work under difficult conditions, such as long and irregular working periods, night work or situations where the worker is unreasonably confined to the premises of the employer;
- ▶ work involving dangerous equipment, machinery and tools, or the manual handling or transport of heavy loads, such as the lifting of furniture or carpets, garbage disposal, etc.;
- ▶ unsafe tasks such as cleaning windows, walls and ceilings with a risk of falls from height;
- ▶ biological hazards as a result of contact with animals;
- ▶ electrical hazards;
- ▶ unhealthy environments with possible exposition to hazardous substances, agents or processes, or to temperatures likely to be damaging to health;
- ▶ physical, psychological or sexual abuse;
- ▶ adverse living conditions, including poor food, when they live in a household.

Where child domestic workers are concerned, labour inspectorates should develop approaches involving all relevant stakeholders within the labour administration, schools, the social partners, NGOs, parents' associations and so on. Preventive measures should be adopted, such as referral to the labour inspectorate of cases of early school leaving.

The role of labour inspection should comprise:

- ▶ the prevention and detection of cases of children being exploited as child labour in domestic work, as well as the protection of young domestic workers of legal working age, where they can legally perform domestic work;
- ▶ interventions to rescue children who are below the minimum age for employment, subject to compulsory schooling requirements or exposed to hazardous working conditions;
- ▶ cooperation with the competent institutions to tackle the causes behind child labour in domestic work so that appropriate responses can be adopted in terms of education and social assistance.



### ► Requirements to keep records of child workers

In some countries, there are specific requirements to register and keep records of child domestic workers who are above the minimum legal age for employment. For instance, Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, South Africa, Venezuela and Vietnam require employers of child domestic workers to keep a register specifying a worker's birth date, tasks assigned, number of hours worked, wages and results of health checks. In Ecuador and Finland, employers are required to register other items, such as certification of completion of compulsory schooling. Other countries (e.g. Cambodia, Finland, Portugal, and Venezuela) require employers to report the recruitment of a child worker to the appropriate authority. In Finland, employers are required to keep records of domestic workers under the age of 18. In Paraguay, employers must maintain records and provide CODENI (the Advisory Council for the Rights of Children and Adolescents) with information on the identity of the minor, his/her address, the identity of his/her parents or guardian and their place of residence, the date on which the worker entered service, duties performed, remuneration, work timetable, social security registration number, the educational establishment attended by the worker and his/her class timetable.

Labour inspectors should interact with both employers and children in a non-confrontational manner. When interviewing children, it is important to establish a physical and psychological climate conducive to mutual trust and respect. Inspectors need to create an atmosphere that will make the child want to share information, and trust them with this information. Inspectors must keep in mind that child workers may be in unfamiliar surroundings, likely to be apart from their family and friends, and lack basic education. The privacy of the individual child must be respected and answers cannot be forced. Labour inspectors should explain who they are and why they are there.

It is important to remember that it is not the child who is violating the law; rather, it is the child's employer. The inspector should see her/himself as asking a favour from the child, not the other way around, and the child must therefore be looked upon as a partner in exploring a particular situation. In this way, the child can perhaps see the benefits of participating in the interview, rather than it being the inspector who demands cooperation, which may intimidate the child. If the child agrees to an interview, he/she will be asked to recount aspects of his/her experience – both in the work environment and outside. Given that the inspector is asking for the child's help in understanding the situation, the interviewer must be sensitive to the child's emotional state, aware of the consequences of the questioning and respectful of the child's right to speak or remain silent. For satisfactory results, the interviewer should also strive to create the right physical and psychological climate.<sup>6</sup>

<sup>6</sup> Taken from IPEC & SafeWork (2002), *Combating Child Labour: A Handbook for Labour Inspectors*, pp. 29-30, International Labour Organization, Geneva.

### *Interviewing Children: “Ethical considerations” checklist<sup>7</sup>*

- ▶ The security of the child being interviewed must always be a priority. If there are any doubts that an interview may bring harm to the child, it must be avoided.
- ▶ Tell the child being interviewed what you are there for and how the information gathered will be used.
- ▶ Be sensitive to where the child is emotionally at any given time before, during, and after the interview.
- ▶ Be deeply aware of the consequences of your questioning, be constantly aware of what the child has to go through to give an answer, especially if in the process the child has to remember a painful experience, admit resentment for a person or situation, or accept the utter hopelessness of being caught up in the complexity of poverty and work.
- ▶ Respect the child’s right to speak (what is said, how it is said, how much is said).
- ▶ Respect the child’s right not to speak, to refuse to answer a question: because s/he cannot or because the answer is too painful to express.
- ▶ Take all the time necessary. Interviews with children are likely to take longer than those with adults.
- ▶ Small talk, play, patience and time are some of the major ingredients needed to obtain reliable data from children on such delicate issues as family background or illegitimate child labour activities.
- ▶ Assurances of confidentiality must be given and observed.

### *Interviewing children: “Setting the climate” checklist<sup>8</sup>*

Creating a conducive physical climate:

- ▶ To the extent possible, conduct interviews in a neutral setting, and preferably in a place where children feel safe and comfortable. Inspectors should ask children where they would prefer to talk and whether they would like anyone else to be present, for example a sibling or a friend.
- ▶ Try to conduct the interview out of sight and earshot of the employers, or others who may influence the way in which the child acts and responds to the questions.
- ▶ If access is gained to the workplace, tell the child that there is no need for him/her to stop working during the interview.
- ▶ Be on the same level as the child – if he/she is sitting on the floor, sit down beside him/her.

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<sup>7</sup> Derrien, J-M, Travail des Enfants: Accompagner les Changements – Guide pour la Formation, ILO-IPEC; IPEC (Draft 2004), Investigating Child Labour: Guidelines for Rapid Assessment - A Field Manual.

<sup>8</sup> Ibidem.

- ▶ If the child moves around while working, accompany him/her.

Creating a conducive psychological climate:

- ▶ Treat each child as an individual person, with rights to be respected.
- ▶ Start the interview with small talk to make the child feel at ease. Starting with conversations about music, films, athletes or pop stars can help the child to feel relaxed and be more willing to share other information with you.
- ▶ Build trust by maintaining a warm, friendly and caring approach.
- ▶ Genuinely listen. Listen for the expressed and unexpressed. Listen for meanings behind words. Listen to what is expressed through facial expressions, gestures and attitude.
- ▶ Phrase your questions in a simple way that the child will easily be able to understand.
- ▶ Encourage the child to talk by asking open-ended questions – do not repeatedly ask questions that the child does not grasp or understand.
- ▶ Know when to stop. Change the topic or switch conversation when emotions are too intense and probing further will inflict more pain on the child.
- ▶ Resist expressions of shock, sadness, frustration or any other emotions when listening to the information that a child has to offer.
- ▶ Always maintain a positive attitude and a neutral expression when interacting with the child.

If there is enough evidence of involvement in any of the worst forms of child labour, the labour inspector should exercise his/her authority to put an immediate end to the situation and refer the case to the institutions responsible for protecting children's rights, so that the victim – and if necessary the victim's family – can receive all the assistance required. Inspectors should understand that, except in situations of extreme hazard, which call for immediate action, the process of removing children from work should always be linked to some process of rehabilitation (education, training, etc.). Robust sanctions should be set for the violation of legal requirements on minimum age for employment and compulsory schooling, and for the exposure of children to conditions of work that are hazardous for their normal physical, moral and social development. When, in accordance with national laws and regulations, domestic workers below the age of 18 but above minimum age can perform domestic work, labour inspectors should pay particular attention to their working and living conditions.

Apart from the labour inspection mechanisms, other measures to ensure the protection of child domestic workers need to be put in place, such as maintaining or re-establishing contact between the child and her/his close relatives, and encouraging child domestic workers back into education or retaining them in education. This requires referral to other functions of the labour administration system and the ministries responsible for education and social protection. The judiciary may also need to be called on to punish cases of serious abuse.



## 4.4 Discrimination

Domestic workers may be exposed to discrimination in many different ways when they are applying for a job or are employed in a household; one of the major grounds is sex/ gender. Discrimination may occur during the selection procedures, for example if a female applicant is asked if she has or intends to have children, or if she is pregnant. Even though many countries provide for maternity leave, pregnancy is a common direct cause of job loss in the sector, particularly when the employment relationship is informal.

There are usually no records or witnesses of dialogues between employers and workers from which to gather evidence of discrimination. As a result, law enforcement is often difficult. The law can provide helpful mechanisms, such as the reversal of the burden of proof. This means that, when a worker complains of suffering discrimination, it is the alleged offender who has to prove that there was no discrimination. European Union (EU) Directive 97/80, for instance, requires that Member States take measures in accordance with their national judicial systems to ensure that, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them, and who can establish before a court or competent authority facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

When it comes to access to employment, most labour inspectorates, given their limited resources, cannot afford to have their inspectors search for discriminatory advertisements on a daily basis. Inspectorates can however gain in efficiency by basing their analysis on samples. Identification of the channels which tend to adopt discriminatory practices (newspapers, websites, private employment agencies) can help to target the employers who publish discriminatory advertisements. Acting on the channel, rather than the individual employer, if national law so allows, prevents publication of similar announcements.

Another form of discrimination, when terms of employment are agreed, is the differential wage gap between men and women. The elimination of gender discrimination should include not only wages but all kinds of bonuses and payments. As different occupations performed in the domestic setting may or may not have equal value in terms of the nature and actual contents of the job (for instance as between gardener and a housemaid, or a housemaid and a cook), labour inspectors – alone or assisted by specialists – need to know how to evaluate such jobs and, depending on national legislation, address these possible gender pay gaps.

As with other fundamental rights, labour inspectors need to be trained in how to recognize discriminatory treatment. In other sectors, labour inspectors work together with specialists from public employment services to determine the value of each occupation so that objective remuneration can be set. A job evaluation measures the value of a particular job by considering the skills and qualifications required, the duties and responsibilities undertaken, the physical, mental and psycho-social effort involved, and the working conditions.

## 4.5 Freedom of association

The essential task of labour inspectorates is to monitor and enforce the application of laws and regulations establishing industrial labour rights. Labour inspection can also monitor and enforce the application of collective agreements or parts thereof, ensuring compliance with clauses providing for minimum wages, maximum working periods, occupational safety and health, and so on.

In many countries, for instance Ireland, Mali and Canada (Quebec), labour law expressly specifies the right of domestic workers to organize and be represented. However, the still weak representation of domestic workers in some regions and countries has not yet led labour inspectorates to adopt acknowledged good practices to deal with industrial relations in the sector.

Social partners in the domestic work sector can be resourceful allies for labour inspection, helping to disseminate information to workers and employers on the applicable legislation, identifying legislative gaps, and analysing the complex features of the sector, so that the action of labour inspectors can be oriented in the most effective manner to address the most serious abuses.

## 4.6 Occupational safety and health

Occupational safety and health (OSH) is a central aspect of the working conditions of domestic workers. Here too, domestic workers tend to experience decent work deficits, and are more vulnerable to risks arising from the characteristics of their work, the nature of the workplace, and the specificities of the sector. Informal domestic workers are particularly vulnerable in respect of occupational accidents and diseases, and their impacts.

Article 13 of the Domestic Workers Convention, 2011 (No. 189) states that: “Every domestic worker has the right to a safe and healthy working environment; each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers”.

To provide further guidance, the Domestic Workers Recommendation, 2011 (No. 201) calls on Member States to take the necessary measures to minimize work-related hazards and risks, to the extent possible, in order to prevent injuries, diseases and deaths and promote OSH in the household workplace. To promote compliance, it further recommends that Member States establish an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, and adequate penalties for violation of OSH laws and regulations. It also recommends the establishment of procedures for collecting and publishing statistics on accidents and diseases related to domestic work, and other statistics likely to contribute to the prevention of OSH-related risks and injuries; to advise on OSH, including on ergonomic aspects and protective equipment; and to develop training programmes and disseminate guidelines on OSH requirements specific to domestic work.

Assessing the OSH risks faced by domestic workers is made difficult by the diversity of tasks that domestic workers may have to perform. Indeed, there are specific risks associated with cleaning, caring for children, the elderly, disabled, or other dependent persons, guarding the house, driving, gardening, cooking and so on. The work may also take place on different premises, or for multiple employers.

Despite this challenge, it is possible to identify some common work-related hazards to which domestic workers are exposed, including chemical, ergonomic, physical, psychosocial, and biological hazards. When performing cleaning tasks, domestic workers are typically exposed to chemical hazards, such as bleach, ammonia, insecticides, glues and medications (which might enter the body through inhalation, skin contact or ingestion, causing immediate effects (intoxication, allergies) or long-term harm (e.g. cancer).

Domestic work is physically demanding, with the result that domestic workers also face ergonomic hazards involved in such tasks as lifting, moving and handling heavy loads, and adopting repetitive postures (e.g. standing for long periods), without the possibility of sharing the workload with co-workers. They also face physical hazards, such as working at heights (for example to clean windows), and working on uneven surfaces. Noise and pollution are further factors that may increase the risks of injury and disease.

To these we must also add psychosocial hazards. The most common in domestic work are violence and harassment in its different forms, including sexual harassment. Furthermore, communication problems (especially in the case of migrant workers), lack of free time, isolation and lack of family contact also put domestic workers at high risk of depression, mental fatigue and mental disorders.

The COVID-19 pandemic has also clearly revealed the vulnerability of domestic workers to biological hazards. Domestic workers often work for multiple households and in close proximity with the occupants of the households in which they work. Because of the nature of the services they provide, they are often considered essential and continue to be required to work. When they are informally employed, without the possibility of benefiting from income replacement measures, they may also feel compelled to go to work, despite the risks. To compound these risks, domestic workers are often not able to physically distance in their workplaces, and are not provided with the necessary personal protective equipment. They may also not be aware if a person in the household has the virus and may pass it on. Many of these risks are not specific to COVID-19, but also apply to other transmissible or communicable diseases and biological hazards.

Some social and cultural characteristics of domestic workers also 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 both migrant and indigenous domestic workers. Low rates of literacy can also compound difficulties in accessing information on OSH risks. Domestic workers are rarely trained in OSH. Live-in domestic workers may also be excessively exposed to such risks as long working hours, workplace isolation and social exclusion. Domestic workers working in informal employment are particularly vulnerable in the face of OSH risks, due to their lack of access to healthcare and social protection.

Finally, certain characteristics of the workplace produce an environment that is more conducive to OSH risks. For instance, most people do not perceive housework in their own homes as

hazardous, and therefore underestimate these risks when they are performed by a domestic worker, even though the worker is performing them repetitively or continuously. This lack of awareness is closely linked to the fact that most people do not perceive their homes as the workplace of the domestic worker, and household employers and domestic workers do not see themselves as employers and workers, respectively. Rather than a workplace, the household is seen as private, and protected by the inviolability of privacy, a status that is often embedded in national constitutions, making it more difficult for labour inspectors to enter and inspect such workplaces.

The following table exemplifies some of the hazards to which domestic workers may be exposed.<sup>9</sup>

► **Table 1: Occupational hazards in domestic work**

Tasks	Hazards	Potential injuries/ health problems
Cooking, cleaning, ironing, and other household tasks	Sharp blades, hot surfaces and tools, toxic chemicals (e.g. bleaches), heavy loads (e.g. carpets, furniture), falling from height (e.g. cleaning windows, ceilings and stairs)	Cuts, burns, respiratory diseases, dermatitis, allergies, ergonomic injuries, broken bones, concussion, and even death
Gardening	Sharp objects, heavy loads, adverse weather, stinging insects, toxic pesticides, fertilizers, poorly guarded machinery	Cuts, musculoskeletal disorders, occupational diseases as a result of exposure to pesticides (cancers/respiratory diseases), heatstroke, sunburn, dehydration, insect and animal bites, neurological effects
Gathering fuel, fetching water and groceries	Heavy loads, traffic, long distances on foot	Back and other muscle pains, injury from traffic accident or urban violence, harassment
All tasks out of public view	Inadequate food and shelter, long hours, lack of privacy,	Sleep disturbances, exhaustion, hunger, depression, behavioural

<sup>9</sup> Adapted from ILO, IPEC (2011), *Children in hazardous work; What we know, what we need to do*, p. 29.

	abuse, humiliating or degrading treatment	disorders, bruises, burns and other injuries incurred from abuse
All task when working alone	Isolation, separation from peers and family	Psychosocial disorders

In the case of female domestic workers, labour inspectorates should pay special attention to maternity protection in their risk assessments and approaches to occupational safety and health and labour relations. Exposure to hazardous substances, the handling of heavy loads and other demanding tasks may put a mother-to-be and her unborn child at risk, and exposure to substances with effects on reproduction may also be a risk for male workers.

The principle of preventing occupational risks is as applicable to domestic work as to any other sector. It requires the identification of hazards in the workplace and the assessment of risks, considering all the material conditions of work and the interaction between these conditions and the individual characteristics of the workers concerned. The prevention of occupational injuries or diseases cannot be passed on to the individual worker; employers therefore need to be aware of the basics of occupational safety and health if they are to provide suitable workplaces. Providing this information is one of the noble roles of labour inspection, however it must be emphasized that labour inspectors cannot replace employers where the obligation to prevent and control risks is concerned, as this is primarily their responsibility.

Employers should be informed of the advantages of authorizing visits by labour inspectors to check whether domestic workers are protected against occupational hazards. Not only do such visits protect the integrity of their workers and ensure that they, as employers, are free of liability, but also ensure that the employers themselves are not affected by any uncontrolled risks to which domestic workers are exposed. A system of pre-placement visits adopted in some countries, particularly when the domestic worker is a migrant, has proved to be effective as it provides an opportunity for the labour inspector to check out the working conditions (and in some cases the living conditions) of such workers on a preventive basis.



#### ▶ Impacts of COVID-19

The pandemic has had a particularly dire impact on domestic workers around the world (see Chapter 10 for a detailed impact of COVID-19 on employment, wages and working time). At the beginning of June 2020, the number of cases of COVID-19 infection had exceeded 7.3 million, affecting most countries and territories. As the number of cases and fear of contagion has spread, so too have confinement measures. To facilitate physical distancing, most countries have adopted either full or partial lockdown measures to prevent transmission. While domestic workers have suffered many kinds of impacts resulting from the pandemic, one of the main consequences of COVID-19 has been a reduction in working hours and, in some cases, job losses, resulting from the fear and restricted mobility associated with confinement measures. In June 2020, the ILO produced an estimate of the number of domestic workers who were at risk of losing their jobs and incomes. The study considered the relative risk to male and female domestic workers, as well as to those in formal and informal employment, at four different moments in 2020: March 15, April 15, May 15, and June 4. At the global level, around 49.3 per cent of domestic workers were facing the risk of losing their job or income by 15 March. This figure then increased sharply, reaching 73.7 per cent by 15 May, where it stayed roughly stable (descending to 72.3 per cent by 4 June).

(ILO 2020a)

## ► 5. Challenges for labour inspectors

### 5.1 Coverage by labour legislation and the problem of informality

As previously mentioned, a primary challenge for labour inspection is that many legal systems still exclude domestic workers from their scope or grant them less protected status. In such circumstances, labour inspectors are not legitimated to provide the same degree of protection to domestic workers as to other occupational categories. Gaps in national legislation as applied to domestic workers are particularly common with regard to minimum wages, limitation of working hours, inclusion in social security schemes and measures to ensure occupational safety and health.

In practice, high levels of informality and the private nature of the workplace impede assessment and improvements in the occupational safety and health of domestic workers. A report prepared by the Senior Labour Inspectors Committee of the European Commission's Directorate-General for Employment, Social Affairs and Inclusion found that labour inspectorates were responsible for enforcing relevant occupational safety and health legislation in only 13 out of the 25 countries reviewed. Of these, eight indicated difficulties in entering residences, as doing so required the permission of the home owner, a judicial authorization or a police escort. Other respondents noted difficulties in detecting cases, and the consequent need to rely on complaints from domestic workers, which are rarely made, before they could take enforcement action (European Commission, 2015).



#### ► Domestic sector covered by labour legislation

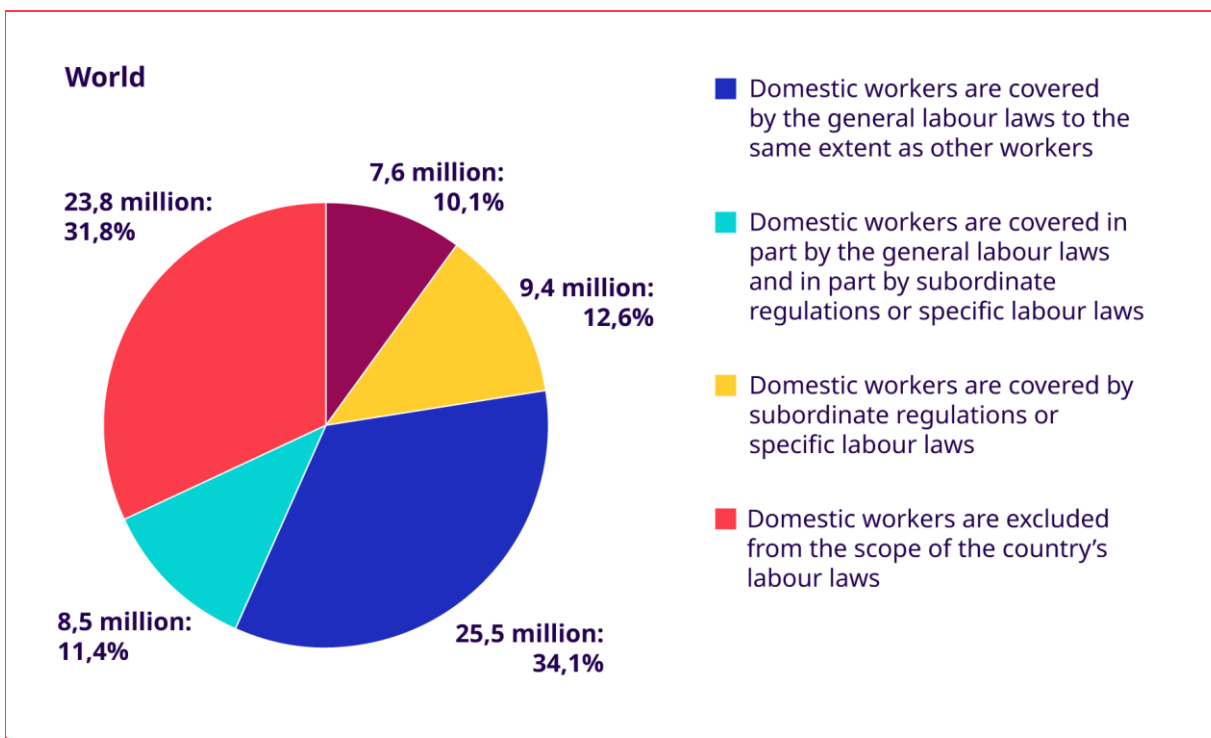
Since Convention No. 189 was adopted in 2011, many Member States, even if they have not yet ratified the Convention, have initiated legal reforms providing increased rights and better protection to domestic workers. This is the case of Argentina, Bahrain, Bolivia, Brazil, Chile, China, Costa Rica, Ecuador, Lebanon, India, Indonesia, Jordan, Paraguay, the Philippines, Spain, the United States (State of New York), Thailand, and Zambia. As a result, the rights of domestic workers are progressively being set at the same level as those of other workers. A minimum wage, for instance, has been established for domestic workers in Bolivia, Brazil, Chile, the Czech Republic, Ecuador, Estonia, France, Ireland, Kazakhstan, Moldova, Portugal, and Trinidad and Tobago.

The social partners are also becoming more active in signing collective agreements for the sector, although this still applies only to a minority of situations. Italy and France are cases in point. In the latter, a collective agreement with force of law, agreed in 1999, has set standards for domestic workers and their employers.

As part of their responsibility for identifying gaps and breaches in laws and regulations and bringing them to the attention of the competent authorities and institutions, labour inspectors should emphasize that:

- ▶ the rights of domestic workers should be equivalent to the rights of other workers, with due consideration to the characteristics of the sector;
- ▶ the relevant legislation should set clear rights and obligations;
- ▶ the legislation should be easily accessible to domestic workers and employers;
- ▶ the law must provide measures to ensure compliance, on the one hand, and deterrent sanctions for possible violations, on the other.

Coverage of domestic workers by national labour legislation across the world, 2020:



## 5.2 Exclusion from compliance mechanisms

The diversity of national systems of labour inspection may influence approaches to different sectors and areas of work, and the protection of workers' rights. The domestic work sector is particularly problematic for a number of reasons:

- ▶ Domestic work may be excluded from the mandate of labour inspection or other supervisory institutions.



- ▶ There may be no other compliance mechanisms available; labour dispute resolution mechanisms and access to courts may be difficult, lengthy and expensive.
- ▶ Although domestic work is not excluded from the scope of the labour inspection system, labour inspectorates may cover only certain aspects of labour legislation, such as occupational safety and health;
- ▶ Due to the lack of resources and the small number of complaints, domestic work may not be perceived as a priority intervention area for labour inspectorates.

Domestic workers should have free access to compliance mechanisms. Independently of national administrative arrangements, the system of labour inspection should cover the domestic work sector and all the functions expressed by Article 3(1)(a) of Convention No. 81: “to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors”.

Strong coordination and supervision by the central authority of the labour inspection system is needed to ensure an integrated response to the problems faced by domestic workers, particularly if the mandate to monitor compliance with labour law is attributed to several institutions, most commonly separating occupational safety and health from labour relations.

It is important to define an effective labour inspection policy for domestic work, with a strong commitment on the part of governments, which translates into an enabling institutional and legislative framework. Based on precise analysis of the characteristics of the sector in each country, a labour inspection strategy should be devised, and techniques tested and used, for the better protection of domestic workers’ rights.



### ▶ Labour inspectors competent to oversee compliance

Trends in the coverage of domestic work under the mandate of labour inspection are difficult to establish by region. In the European Union, most labour inspectorates include domestic work within their general mandates (Bulgaria, Cyprus, Finland, France, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden), but in some cases not all aspects of working conditions are addressed (United Kingdom). In the Arab world, the Jordanian labour inspectorate is addressing the issue of domestic work and has set up a directorate for the protection of domestic workers within its Ministry of Labour. In other countries, however, domestic work does not come within the remit of labour inspection.

In some countries of South America, labour inspectorates are addressing problems in the domestic work sector, such as wages and registration with social security agencies. In Uruguay, a specialized section of the labour inspectorate has been formed for the sector. Some countries, such as Brazil, place special emphasis on eliminating practices of slave and forced labour, but in others there is as yet no specific coverage of domestic work.

A traditional challenge for labour inspection is that the human and financial resources available are often insufficient to carry out the necessary functions effectively. This shortage of resources is particularly problematic for the domestic work sector, because labour inspectorates tend to target enterprises in which a large number of workers can be reached with a single intervention, thus achieving “better” results.

## 5.3 Nature and existence of the employment relationship

In many countries, the access of domestic workers to the labour market is arranged informally, by direct contact with the household concerned or through “middlemen”, who may be relatives, neighbours, friends or informal mediators. Contracts are established verbally, especially when the contract is negotiated directly with the household, the whole employment relationship is based on informality, and the worker is not declared to the public authorities or the social security agency. When contracts are established on the basis of kinship or social networks, the family tends to see the employee as a helper, not having the proper status of a worker.

The informality of these relationships is one of the challenges for labour inspectorates, as they give rise to situations where there is no evidence of a person’s being employed. The informality of employment relationships renders domestic work invisible and virtually impossible to detect.

When dealing with undeclared work, labour inspectors may face opposition from both parties to the employment relationship. The worker may be uncooperative from fear of losing his or her job, because of the convenience of receiving cash payment, or because of legal restrictions on undertaking the occupation (e.g. being under the minimum age for employment, or not having

legal status in the country); the employer because of the immediate gain of not having to pay social security contributions, insurance and so on. Some workers also choose to work as domestic helpers while receiving unemployment or sick-leave benefits and fear losing these advantages if detected by the authorities. Apart from the motive of avoiding taxes, employers often prefer greater contractual flexibility, as the dismissal of a worker is easier when there is no contractual evidence.

The existence of an employment relationship should be determined by the facts relating to the performance of work, regardless of whether or not there is a formal contract. For this purpose, legal presumptions of the existence of an employment contract, or indicators to establish the nature of such a contract, are particularly helpful for labour inspectors. Other facilitating measures for the formalization of the employment relationship include the establishment of model contracts and the registration or declaration of domestic workers to the ministry of labour or other institution.

Convention No. 189 stipulates that, where possible in accordance with national laws, regulations and collective agreements, written contracts should be established. In any case, countries need to take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and understandable manner.



#### ► Contracts in writing and model contracts

In the Republic of Moldova, any contract of employment must be in writing and contain all the provisions required under the applicable general conditions. The employer has to register the contract with the local authority, which forwards a copy to the local labour inspectorate. In South Africa, the employer has to supply the domestic worker with written particulars of employment, which both parties must agree to and sign. In Mali, a copy of contracts exceeding three months' duration or agreed for an indefinite period must be filed with the labour inspectorate.

In the Philippines, employment contracts contains information on whom to approach in the event of conflict. In Ghana, the labour inspectorate provides a model contract of employment in the form of a checklist, including the identity of both parties, date of employment, job designation, remuneration and mode of payment, benefits, working hours, holidays, social security, notice of termination, disciplinary rules and procedures for grievances, overtime payments and the duties of the worker.

Labour inspectorates should provide examples of employment contracts, payslips and working time registers to help employers and domestic workers better document the terms and conditions of employment, and especially to provide workers with evidence they can use in the event of abuse. Labour inspectors should be trained in how to determine the nature of the employment relationship.

## 5.4 Lack of information and registers

Other problems faced by labour inspectors are a lack of information as to the number of domestic workers employed, and the places where they can be found while engaged in their work, particularly if they work informally. In almost all countries, there are no official registers of domestic workers and households in which they are employed.

Strategies for tackling the problems in the sector are therefore hindered, as there are no indicators upon which to base actions and map risks of non-compliance. Inspection planning is dependent on inaccurate information, resulting in inefficiency and poor outcomes. As electronic databases and archives are non-existent, cross-referencing with other public organizations is rarely possible, complaints are few in many regions and countries, and inspection visits to households are subject to strict conditions, labour inspectorates orient their activities towards other priorities where they can better demonstrate results.

As in other sectors, intelligence matching can be useful for mapping targets and collecting evidence of non-compliance. Access to the databases and portals of various institutions may enable inspectors to carry out workplace risk-mapping, and hence better target their inspection visits. It may also help in gathering evidence of legal violations. Labour inspectors in Belgium, for instance, have access to a comprehensive set of data, including information as to a worker's nationality, immigration status and registration for social security and tax purposes.

There are various measures that can be taken to increase the resources and information relating to domestic workers for the purposes of labour inspection:

- ▶ Legislate that contracts for domestic workers must be authorized by the public authorities.
- ▶ Create official registers of domestic workers and households in which they are employed.
- ▶ Encourage hiring through employment agencies.
- ▶ Create a system that licenses or certifies domestic workers.
- ▶ Provide financial incentives for hiring domestic workers to encourage formality.
- ▶ Reduce the administrative burden for employers of domestic workers, e.g. make registration with social security agencies easier/encourage contributions.
- ▶ Launch campaigns to increase the number of complaints made by workers.
- ▶ Create different channels for reporting complaints anonymously.
- ▶ Oblige employers to keep documents and report employment conditions to the labour inspectorate.
- ▶ Collaborate with other public institutions to plan action and exchange information (social security, migration, tax authorities, etc.).
- ▶ Collaborate with social partners to acquire a better knowledge of the problems faced by domestic workers and their employers.

- ▶ Establish networks with all actors with knowledge of the working conditions of domestic workers, such as NGO's, and religious and neighbourhood organizations.



#### ▶ Documentation and registers

In the Philippines, employers are required to register their employees with the Barangay (local district authority). They are also obliged to keep copies of pay slips for a period of three years. In cases where the employment is facilitated by a private employment agency, the agency will keep a copy of all contracts of domestic workers, which must be made available for inspection by the DOLE (Department of Labor and Employment).

In some countries, employers are obliged to deliver pay slips to workers showing the wage rate, the total number of hours worked, any bonuses or allowances, the corresponding period, the value of benefits in kind, the net wage and any deductions made (South Africa, France, Portugal, and Zimbabwe). In others, such as Jordan, the legislation requires employers of domestic workers to keep evidence of monthly payments. This provides labour inspectors with the tools they need to address individual cases of abuse.

In Finland, the employer must draw up a work schedule and keep a register of any emergency work and overtime performed, which must be kept available for the occupational safety and health authority. On request, the employer must also provide the worker or his or her representative with a written report on these records. The work schedule must indicate the beginning and end of working hours, the timing of breaks and the daily rest period.

## 5.5 Access to workplaces

As in all aspects of labour relations, as well as setting out substantive rights and protections, the legal framework for achieving decent work for domestic workers also needs to envisage measures for ensuring compliance.

There are a range of possible measures for bringing about respect for the applicable norms and thus ensuring compliance. They include:

- ▶ the dissemination of information,
- ▶ awareness-raising, and
- ▶ providing assistance to domestic workers and their employers, workers' and employers' organizations, employment agencies and other stakeholders.

Compliance mechanisms go beyond labour inspection. Convention No. 189 is also concerned with the access of domestic workers to:

- ▶ courts and tribunals,
- ▶ other dispute-settlement mechanisms (conciliation and mediation), and
- ▶ complaints procedures envisaging sanctions.

Where labour inspection is concerned, workplaces should be inspected as often and thoroughly as is necessary to ensure the effective application of the relevant legal provisions. When it comes to domestic work, however, the challenges for the inspection visit are considerable, as the workplaces in question are at the same time private households. In most countries, the law in fact requires the consent of the householder or prior judicial authorization to allow labour inspectors access, because of provisions protecting the right to privacy, which in most cases is guaranteed by the Constitution.

Respect for the inviolability of the home thus makes it more difficult to monitor the actual conditions of domestic workplaces. This right to household privacy prevails in all jurisdictions and can only be removed by a special judicial dispensation.

However, efficient surveillance of compliance with labour legislation does not necessarily require an actual visit to the workplace. In other words, the special difficulties associated with visiting private households do not make enforcement impossible.

Some of the following approaches can be adopted, sometimes used in combination:

- ▶ Try to obtain consent from the householder to allow access. This approach may be especially effective in the case of inspection visits not undertaken for enforcement purposes, but it demands a high level of soft skills on the part of labour inspectors.
- ▶ Maximize documentary evidence and thus diminish the need to visit the workplace. For example:
  - Require the employer to declare the recruitment of workers to the ministry of labour or other institutions.
  - Require the employer to keep such documents as employment contracts, work schedules, payslips, risk assessment reports, and possibly send them to the labour inspectorate.
  - Summon the employer for interviews or meetings with the labour inspectors and require him/her to produce documentary evidence that he/she has complied with the law.
  - Interview workers to compare their version of the facts with the documents provided by the employer.
- ▶ Enhance mechanisms for cooperation with the judiciary. For example:
  - Present legal presumptions in face of indicators of violation of the law.
  - Create urgent judicial procedures for obtaining authorization of access.

- Use shared electronic platforms to expedite communication between labour inspectorates and courts.
- ▶ Organize raids in selected neighbourhoods and randomly try to identify abuses. This method requires substantial resources and results are not guaranteed, given the limits to the inspection visit, but it can be useful for mapping possible non-compliance and obtaining a better knowledge of the sector as a basis for preparing alternative action. At the same time, it can work as an entry point for reaching domestic workers and their employers, building trust in labour inspection, or even increasing the visibility of enforcement officers in the sector, thus having a deterrent effect.
- ▶ Make prior visits to households that will be hiring domestic workers to ensure minimum standards of occupational safety and health and acceptable conditions of work, as a pre-condition for employment. This alternative is used in some countries that rely heavily on a migrant domestic workforce, as a requirement for granting authorization for the recruitment of a foreign worker.
- ▶ Another possible course of action is to take the initiative and make judges aware of the importance of the issue at stake (decent working conditions for domestic workers). Such informative actions may help judges and courts to better understand why there are grounds for the sacred right of household privacy to be lifted in some cases.
- ▶ Such awareness-raising may take the form of joint workshops involving the labour inspectorate and the courts, to stress the importance of the issue and underline the effects of lack of effective enforcement. Workshops of this kind would also provide an opportunity for the judiciary, prosecutors and the labour inspectorate:
  - to exchange information,
  - to identify what might go wrong in the process (before a case reaches the court), with a view to avoiding undue leniency in court decisions,
  - to establish a mechanism for easing access to private homes on the part of labour inspectors.

Needless to say, **collaboration with trade unions and effective social dialogue** are necessary elements for efficient labour inspection interventions.



### ▶ Access to the workplace

A) In **South Africa**, the labour inspection services are responsible for monitoring compliance with Sectoral Determination 7. Under the BCEA, section 65(2), labour inspectors have the right to enter private homes following authorization by the Labour Court. While the possibility of applying for such an authorization is rarely used, labour inspectors have carried out campaigns targeting domestic work since 2005. During a specified period, households in certain designated areas are contacted in advance and invited to receive labour inspectors. Depending on the extent of a given campaign, several hundred households are visited each time.

Questionnaires for employees used by the inspectors include 20 questions on working conditions and social security.

B) **Uruguay's** Act No. 18.065, Article 13, requires the labour authorities to enforce the provisions of the law and provides for home inspection when there is "presumed non-compliance" with labour norms:

Inspection and labour violations – The Ministry of Labour and Social Security, acting through the General Labour and Social Security Inspectorate, may carry out home inspections in cases of presumed non-compliance with labour and social security regulations, provided that it has obtained a court order issued by a Labour Court of First Instance in full possession of the facts; testimony concerning the action taken must be presented to the competent court within 48 hours.

A unique feature in Uruguay is that the labour inspectorate has created a special section responsible for:

- ▶ monitoring provisions on domestic work,
- ▶ coordinating efforts with labour courts and other government entities to protect domestic workers,
- ▶ having a fast-track procedure for obtaining a court authorization to enter a presumed workplace/private home.

C) In **Ireland**: The labour inspectorate issues letters of appointment requiring access to inspect domestic premises. While these letters advise on the right to refuse permission, they also encourage alternative meeting sites outside of the private household in the event of a refusal (e.g. hotels, solicitors' offices, WRC premises).

This approach has proved to be successful in securing access to domestic premises (estimated success rates range between 70 and 80 per cent of requests being granted) and in educating both employers and employees with respect to labour law requirements in domestic settings.



D) At the **European Union** level, regarding compliance and enforcement, the European Parliament Resolution of 28 April 2016 on women domestic workers and carers:

- ▶ 24. *Calls on the Member States, in accordance with Article 17 of ILO Convention No 189, to **establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers; calls, furthermore, on the Member States to develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations; asks that, in so far as this is compatible with national laws and regulations, such measures specify the conditions under which access to household premises may be granted, having due respect for privacy; asks the Member States, in line with national regulations, to consider mechanisms to effectively address abuses, such as in-house inspections in cases where there are grounds for suspicion of abuse;***
- ▶ 25. *Expresses **concern over the lack of inspections to oversee, monitor and supervise the hiring of women domestic and care workers** carried out by companies or recruitment agencies, and reiterates the need to increase the number of public inspectors and inspections to ensure compliance with the law.*

## 5.6 Communication with migrant domestic workers

Many domestic workers are migrants, some of whom are particularly vulnerable to abuse and exploitation due to their irregular status in terms of immigration law. Dealing with them requires a targeted approach on the part of labour inspectors and cooperation with organizations specializing in the protection and assistance of migrants, which are still weak in many countries. It also requires that labour inspectors be able to build trust with such workers and use soft skills, giving due attention to multicultural issues. Even when they are aware of their rights and possible remedies, domestic workers are often hesitant to lodge complaints because of possible negative impacts on the relationship with the employer and fear of retaliation.



### ▶ Migrant victims of forced labour

When cases are detected, the role of labour inspectors within the limits set by Convention No. 81 should be in keeping with the principles and guidelines of the UN High Commissioner for Human Rights on human rights and human trafficking: victims should be fully informed of possible choices of cooperation with authorities; their privacy should be respected; and they should be informed about possible compensation, such as in-debt wages and other entitlements, as well as how to execute their rights. These principles are implemented in countries like the USA or Portugal, where immigrant victims of trafficking are eligible for visas if they cooperate with enforcement agencies and assist in the investigation and prosecution of trafficking. In both countries, victims of trafficking who receive visas on this basis are able to obtain an employment permit.

Labour migration has been a challenging issue for labour inspectors for many years, as the roles of labour inspectorates and police or immigration authorities are not always distinct and clear. Indeed, when dealing with migrant domestic workers who have entered or reside in a country irregularly, labour inspectors repeatedly face a dilemma between their mission to protect workers in the context of their employment and their duty as civil servants, which obliges them to report such cases to the immigration authorities, with the possible consequent deportation of the workers concerned. It is essential to remember that the role of labour inspection is to protect the rights of the worker and not to enforce immigration law.

The establishment of fruitful contact with migrant domestic workers is challenging for many other reasons. They tend not to make complaints, therefore cases of abuse remain undisclosed. Some are not declared and are part of an invisible workforce, therefore labour inspectorates do not know who they are, where they work or what kind of working conditions they face.

Labour inspectors need to be able to communicate with migrant workers in their own language. It is also important that inspectors be aware of cultural differences and know how to address them. This can be achieved by:

- ▶ inspectors having the necessary language skills;
- ▶ hiring interpreters to accompany labour inspectors when contact needs to be made with migrant domestic workers;
- ▶ using call centres or online translation tools.

Preventive actions to protect migrant domestic workers' rights might include:

- ▶ Ensuring that labour inspection covers all stages of the migratory flow, providing migrant domestic workers with information on their labour rights and obligations before departure, during their stay and after returning to the home country;

- ▶ Establishing protocols between receiving and sending countries, for instance to share information and refer cases when migrant domestic workers need assistance in seeking redress or returning to the country of origin;
- ▶ Using hotlines in various languages to provide information on labour rights and complaint mechanisms, operational in and outside of working hours;
- ▶ Making preliminary contact with employers recruiting migrant domestic workers, and informing them about the applicable legislation;
- ▶ Organizing training programmes for employers of migrant domestic workers to inform them of the existing labour regulations and their obligations as employers;
- ▶ Arranging interviews with employers of domestic workers prior to recruitment to advise them on how to best comply with the labour legislation and avoid running the risk of non-compliance.

## 5.7 Reluctance to make complaints

In most countries, the number of complaints made by domestic workers to the labour inspection services is very low. There are various reasons for this:

- ▶ Lack of knowledge of their labour rights;
- ▶ Lack of understanding of how the systems or procedures intended to protect their rights actually work;
- ▶ Mistrust of public authorities;
- ▶ Fear of a possible negative impact on the relationship with the employer, or of retaliation;
- ▶ Cultural challenges in the case of migrant workers.

## ▶ 6. Promoting compliance and prevention

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Ensuring compliance is not merely a question of punitive action by labour inspectors in the event of violations of the law. It comprises a range of possible measures to ensure respect for the applicable norms, in particular the dissemination of information, awareness-raising, and providing assistance to domestic workers and their employers, workers' and employers' organizations, employment agencies and other stakeholders.

### 6.1 Informing domestic workers and employers about labour legislation

Lack of awareness of legal obligations and rights is a major cause of non-compliance in most countries, as both domestic workers and their employers tend to be uninformed as to their rights and obligations. Ministries of labour and labour inspectorates should work to make the legal provisions accessible to workers and employers in a simple and easily understandable form. Various channels can be used: print media, websites, radio and television, and so on.

Awareness-raising campaigns, hotlines and call centres providing information on employers' and workers' legal rights and obligations may be helpful in overcoming the serious information deficit that exists in most countries. When these measures are applied to the domestic work sector, such factors as levels of illiteracy, language barriers, trust in public services and access to the media will need to be considered.

Regardless of how workers access employment, labour inspectorates should be involved in the provision of information before they enter into the employment relationship. Before they accept a position, domestic workers should be informed in a simple manner of the legislation applicable to their individual situation. Labour inspectors might also provide advice on questions that job-seekers should put to their future employer so as to have an accurate idea of their working conditions.



### ▶ Informing workers of their rights

Call centres can be effective tools for providing information; centres of this kind have been set up in Austria, Ireland and Jordan. In Brazil, soap operas have been used to convey information about human rights in an informal and friendly manner, and this approach could be adapted to domestic work. Other initiatives to raise awareness of domestic workers rights have been tried in many countries. In Uruguay, a campaign was organized to provide information on the content of a new law and, immediately after the law came into force, the national labour inspectorate visited workplaces with the aim of informing and regularizing informal domestic workers. In Costa Rica, in 2013, the inspection and labour relations services of the Ministry of Labour and Social Security organized a “Fair for the promotion of labour rights of domestic workers” and provided hundreds of domestic workers with information and advice on their rights to a full weekly day of rest, a maximum working day of eight hours, and their entitlement to 15 days of annual vacation. A special day for domestic workers (Arawngmga Kasambahay) was instituted in the Philippines, and the Department of Labor is legally required to provide facilities for one-stop registration of domestic workers during job fairs.

In Argentina, the Ministry of Labour (MOL) must give domestic workers a copy of all relevant laws in force at the time of their recruitment. The Jordanian MOL offers guidance and education to domestic workers and their employers.

In New York State (USA), the Domestic Workers Bill of Rights requires the Commissioner of Labour to report to the Governor, Senate and Assembly on measures to provide easily accessible educational and informative material on legislation governing domestic work.

## 6.2 Other preventive action

As we have seen, given the specifics of the domestic work sector, prevention needs to reach farther than the workplace. There follow some preventive actions for tackling some of the challenges that have been reviewed:

- ▶ Inform and educate employers, workers the civil society as to the economic importance of domestic work, as in the case of any other sector, and the need to attain the same level of respect for worker’s rights.
- ▶ Raise wider awareness of rights and obligations.
- ▶ Increase collaboration with social partners.
- ▶ Set up legal and technical information and advisory services with the purpose of helping employers to meet their legal obligations.
- ▶ Encourage employers of domestic workers to improve compliance with the law by offering incentives.

- ▶ Spread good practices.
- ▶ Organize programmes and campaigns to promote positive attitudes towards good working conditions in the domestic sector and a culture of compliance.
- ▶ To combat child labour in domestic work, build awareness among families and the community that domestic work might be harmful to children in the long term by keeping them in poverty.
- ▶ To combat forced labour, provide information in the countries of origin of migrant domestic workers.



#### ▶ Promoting compliance

Many labour inspectorates have consolidated experience of organizing awareness-raising campaigns for those under their mandate. Information is provided on request during inspection visits, by telephone, by email or indirectly via websites. Information weeks are organized in many countries, for instance France, Spain, Lithuania and Romania, India and Vietnam. Special days focusing on occupational safety and health or child labour are equally observed in many countries, such as Bulgaria, Cuba, Morocco, Portugal and Ukraine, and used as opportunities to raise awareness. Other countries use the media for this purpose, as for example in China, Cuba, El Salvador, Mauritius, Portugal and Romania.

### 6.3 Sanctions

In most countries, labour inspection sanctions consist in administrative or judicial fines, terms of imprisonment or both. Labour inspectors can also impose improvement or stoppages-of-work notices in cases of serious and imminent risk to the health or safety of workers, hazardous child labour and, in some countries (e.g. Italy), undeclared work.

Other sanctions that are increasingly being used in the domestic work sector include:

- ▶ name and shame penalties (publishing the names of the offenders and details of their offences in newspapers or on institutional websites);
- ▶ refusal to grant visas for migrant workers;
- ▶ blockage of bank accounts;
- ▶ withdrawal of permits and the suspension or revocation of operating licences (in the case of private employment agencies).

Legislative options such as the reversal of the burden of proof have proved to be successful in many countries for such matters as determining the nature of contracts, discrimination and harassment. Legal presumptions of minimum periods of employment can help labour inspectors

to tackle undeclared work, retroactively obtain social security contributions, and restore workers' rights. Joint-or-several liability schemes may also enhance the effectiveness of legislation. In the Philippines, for instance, private employment agencies are jointly and severally liable with the employer for all the wages and wage-related benefits due to a domestic worker.

Another option is the replacement of fines with mandatory training, currently applied in Guatemala and the Dominican Republic for low-income employers who have committed infractions. This measure could be applied to the whole sector, with the double benefit of deterring would-be offenders and educating employers of domestic workers who fail to comply with the law.

Whatever their nature, sanctions must be adequate in terms of severity and objectively enforceable within a reasonable time, so that the deterrent and punitive effects are not dissipated by long procedures.

## ▶ 7. Working with other actors

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Labour inspection alone cannot improve the working conditions of domestic workers, but it can make a very valuable contribution. It is essential to establish good working relations with employers' and workers' organizations and other community groups that can assist labour inspectors in carrying out their duties. Such cooperation creates an atmosphere in which the labour inspectorate is viewed not only as reporting on violations, but as working with all the actors involved to improve working conditions.

**Government agencies and institutions.** To be effective labour inspectorates need to cooperate with other government agencies that carry out more or less closely related activities. This is particularly important in the domestic work sector because of the "invisibility" of many workers. The relevant institutions include, among others, social security agencies, immigration services, civil registration offices and police forces.

Examples of cooperation:

- ▶ Get the criminal police involved in the worst cases of human rights abuses, such as forced labour.
- ▶ Share information with other services, such as social security agencies and immigration offices.
- ▶ Cooperate with ministries of foreign affairs to prevent abuses against migrant domestic workers, by providing information in origin countries. Similarly cooperate with the personnel of embassies, consulates and international organizations, and especially with sending-country authorities.
- ▶ Organize joint interventions with other agencies.
- ▶ Combine different databases with a view to uncovering infractions at all levels (social security, tax, labour law, including occupational safety and health).





### ▶ Cooperation between institutions

In France, labour inspectors and prosecutors are assisted by the police in conducting joint visits to combat undeclared work and pinpoint forced labour cases, with immediate detention of criminal offenders. Access to private households in these cases is facilitated as a magistrate is involved.

In Bolivia, the labour inspectorate is informed of the facts of cases investigated by other institutions, such as the Brigade for the Protection of Women and the Family, the Police Force and the Public Prosecutor's Office. This ensures that wages and social protection are paid during investigation or prosecution.

Where the protection of domestic workers is concerned, the law in the Philippines stipulates that any abused or exploited domestic worker shall be immediately rescued by a municipal or city social welfare officer, or social worker from the Department of Social Welfare and Development, in coordination with district officials.

In Belgium, a sophisticated system of shared databases exists. The Crossroad Bank for Social Security, managed by the BCSS (Banque Carrefour de la Sécurité Sociale), a federal service, provides labour inspectorates with accurate information they can use in planning action and investigating cases.

**The judiciary.** Cooperation with the judiciary is of particular interest as in most countries judicial assent is required to gain access to a private household.

Examples of cooperation:

- ▶ Direct involvement of magistrates in the worst cases of human rights abuses
- ▶ Fast-track procedures for obtaining authorization of access
- ▶ Expedited court procedures
- ▶ Information to courts after visits



### ▶ Cooperation with the judiciary

In Spain, Law 36 of 10 October 2011, regulating labour jurisdiction, stipulates that the Inspectorate General of Labour and Social Security may request judicial authorization to inspect home premises if the owner opposes an inspection or the risk of such opposition exists, provided that the visit relates to matters that can subsequently be brought before the courts, or to enable other inspections or controls related to fundamental rights or freedoms.

In Uruguay, Law No. 18.065 stipulates that domicile inspections may be conducted in the event a presumption of non-compliance with labour or social security law, for which a warrant must be issued by the court of first instance. A report on the inspection must be sent to the court within 48 hours of intervention.

**Social partners.** In some countries, cooperation between employers' organizations and trade unions in the field of domestic work tends to be weaker than in other sectors, in many cases because domestic workers, their employers or both parties are not organized. Cooperation at workplace level is also problematic as trade-union activists do not have access to households and therefore their knowledge of individuals' working conditions is limited. Workers' and employer's organizations could be of assistance to labour inspectors by joining in advocacy efforts and sharing information on areas of particular concern related to abuses of the labour laws regulating domestic work.

Examples of collaboration:

- ▶ Tripartite consultation on domestic work to identify challenges and consider how to ensure compliance in the sector. Trade unions could, for instance, receive complaints from domestic workers and refer them to the competent authorities. Employers' organizations could help labour inspectorates to raise awareness of their members' legal obligations;
- ▶ Improving social partners' knowledge of the characteristics of domestic workers and the domestic work sector, to encourage further action on their part;
- ▶ Organizing joint workshops to identify major risks of non-compliance;
- ▶ Celebrating joint advocacy campaigns.



### ▶ Cooperation with social partners

In Bolivia, FENATRAHO (the national federation of domestic workers) carried out an advocacy campaign, with radio spots in several languages, to reach out geographically. Unions and the Government jointly implemented a series of domestic work “Sunday fairs”. In the Philippines, SUMAPI (an association of home helps) organizes a network of groups based in parks, schools and churches, and at trafficking transit points, to alert people to the risks of human trafficking. They mobilize domestic workers for an annual celebration that takes place in public parks and organize trips to social security registration booths, counselling centres and other government agencies.

In Tanzania, CHODAWU (the Conservation, Hotels, Domestic and Allied Workers Union) has mobilized its own branches and other unions to oversee the recruitment of domestic workers, and has initiated cooperation with recruitment agencies that agree to operate within the law. Also in Tanzania, the International Domestic Workers Network and the Conservation, Hotels, Domestic, Social Services and Consultancy Workers Union, with support from the ILO, have developed a tool for recording working time and calculating remuneration.

Employer’s organizations can also help by establishing codes of conduct for businesses. In Indonesia, for example, the APPSI (Association of Domestic Workers Suppliers) is applying a policy of non-recruitment of children younger than 15, even though the biggest demand from clients is for children aged 13 to 16. In Zambia, the Zambian Federation of Employers, the Zambia Congress of Trade Unions, the Federation of Free Trade Unions, the Ministry of Labour and Social Security and the Ministry of Home Affairs have also drawn up a code of conduct to promote decent work in the domestic work sector.

**Non-traditional partners.** Cooperation with non-traditional partners, such as migrant associations, community-based organizations, NGOs and religious congregations, would be valuable in reaching out to domestic workers and learning more about their conditions, but the experience of such outreach is still limited. These actors have many entry points for contact with workers outside the household, such as parks, markets, shops, places of worship and schools, and therefore could be useful partners in providing information on abuses and disseminating information.

Examples of cooperation:

- ▶ Improving these partners’ knowledge of the characteristics of domestic workers and the sector, so they can support labour inspection services in promoting awareness;
- ▶ Seeking their support in identifying where domestic workers are working;
- ▶ Seeking their support in identifying possible instances of severe exploitation;
- ▶ Holding workshops where they can help to identify trends and challenges;

- ▶ Involving them in advocacy campaigns;
- ▶ Involving them in focus groups with domestic workers, where they can be interviewed, share concerns over compliance with regulations on working, and possibly report complaints;
- ▶ Involve them in building domestic workers' trust in the public authorities and especially in the labour inspectorate, so that they will be willing to report complaints and thus help in improving working conditions.



#### ▶ Cooperation with non-traditional partners

In Phnom Penh, Cambodia, VCAO (the Vulnerable Children Assistance Organization) reports to government institutions all cases of child domestic workers at risk of abuse they come across in their awareness-raising work. In Tanzania, WoteSawa, a youth group of child domestic workers, has rescued and counselled abused child domestic workers and engaged with local officials for their protection.

## ▶ 8. Soft skills required

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As mentioned above, the problems of domestic workers are diverse and often interconnected. Their very complexity calls for specialized skills on the part of labour inspectorates and capacities that some institutions do not possess, especially in countries where there is no training policy or strategy for labour inspectors, and training needs are not assessed as often as they should be.

Labour inspectors need a detailed knowledge of the law and regulations, technical knowledge in specialized areas, and the ability to analyse work processes and identify problems. However, these technical skills need to be complemented by another set of equally important abilities, generally known as “soft” skills.

When intervening in the domestic work sector and advising employers and workers on how to best comply with the law, labour inspectors often need to:

- ▶ encourage or convince a householder to allow them to access the house/workplace;
- ▶ seek cooperation from the employer, who does not necessarily perceive the inspector’s role as helpful or is not aware of his/her obligations;
- ▶ persuade workers to be frank and open, despite their vulnerability;
- ▶ gain the confidence of all parties, so as to be able to provide assistance;
- ▶ address both parties with an equal degree of empathy and understanding.

Consequently, labour inspectors dealing with domestic work need to receive adequate and regular training covering the soft skills that are so essential in tackling this sector, as well as the applicable legislation and the specificities of domestic work.

Soft skills relate to a person's ability to interact effectively with others. Those that are especially relevant for labour inspectors include:

- ▶ communication skills (verbal and non-verbal),
- ▶ intercultural skills,
- ▶ emotional intelligence,
- ▶ techniques of persuasion,
- ▶ problem-solving skills,
- ▶ negotiating skills.

Labour inspectors should be able to communicate effectively, verbally and non-verbally, when interviewing domestic workers and their employers, and convincingly express the message they need to convey. By using these skills to explain the role of a labour inspector and the aims of the visit, for instance, they may be able to overcome an employer’s reluctance to let a stranger violate the privacy of their household.

## ▶ Exercises



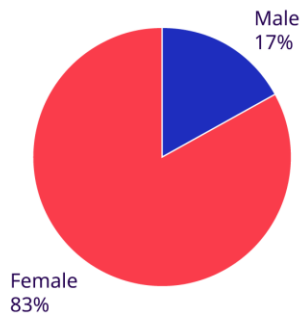
### Exercise 1

**TITLE** *The world of domestic workers*

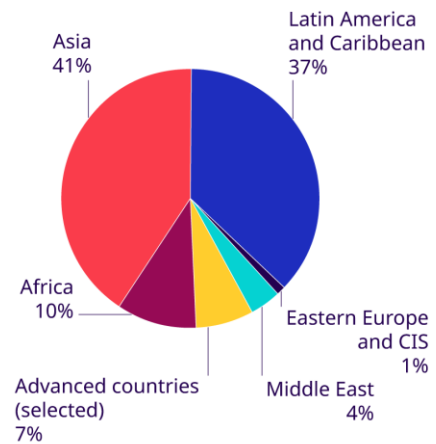
- AIM**
- ✓ Introduce participants to the concept of domestic workers and their main characteristics.
  - ✓ Increase awareness of the heterogeneity of the group and the complexity of their situation.

- TASK**
- ✓ Working group members should look at the graphs presented and discuss the following questions within their groups:

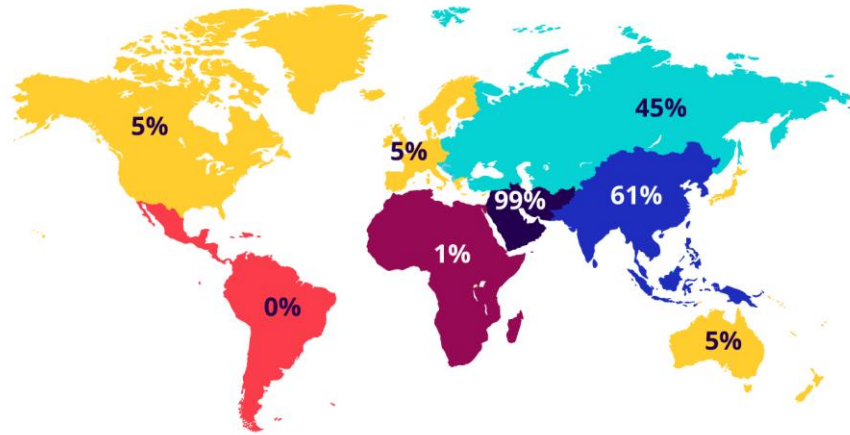
**Distribution of domestic workers by sex, 2010 estimates**



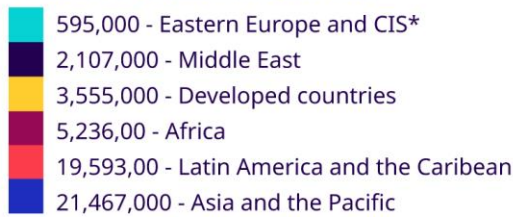
**Distribution of domestic workers by sex, 2010 estimates**



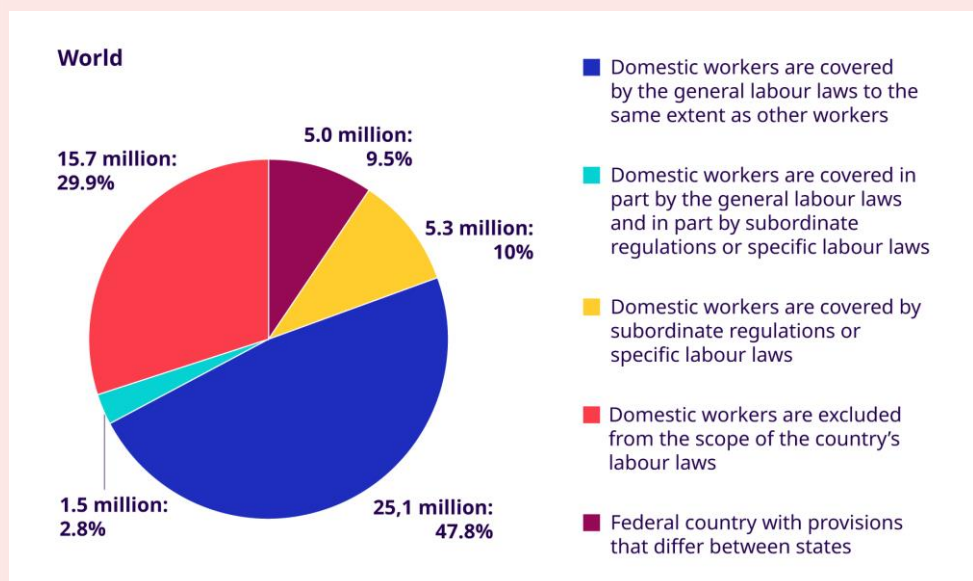
**Estimated number of domestic work and % excluded from labour legislation**



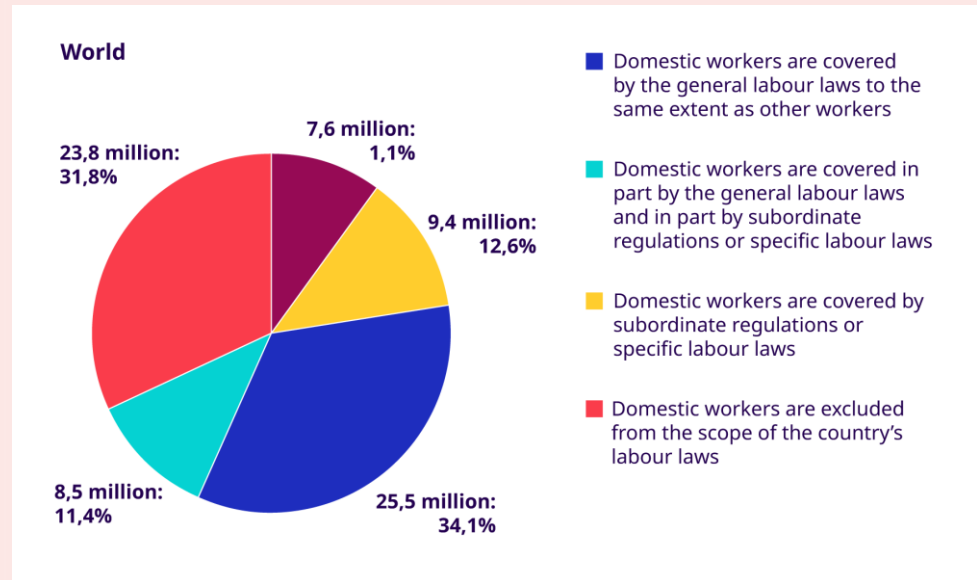
**Number of domestic workers**



Coverage of domestic workers by national labour legislation across the world, 2010:



Coverage of domestic workers by national labour legislation across the world, 2020:



- Could you list the main characteristics of domestic workers in your country (sex, age, country of origin, nature of their employment relationship (for example, if they work for one household, several, through an employment agency, or through informal arrangements)?
- Do you know how many domestic workers currently work in your country?
- Are domestic workers covered by the national labour legislation of your country?
- Compare figures from 2010 and 2020.
- ✓ Each group will appoint one member to take notes of the discussions and present the conclusions in the plenary session.

<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 20 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>
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## Exercise 2

<b>TITLE</b>	<i>Exclusion from the mandate of labour inspection</i>
<b>AIM</b>	Explore the current challenges and opportunities that labour inspectors face, either in including domestic workers in their strategic plans or in ensuring compliance with national law and regulations on domestic workers.
<b>TASK</b>	<p>✓ Working group members will discuss the following questions in their groups:</p> <ol style="list-style-type: none"> <li>1. Are labour inspectors competent to verify compliance with national law and regulations on domestic workers?</li> <li>2. Do labour inspectors currently ensure compliance with national laws and regulations for the protection of domestic workers?</li> <li>3. If so, what are the main challenges that labour inspectors face when ensuring compliance?</li> <li>4. If not, what are the main reasons for not including domestic workers in their work plans?</li> <li>5. Are there complaint mechanisms and means of ensuring compliance? If so, what are they?</li> </ol> <p>✓ Each group will appoint one member to take notes of the discussions and present the conclusions in the plenary session.</p>
<b>TIME</b>	<p>✓ 20 minutes for group discussion.</p> <p>✓ 20 minutes for feedback in plenary session.</p>



## Handout 2

**TITLE** *Exclusion from the mandate of labour inspection*

In your working groups discuss the following questions. Remember to appoint one member to take notes of the discussions and present the conclusions in the plenary session.

1. Are labour inspectors competent to verify compliance with national law and regulations on domestic workers?
2. Are there complaint mechanisms and means of ensuring compliance? If so, what are they?
3. Do labour inspectors currently ensure compliance with national laws and regulations for the protection of domestic workers?

If so, what are the main challenges that labour inspectors face when ensuring compliance?

If not, what are the main reasons for not including domestic workers in their work plans?



### Exercise 3

<b>TITLE</b>	<i>Labour inspection and domestic workers</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Increase awareness of the need to include domestic work within the coverage of labour inspection services.</li> <li>✓ Discuss challenges encountered within national scenarios.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will discuss the following questions in their groups:               <ol style="list-style-type: none"> <li>1. Does the labour inspectorate of your country include domestic workers in their compliance strategy?</li> <li>2. What types of inspection actions are or could be programmed annually?</li> <li>3. What are the current challenges and opportunities when planning inspection activities in the domestic sector?</li> </ol> </li> <li>✓ The plenary will discuss the main challenges and opportunities that exist.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 20 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session for each group.</li> </ul>





## Exercise 4

<b>TITLE</b>	<i>Convention No. 189 and national legislation</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Convey the basic principles covered by Convention No. 189.</li> <li>✓ Compare the provisions of the Convention with the existing local legislation.</li> <li>✓ Familiarize inspectors with Convention No. 189 and national legislation on domestic workers.</li> <li>✓ Increase awareness of possible gaps in domestic law.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members should individually look at the table provided, which includes the basic provisions of Convention No. 189. They should decide whether their current national legislation covers these principles.</li> <li>✓ Once they have completed their table, they will discuss their answers as a group and check whether they are correct.</li> <li>✓ The plenary will discuss the current state of the national legislation covering domestic workers, as well as the participants' knowledge of the legislation.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 15 minutes for individual reflection and answers</li> <li>✓ 20 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



## Handout 4

**TITLE** *Convention No. 189 and national legislation*

Take a look at the following table. Do you think your national legislation covers these principles, which are laid out in ILO Convention No. 189?

Once you have completed the table, discuss your answers as a group and check whether they are correct.

Provisions included in Convention No. 189	Yes	No	?
Minimum age to employment			
Right to create or join trade unions representing the class, free of any kind of pressure and persecution, and with the right to collectively bargain			
Protection against forced labour			
Protection against any kind of violence, discrimination and harassment, including of a sexual nature			
Entitlement to equal treatment with other workers concerning normal working hours, overtime remuneration, daily and weekly rest periods, paid annual leave, and minimum wage coverage			
Entitlement to regular payment at least once a month			
Payment in kind only by mutual agreement, for the personal use of the worker and provided that the attributed monetary value is fair and reasonable			
Entitlement to receive information on the precise terms and conditions of employment in an appropriate, verifiable and easily understandable manner, preferably through a written job offer or contract of employment			
Ability to decide how to spend periods of daily, weekly or annual leave			
Entitlement to a minimum weekly rest of 24 consecutive hours			

Consideration of hours of work of all periods during which domestic workers are not free to dispose of their time and remain at the disposal of the household			
Entitlement to carry out their work in conditions of safety and health, inclusive of living conditions in the case of live-in domestic workers			
Coverage by social security as for any other worker			
Access to effective complaint mechanisms, including labour inspection, which is endowed with enforcement capacity and deterrent sanctions			





## Exercise 5

<b>TITLE</b>	<i>Nature and existence of the labour relationship</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Examine the different root causes of informality as experienced by domestic workers.</li> <li>✓ Prioritize possible and probable root causes.</li> <li>✓ Identify possible actions to neutralize each of the probable root causes.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will try to identify the root causes of informality in the sector and possible actions to reduce it.</li> <li>✓ For this purpose, participants will be asked to think of four causes that lead to informality.</li> <li>✓ Once they have identified these four general causes, they have to ask themselves “why” each happens.</li> <li>✓ Under each “why”, they must find another “why” question. They will draw up a fishbone diagram. With these causes identified, they must now try to think of actions that could neutralize them, and which the labour inspectorate or ministry of labour could adopt to reduce informality in the sector.</li> <li>✓ The plenary will discuss the root causes that each group has identified and the actions they propose.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 30 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



## Handout 5

**TITLE** *Nature and existence of the labour relationship*

Take a look at the following table. We are going to use it to identify possible root causes of informality in the domestic work sector, and identify actions that could be taken to reduce the degree of informality.

Working in your group, start off by identifying four general causes of informality, for example “burdensome regulations”, and enter each cause in the table below. Then identify reasons that might further explain or give rise to each general cause, for example “complicated procedures”. Once you have completed the first level of the root cause path, try to go a bit deeper into the problem and identify why this happens, why procedures are complicated. Could it be that the public officials who designed the procedures did not do it adequately?

Try to identify two “first-level whys” and one “second-level why” for each general cause.

Once you have identified your root causes, try to identify actions to overcome the challenges concerned.

Cause 1	Root cause path		Action
Burdensome regulations	WHY 1	Complicated procedures	Simplify procedures
	WHY 1.1	Low quality of public service	Provide training
	WHY 2	Strict labour regulations	
	WHY 2.1		
Cause 2	Root cause path		Action
	WHY 1		
	WHY 1.1		

	WHY 2		
	WHY 2.1		
<b>Cause 3</b>	<b>Root cause path</b>		<b>Action</b>
	WHY 1		
	WHY 1.1		
	WHY 2		
	WHY 2.1		
<b>Cause 4</b>	<b>Root cause path</b>		<b>Action</b>
	WHY 1		
	WHY 1.1		
	WHY 2		
	WHY 2.1		



## Exercise 6

<b>TITLE</b>	<i>Documentation and keeping registers</i>
<b>AIM</b>	✓ Generate ideas to identify households where domestic workers might be working.
<b>TASK</b>	<ul style="list-style-type: none"><li>✓ Working group members will discuss what activities they could put in place to identify where domestic workers are working.</li><li>- Can you think of situations in which cooperation with other actors would be useful?</li><li>- Can you think of ways in which new technologies would help?</li><li>✓ Each group will appoint one member to take notes of the discussions and present the conclusions in the plenary session.</li></ul>
<b>TIME</b>	<ul style="list-style-type: none"><li>✓ 30 minutes for group discussion.</li><li>✓ 20 minutes for feedback in plenary session.</li></ul>



## Handout 6

<b>TITLE</b>	<b><i>Documentation and keeping registers</i></b>
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Discuss within your working group what activities you could put in place in your country to identify where domestic workers are working. Remember to appoint one member to take notes of the discussions and present the conclusions in the plenary session.

To open the discussion take a look at the two suggestions below:

- ✓ Can you think of situations in which cooperation with other actors would be useful?
- ✓ Can you think of ways in which new technologies would help?

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.



## Exercise 7

<b>TITLE</b>	<i>Access to the workplace in cases of serious abuse of domestic workers' rights</i>
<b>AIM</b>	Discuss how the law should regulate access to households by labour inspectors when there is evidence of serious abuse of domestic workers, such as forced labour, child labour or sexual harassment.
<b>TASK</b>	<p>Each participant will be asked to choose one of four different coloured cards. Each card represents a possible way in which the law could allow access to households to deal with serious abuses.</p> <p>COLOUR A: Inspection visits should be allowed exactly as happens with any other violation of labour law, such as failure to pay wages.</p> <p>COLOUR B: Inspection visits should be allowed for serious violations, provided that the employer is given prior notice of the visit and the precise date, time and objectives.</p> <p>COLOUR C: Access to the household should be simpler than in other cases, but always dependent on judicial authorization. If, following a request to the court, a decision has not been taken within 24 hours, the labour inspector should be allowed to enter the household.</p> <p>COLOUR D: If there are precise indicators of a serious violation, the labour inspector should be allowed access, provided he is accompanied by the police and reports the results of the visit to the court within 24 hours.</p> <p>The cards will be gathered by the trainer, who will count them and display the results on a flipchart. Participants will be invited to explain why they chose their particular colour</p>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 5 minutes for individual decision.</li> <li>✓ 20 minutes for feedback and discussion in plenary.</li> </ul>



## Handout 7

**TITLE** *Access to the workplace*

Discuss how the law should regulate access to households by labour inspectors when there is evidence of serious abuse of domestic workers, such as forced labour, child labour or sexual harassment.

1.

2.

3.

4.



## Exercise 8

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**TITLE**

*Verifying working conditions in a household situation*

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**AIM**

Discuss possible differences between an inspection visit to a household and a visit to a traditional workstation.

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**TASK**

- ✓ Working group members will discuss the following questions:
1. How would you carry out an inspection visit in a household?
  2. What techniques would you use?
  3. What results could you obtain in identifying the most serious problems?

Each group will appoint one member to take notes of the discussions and present the conclusions in the plenary session.

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**TIME**

- ✓ 20 minutes for group discussion.
- ✓ 20 minutes for feedback in plenary session for each group.
-







## Exercise 9

<b>TITLE</b>	<i>Forced labour and domestic workers</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Discuss different indicators for detecting whether domestic workers are being exploited as forced labour.</li> <li>✓ Create awareness of the fact that other inspection methods could be used to detect evidence of non-compliance.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will come up with a list of indicators that could serve to detect whether domestic workers are being exploited as forced labour.</li> <li>✓ Have the groups write their indicators on flip chart paper and then hang them around the room.</li> <li>✓ After all groups have finalized their lists, invite participants to walk around the room to see what other groups have come up with.</li> <li>✓ Get them to return to their groups and discuss whether they would like to include any further indicators in their lists.</li> <li>✓ If time allows, ask participants to determine how many of these indicators could only be verified through a workplace visit and which could be verified through other channels.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 15 minutes for group discussion.</li> <li>✓ 10 minutes for seeing what other groups have come up with.</li> <li>✓ 15 minutes for group discussion of possible additions to their lists.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



## Handout 9

**TITLE** *Forced labour and domestic workers*

Come up with a list of indicators that would help you detect whether a domestic worker is being exploited as forced labour.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

How many of these indicators could only be verified through a workplace visit and which could be verified through other channels?



## Exercise 10

<b>TITLE</b>	<i>Child labour in domestic work</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Discuss how to create the right physical and psychological climate when interviewing children.</li> <li>✓ Consider what kind of questions to ask children engaged in domestic work, and how to go about asking such questions.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Participants will each take five cards and write on each one a question that they would ask a child working in a household. The aim is to build trust and obtain enough evidence to understand the child's working conditions and whether there are indications of exploitation or non-compliance with the law and regulations.</li> <li>✓ Once participants have written their cards, they should discuss and classify them within their groups and create a chart showing the different subject areas that have emerged, e.g. the household, tasks, family, attitudes towards work, school.</li> <li>✓ In plenary, they will discuss the questions they have included and the main factors that would contribute to a conducive physical and psychological climate at interview.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 15 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



## Handout 10

**TITLE** *Child labour in domestic work*

Think of questions that you would ask a child working in a household in order to:

- ✓ build trust
- ✓ obtain enough information to understand the child's working conditions, and
- ✓ uncover evidence of exploitation or non-compliance with the law and regulations.

1.

2.

3.

4.

5.



## Exercise 11

<b>TITLE</b>	<i>Discrimination against domestic workers</i>
<b>AIM</b>	Analyse how workers could be discriminated against in domestic work on different grounds.
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Participants will be asked to determine individually which of the following situations they would consider to be illegitimate forms of discrimination: <ul style="list-style-type: none"> <li>- A domestic worker is asked at interview how she is going to manage taking care of her children if she takes on work in the household.</li> <li>- A worker is asked not to wear a headscarf inside the house.</li> <li>- A worker is fired after telling her employer that she can no longer perform night work because she is pregnant.</li> <li>- An advertisement that reads: "We are looking for a young woman between the ages of 18-25 to look after our children. Please contact us if interested".</li> <li>- Another ad that reads: "We are looking for an experienced national citizen to take care of a senior individual for eight hours a day".</li> </ul> </li> <li>✓ When they have had five minutes to consider the issues, they will discuss them in their working groups.</li> <li>✓ The various cases will be reviewed in plenary.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 10 minutes for individual work.</li> <li>✓ 15 minutes for group discussion.</li> <li>✓ 15 minutes for feedback in plenary session.</li> </ul>



## Handout 11

**TITLE** *Discrimination against domestic workers*

Discuss in your working groups whether or not these situations constitute illegitimate forms of discrimination.

1. A domestic worker is asked at interview how she is going to manage taking care of her children if she takes on work in the household.
2. A worker is asked not to wear a headscarf inside the house.
3. A worker is fired after telling her employer that she can no longer perform night work because she is pregnant.
4. An advertisement that reads "We are looking for a young woman between the ages of 18-25 to look after our children. Please contact us if interested".
5. Another ad that reads: "We are looking for an experienced national citizen to take care of a senior individual for eight hours a day".



## Exercise 12

<b>TITLE</b>	<i>Freedom of association and domestic workers</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Recognize the importance of the right of freedom of association in the domestic sector.</li> <li>✓ Identify actions to promote freedom of association in the domestic sector.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will discuss the following questions in their groups:                             <ul style="list-style-type: none"> <li>- What measures could the labour inspectorate take to encourage domestic workers to exercise their right of freedom of association?</li> <li>- How could you help unions to become more interested in supporting and defending domestic workers' rights?</li> </ul> </li> <li>✓ The plenary will discuss the outcomes of the discussion.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 20 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>







## Exercise 13

<b>TITLE</b>	<i>Occupational safety and health in domestic work</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Identify the hazards that domestic workers are exposed to in their daily tasks.</li> <li>✓ Discuss measures that can be taken in a household to minimize existing risks.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will perform the following tasks in their groups:             <ol style="list-style-type: none"> <li>1. Take a look at the following table and make a list of the sequence of tasks that domestic workers might perform during a normal day. Then identify the risks/hazards that domestic workers are exposed to while carrying out the tasks. Include the potential injuries/health problems associated with each hazard. Finally rate each hazard in terms of severity and probability.</li> <li>2. What measures could the employer take to eliminate or minimize the risk?</li> </ol> </li> <li>✓ Take a couple of minutes to discuss the most severe and probable risks identified by the groups, sharing the measures that could be taken to minimize them.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 30 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



### **Severity rating of hazards**

1. Catastrophic – imminent danger exists, hazard capable of causing death or illness on a wide scale
2. Critical – hazard can result in serious illness, severe injury, damage to property and equipment
3. Marginal – hazard can cause illness, injury or equipment damage, but the results would probably not be serious

### **Probability rating of hazards**

1. Probable – likely to occur immediately or shortly
2. Reasonably probable – likely to occur in time
3. Remote – might occur in time
4. Extremely remote – unlikely to occur

Then consider what measures the employer could take to eliminate or minimize each risk.

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## Exercise 14

<b>TITLE</b>	<i>Other working conditions</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Acknowledge the skills needed to carry out the tasks involved in domestic work.</li> <li>✓ Value the skills needed, the effort required to carry out the tasks and the responsibility for people or resources.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will discuss the following questions in their groups:               <ol style="list-style-type: none"> <li>1. What should be the minimum wage for domestic workers in your country?</li> <li>2. Make a list of the tasks that domestic workers carry out during the day. (If the previous activity on OSH has been completed, the list of tasks should be the same).</li> <li>3. Add the skills required to carry them out – both technical skills and soft skills. Grade also from 1 to 5 the effort and responsibility that each task entails, where 1 is low and 5 is very high.</li> <li>4. Are the skills, effort and responsibility involved being valued and recognized in the way the worker is remunerated?</li> </ol> </li> <li>✓ The plenary will discuss the importance of ensuring that workers' wages are above legal requirements and that they are based on objective criteria, including skills, effort, responsibility and working conditions.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 30 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>





## Exercise 15

<b>TITLE</b>	<i>Nature of workers in the domestic work sector</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Increase awareness of cultural differences and the importance of carefully managing situations in which different cultures are represented.</li> <li>✓ Share experiences of complicated scenarios.</li> <li>✓ Identify ways to improve communication skills.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Ask working group members to share experiences of times when they have faced difficult situations because workers of different nationalities were involved.</li> <li>✓ Once they have shared their stories, ask them to choose one to act out as a role play in plenary. Role plays should last no more than three minutes.</li> <li>✓ Have the groups act out their role play in the plenary session.</li> <li>✓ Questions to guide the plenary discussion: <ul style="list-style-type: none"> <li>- What went wrong in this situation?</li> <li>- What was done to address the issue?</li> <li>- Was anything unresolvable?</li> <li>- How did the situation end?</li> <li>- How could the conversation have been more fruitful?</li> </ul> </li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 20 minutes for group discussion and choice of a subject for role play.</li> <li>✓ 10 minutes to prepare the role play.</li> <li>✓ 3 minutes for each role play</li> <li>✓ 20 minutes for feedback in plenary session.</li> </ul>



## Handout 15

**TITLE**

*Nature of workers in the domestic work sector*

Share with your group a couple of experiences of times when you have faced a difficult situation as a labour inspector because workers of different nationalities were involved.

Choose one situation that you would like to present as a role play in plenary.

Cameras, lights, action!





## Exercise 16

<b>TITLE</b>	<b><i>Complaints in the domestic work sector</i></b>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ List and reflect on the reasons for domestic workers not using the complaint mechanisms in place.</li> <li>✓ Propose different actions and measures that could be taken to increase the numbers of complaints received.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will discuss in their groups the main reasons for the low number of complaints made by domestic workers.</li> <li>✓ Once they have agreed on a list of possible reasons, they should identify ways to overcome the problems and so generate an increase in the number of complaints made. Some questions to stimulate discussion: <ul style="list-style-type: none"> <li>- Could complaints be made and received through different channels?</li> <li>- Could different actors be involved?</li> <li>- Could new technologies offer solutions?</li> </ul> </li> <li>✓ The plenary will discuss the ideas presented by each group for increasing the number of complaints.</li> <li>✓ Plenary participants will be asked if they can think of further ideas to encourage domestic worker to make complaints.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 15 minutes for group discussion.</li> <li>✓ 20 minutes for feedback in plenary session for each group.</li> </ul>



## Handout 16

**TITLE** *Complaints*

Within your working group, identify the main reasons for the low number of complaints made by domestic workers to the labour inspectorate.

Once you have agreed on a list of possible reasons, identify ways to overcome the problems and so generate an increase the number of complaints made.

These questions may be helpful in generating discussion:

- ✓ Could complaints be made and received through different channels?
- ✓ Could different actors be involved?
- ✓ Could new technologies offer solutions?

Reasons why workers do not make complaints to the LI	Actions that LI can take to encourage workers to make complaints



## Exercise 17

<b>TITLE</b>	<i>Securing compliance in the domestic work sector</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Practice devising messages concerning domestic work for different audiences.</li> <li>✓ Design activities that could be used when promoting compliance in the sector</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will be discussing how they currently promote compliance with standards and raise awareness of the situation of domestic workers.</li> <li>✓ Allocate one target audience to each working group: <ul style="list-style-type: none"> <li>- HOUSEHOLD EMPLOYERS</li> <li>- DOMESTIC WORKERS</li> <li>- UNIONS</li> <li>- EMPLOYERS' ASSOCIATIONS</li> </ul> </li> <li>✓ Ask working group members to imagine they have been asked to talk to their target audience concerning domestic work with the aim of inspiring meaningful action to improve domestic workers' conditions.</li> <li>✓ Consider the following: <ul style="list-style-type: none"> <li>- What will your key messages be? (What information, ideas, and data will you give them?)</li> <li>- What activities would you propose? (What will you do to ensure that the message gets across?)</li> <li>- What challenges do you anticipate? (What problems do you think you will face?)</li> </ul> </li> <li>✓ Prepare a speech (maximum one page) and ask a group member to read it to the plenary.</li> <li>✓ The plenary will discuss the main outcomes of the discussion.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 30 minutes for group discussion and preparation of speech.</li> <li>✓ 15 minutes for addressing the plenary.</li> <li>✓ 15 minutes for feedback in plenary session.</li> </ul>



## Handout 17

**TITLE**

*Securing compliance in the domestic work sector*

Imagine you have been asked to talk to employers, domestic workers, unions or employers' associations (your facilitator will let you know which audience you are to address) on domestic work. Your aim is to inspire meaningful action to improve domestic workers' conditions.

What messages will you include in your speech? (What information, ideas and data will you give them?)

What activities will you perform to ensure that the message gets across?

What challenges do you think you will face?



## Exercise 18

<b>TITLE</b>	<i>Cooperation with other actors</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Identify ways in which cooperation currently takes place.</li> <li>✓ Explore further possibilities for cooperation.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Working group members will be discussing how they currently cooperate with (1) public institutions, (2) social partners, (3) the judiciary and (4) other non-traditional partners on domestic work issues. <ul style="list-style-type: none"> <li>- Divide the class into four working groups. Assign a target audience to each group.</li> <li>- Ask each group to take colour A post-it notes and write on them ways in which they currently cooperate with their assigned target audience. On each post-it note, write only one form of cooperation. Write as many post-it notes as necessary.</li> <li>- Ask each group to take colour B post-its and write on them ideas for different possible forms of cooperation/coordination. One idea per post-it. Write as many post-its as possible.</li> <li>- Locate different spaces on the walls of the classroom where the post-it notes can be affixed, in view of all.</li> <li>- Ask the groups to share with the plenary the ideas they have come up with.</li> <li>- Ask participants to discuss, with the person on their right, two more ideas for cooperation for each of the target groups.</li> </ul> </li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 15 minutes for group discussion.</li> <li>✓ 10 minutes to write and post ideas.</li> <li>✓ 20 minutes for feedback in plenary session for each group.</li> </ul>



## Handout 18

**TITLE***Cooperation with other actors*

Discuss with your working group how the labour inspectorate currently collaborates with the following stakeholders:

Stakeholder	Current cooperation	Possible future cooperation
Public institutions		
Social partners		
The judiciary		
Other non-traditional partners		



## Exercise 19

<b>TITLE</b>	<i>Soft skills</i>
<b>AIM</b>	<ul style="list-style-type: none"> <li>✓ Practice interviewing employers.</li> <li>✓ Explore and identify alternatives to household visits if access is denied.</li> </ul>
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Divide the participants into groups of three (if necessary the facilitator can play a role to make up numbers). The members of each group will take turns in playing the following roles: <ul style="list-style-type: none"> <li>- inspector</li> <li>- employer/interviewee</li> <li>- evaluator</li> </ul> </li> </ul> <p>Based on the cases presented in the following pages, the inspector will ask the interviewee questions in order to achieve his/her objective. The interviewee will play his/her role by answering the questions asked. The evaluator will grade the inspector, taking into account his/her skills and whether or not he/she achieved the desired objective.</p> <p>Once the groups have performed their three role-plays, give them 10 minutes to read and discuss the evaluations within their groups.</p> <ul style="list-style-type: none"> <li>✓ The plenary will discuss the main challenges and opportunities for inspectors. Then the actors will discuss how each felt, their strengths, their weaknesses, where they think they could have done better, and how to improve.</li> </ul>
<b>TIME</b>	<ul style="list-style-type: none"> <li>✓ 20 minutes for each case study (10 minutes for preparation and 10 for execution).</li> <li>✓ 10 minutes to review the evaluations and share experiences.</li> <li>✓ 15 minutes for the general plenary session, to discuss experiences and learning points.</li> </ul>

## Role play 1

### *Labour inspector:*

You are a labour inspector and you have been informed by an NGO working with migrant workers that in neighbourhood X there are houses where migrants are working as domestic help, many of them under exploitative conditions (not receiving the minimum wage, working more than 15 hours a day with no time off, and in some cases suffering sexual harassment).

You want to visit the area and investigate the situation of these workers. You have just arrived in the neighbourhood and knock on the first door.

Decide:

- ▶ Do you want to access the workplace? If so, try to gain access.
- ▶ Do you want to interview the employer? If so, prepare your interview.

### *Employer*

You hired Sarah a couple of months ago to carry out domestic work. You met Sarah through your next-door neighbour, who told you that she had hired a worker from (X country) and that she was great. She said that there was a large community of migrant workers looking for work and they were very cheap and would work as many hours as you needed.

You consider yourself a respectful employer. You pay Sarah what she asked, although you know it is below the minimum wage. You always pay her on time and give her Sundays off. You have not gone to the authorities to register her and you do not intend to do so as you do not want to pay any additional contributions and you think it is a hassle. You have no idea if there are certain safety and health measures that the house should have in place.

You have never seen a labour inspector in your life. You are at home alone and you are not willing to let anyone in the house when you are alone. You would be willing to speak in the street.

### *Evaluator*

You are the labour inspector's supervisor and you have the magical power of being invisible ☺. You will be evaluating how well the labour inspector performs his/her task.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- ▶ What was the inspector's objective?
- ▶ Did the inspector achieve his/her objective?
- ▶ How would you rate the inspector on the following skills?



	<b>Needs improvement</b>	<b>Good</b>	<b>Very good</b>
Verbal communication			
Non-verbal communication			
Negotiating skills			
Interviewing skills			
Conflict management			

- ▶ From the work done by the inspector, would you say there was evidence of violations of the laws and regulations?

## Role play 2

### *Labour inspector:*

You are a labour inspector and you have been informed by an NGO working with migrant workers that in neighbourhood X there are houses where migrants are working as domestic help, many of them under exploitative conditions (not being paid the minimum wage, working more than 15 hours a day with no time off, and in some cases suffering sexual harassment).

You want to visit the area and investigate the situation of these workers. You have just arrived in the neighbourhood and knock on the first door.

Decide:

- ▶ Do you want to access the workplace? If so, try to gain access.
- ▶ Do you want to interview the employer? If so, prepare your interview.

### *Employer*

Myriam has been working for you for 10 years now. You are quite happy with how she takes care of the children, but you dislike the way she does other tasks around the house. You only keep her because your children love her. She lives with you and accompanies your family on vacations. She constantly breaks things and you have been deducting the money she is costing you from her wages. You think she is too outspoken and sometimes even disrespectful. To cap it all, she never has meals ready on time and says that she gets more work than she can do in a day. You constantly tell her you are going to fire her but, despite these threats, she does not change her behaviour.

A labour inspector knocks on your door. You feel really nervous because you know there are things that you might be doing wrong with Myriam but, all in all, it is no one's business but your own. There is no need to get public authorities involved in family affairs. You suddenly remember that Myriam always complains how damp it is in her room and that she is cold at night.

You do not want to talk to the labour inspector and you do not want him to talk to Myriam either.

### *Evaluator*

You are the labour inspector's supervisor and you have the magical power of being invisible 😊. You will be evaluating how well the labour inspector performs his/her task.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- ▶ What was the inspector's objective?
- ▶ Did the inspector achieve his/her objective?
- ▶ How would you rate the inspector on the following skills?

	<b>Needs improvement</b>	<b>Good</b>	<b>Very good</b>
Verbal communication			
Non-verbal communication			
Negotiating skills			
Interviewing skills			
Conflict management			

- ▶ From the work done by the inspector, would you say there was evidence of violations of the law and regulations?

## Role play 3

### *Labour inspector:*

You are labour inspector and you have been informed by an NGO working with migrant workers that in neighbourhood X there are houses where migrants are working as domestic help, many of them under exploitative conditions (not paying being paid the minimum wage, working more than 15 hours with no time off, and in some cases suffering sexual harassment).

You want to visit the area and investigate the situation of these workers. You have just arrived in the neighbourhood and knock on the first door.

Decide:

- ▶ Do you want to access the workplace? If so, try to gain access.
- ▶ Do you want to interview the employer? If so, prepare your interview.

### *Employer*

Your wife hired Lucy when she was 16. She was so beautiful. She has now been working for you for three years. You have frequently offered Lucy pocket money if she would spend some time with you, but she has always rejected your advances. It is your wife who deals with the domestic help in the house and you are never involved in it.

An inspector knocks on your door. You feel annoyed that anyone would disturb you in your home. You are also afraid that Lucy might talk to the inspector or to your wife about your advances.

You know that there are other migrant workers employed in the neighbourhood and that some of your neighbours have relationships with the domestic help. You would do anything to make sure that the labour inspector is out of your life.

### *Evaluator*

You are the labour inspector's supervisor and you have the magical power of being invisible ©. You will be evaluating how well the labour inspector performs his/her task.

You will not interfere in the situation, you will only observe and assess. Please be as honest as you can.

- ▶ What was the inspector's objective?
- ▶ Did the inspector achieve his/her objective?
- ▶ How would you rate the inspector on the following skills?

	Needs improvement	Good	Very good
Verbal communication			
Non-verbal communication			
Negotiating skills			
Interviewing skills			
Conflict management			

- ▶ From the work performed by the inspector, would you say there was evidence of violations of the law and regulations?

## ► Bibliography and additional reading material

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### ***ILO databases and tools***

ILO global web portal on domestic workers, available at [www.ilo.org/domesticworkers](http://www.ilo.org/domesticworkers).

ILO, Policy Briefs on Domestic Work, available at [http://www.ilo.org/travail/info/WCMS\\_155773/lang--es/index.htm](http://www.ilo.org/travail/info/WCMS_155773/lang--es/index.htm).

ILO labour administration and labour inspection programme website, available at [www.ilo.org/labadmin](http://www.ilo.org/labadmin).

### ***Websites***

Domestic Workers United, [www.domesticworkersunited.org/](http://www.domesticworkersunited.org/)

Organisation for Economic Co-operation and Development, [www.oecd.org](http://www.oecd.org)

United States Department of Labour, <http://www.dol.gov/ilab/>

### ***Workshops***

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