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► Making decent work a reality for domestic workers

Progress and prospects in Asia and the Pacific
ten years after the adoption of the Domestic
Workers Convention, 2011 (No. 189)



Supported by



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► Foreword

For many of us, it is impossible to consider the issue of domestic work without some emotion. We may have had close relationships with domestic workers in childhood, or as vital household support later in life. Perhaps income generated from domestic work has been central to our livelihoods or a source of additional support when times were tough. Domestic workers provide services that keep families safe, clean, comforted and fed – and for those with care responsibilities, enable work outside of the home. When we consider domestic work in our own experiences, it is often in such a positive light. These emotional bonds, and the oft-repeated sentiment that domestic workers are “part of the family” are the aspects of this job that make it “work like no other”.

In 2011, the international community adopted the ILO’s Domestic Workers Convention, 2011 (No. 189), which recognized for the first time that domestic work is also “work like any other”, and not just a private or family matter. The Convention gave fresh momentum to domestic workers and their allies, who had been fighting for years to ensure that domestic workers are entitled to the same basic protections as other workers – like maximum working hours, safe working conditions and protection from discrimination.

To explore the progress made since the adoption of Convention No. 189 a global report was prepared to provide an updated overview on the situation for domestic workers around the world. Recognizing the importance of the domestic work sector in Asia and the Pacific, both for workers in general and migrant workers specifically, the ILO TRIANGLE in ASEAN programme, supported by Australian Department of Foreign Affairs and Trade and Global Affairs Canada, has developed this regional summary that focuses on the region, and within it on the Member States of the Association of Southeast Asian Nations (ASEAN).

Today, there are approximately 38.3 million domestic workers in Asia and the Pacific. Clearly, by sheer force of numbers – and compounded by the COVID-19 pandemic that shone a light on our homes – domestic work is an issue of critical importance in the region. But still, an overwhelming 84.3 per cent of domestic workers are estimated to be in informal employment. The persistent informality of the sector is a cross-cutting issue that must be addressed if meaningful progress is to be made in domestic workers’ lives and a necessary condition to achieve decent work. Within ASEAN, a significant proportion of domestic workers are also migrants – compounding other intersectional factors that already affect conditions for domestic workers.

While some progress has been made, there are still challenges ahead. Since the adoption of Convention No. 189, in the ASEAN region, at least three countries have revised their labour laws to better protect domestic workers, yet often the standards and levels of protection are less than what has been granted for other workers. Equality in legal protection is a catalytic requirement from which many other benefits and opportunities can flow. In Asia and the Pacific, only the Philippines has ratified Convention No. 189. It is encouraging, however, that several ASEAN Member States have indicated consideration of ratification. The ILO stands ready to assist those who are on that path alongside stakeholders advocating for improved conditions.

The domestic work sector continues to grow, especially as countries in the region get richer and their populations get older. Where income inequality persists, as it does in Asia and the Pacific and within ASEAN, the movement of domestic workers from less developed labour markets to higher-paying economies also continues, and particular responses need to be tailored to address the recruitment and migration experiences of these workers.

As we move towards a post-COVID future of work, the domestic work sector will inevitably continue to change, and both the scope for that change and the opportunities for advancement are immense. Domestic work will be an even more essential source of employment in the post-COVID economic recovery, serving as a job-intensive sector that meets growing household needs for direct and indirect care services and provides employment opportunities for women. The challenge of the next decade will be to capitalize on the positive steps that have been taken since the adoption of the Domestic Workers Convention, 2011 (No. 189), while also adapting to new and forever changed conditions after the pandemic.

This report provides guidance on the primary sources for the deficit of protection for domestic workers in Asia and the Pacific, including both the legal and implementation gaps, and offers policy recommendations on how to address these deficits. It is hoped that through this stocktaking of the conditions and challenges faced by domestic workers, new approaches and energy can be harnessed to make ever greater progress in the next decade. When domestic workers are able to claim their rights and when domestic work is appropriately valued, we will all see the benefits of a more equitable and just society. Only then, will we be able to claim that we have “built back better”.



Chihoko Asada-Miyakawa

Assistant Director-General and Regional Director for Asia and the Pacific
International Labour Organization

► Acknowledgements

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Technical comments were also provided by Joni Simpson, Senior Specialist, Gender, Equality and Non-Discrimination, and Sara Elder, Senior Economist and Head of the Regional Economic and Social Analysis (RESA) Unit, both in the ILO's Regional Office for Asia and the Pacific, and Kimberly Sayers-Fay, Project Manager, ILO Viet Nam. The regional summary benefitted from inputs from Anna Engblom, Marja Paavilainen and Andreas Schmidt from the ILO TRIANGLE in ASEAN programme and Deepa Bharathi of the Safe and Fair programme.

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► Abbreviations

CEACR	Committee of Experts on the Application of Conventions and Recommendations
DFAT	Department of Foreign Affairs and Trade
FADWU	Federation of Asian Domestic Workers' Unions
GAC	Global Affairs Canada
IDWF	International Domestic Workers Federation
JALA-PRT	National Network for Domestic Workers Advocacy in Indonesia
MOU	memorandum of understanding
OSH	occupational safety and health
SENTRO	Sentro ng mga Nagkakaisa at Progresibong Manggagawa
UNITED	United Domestic Workers of the Philippines
WIEGO	Women in Informal Employment: Globalizing and Organizing

► Executive summary

There are about 38.3 million domestic workers over the age of 15 employed in Asia and the Pacific, making this region the largest employer of domestic workers in the world. The Asia and the Pacific region also hosts the largest share of the world's women domestic workers, at 52.1 per cent. While there is a growing demand for the services provided by domestic workers, this group of workers is also among the most under-protected, as they are often excluded from the scope of or actual protections enabled by national labour laws. The high levels of informality in the domestic work sector further exacerbate the working situation for domestic workers. In Asia and the Pacific, 84.3 per cent of domestic workers (32.3 million) remain in informal employment, and in the South-Eastern Asia and the Pacific subregion, 71.3 per cent of domestic workers (3.4 million) remain in informal employment.

Within the ten countries of the Association of Southeast Asian Nations (ASEAN), migrant domestic workers take up a significant proportion of jobs in the sector. Migrant domestic workers are particularly exposed, as they are often not only excluded from coverage under labour and social security laws, but also face several other risk factors that further exacerbate decent work deficits. Irregular migration may also negatively impact migrant workers' access to decent work, and for many migrant domestic workers, irregularity is unavoidable.

To understand the progress made towards achieving decent work for domestic workers and the decent work deficits that remain in Asia and the Pacific, this regional summary looks at: (1) the extent of legal coverage experienced by domestic workers; (2) actual wages and working time compared to other employees; and (3) the extent of effective coverage as measured by employment-related social security contributions. Policy recommendations are then provided to close legal and implementation gaps.

The extent of coverage by labour and social security laws and regulations

The majority of domestic workers in Asia and the Pacific (61.5 per cent) remain fully excluded from coverage under national labour laws. The South-Eastern Asia and the Pacific subregion has a higher coverage rate, with 67 per cent of domestic workers covered by a combination of general labour laws and subordinate regulations or labour laws specific to domestic workers. The rate of coverage in South-Eastern Asia and the Pacific, and in the ASEAN Member States, is largely attributed to relatively recent legal reforms, such as the adoption of comprehensive legislation for domestic workers in the Philippines in 2013, after ratification of the Domestic Workers Convention, 2011 (No. 189).

Working hours, weekly rest and paid annual leave are central issues for all workers. Available data indicate that the majority of domestic workers in Asia and the Pacific do not have any legal limits on their working time (71 per cent), nor do they have legal entitlements to weekly rest (64 per cent) under current labour laws. Legal limitations on working hours remain a critical gap in South-Eastern Asia and the Pacific, with only 6 per cent of domestic workers enjoying legal limits on normal weekly hours. Many of these workers are in Viet Nam, where the 2019 Labour Code and its implementing decree explicitly afford domestic workers the same working hours and rest period protections as other workers.¹ A larger proportion of domestic workers, however, enjoy legal entitlements to weekly rest in South-Eastern Asia and the Pacific (67 per cent).

¹ Decree No. 145/2020/ND-CP – Special provisions for domestic workers at article 89(3) affirmed that working hours and rest periods shall comply with chapter VII of the Labour Code.

Domestic workers typically earn some of the lowest wages in the labour market, with their low pay frequently associated with the undervaluation of domestic work, which may be indicative of social norms that devalue work within the home and work traditionally performed by women. According to current laws, only 11 per cent of domestic workers in Asia and the Pacific enjoy a legal minimum wage to the same extent as other workers. The legal minimum wage coverage for domestic workers in South-Eastern Asia and the Pacific is higher; however, it should be noted that only 6 per cent of domestic workers are legally entitled to a minimum wage equal to that of other workers, and 52 per cent receive a minimum wage that is lower than that of other workers. Domestic workers also face other risks when it comes to payment of wages, such as the practice of receiving a portion of their wage as payment in kind. In South-Eastern Asia and the Pacific, just over half (52 per cent) of domestic workers who have a legal right to a minimum wage are entitled by law to receive their full minimum wage in cash.

Concerning legal coverage by social security laws, only 27.9 per cent of domestic workers in Asia and the Pacific are legally covered by at least one branch of social security.² Migrant workers are also often excluded from social security schemes, with only five countries/territories extending legal entitlements to social security benefits to migrant domestic workers, namely Hong Kong (China), Indonesia, Pakistan, the Philippines and Viet Nam. When migrant workers are covered, the portability of such benefits remains a challenge. Further, with the majority of domestic workers being women and many being of childbearing age, maternity protection is important for ensuring health and well-being. Available data indicate that maternity leave legal coverage is low, with 68 per cent of women domestic workers excluded from maternity leave in Asia and the Pacific. Legal coverage in the South-Eastern Asia and the Pacific subregion is, however, greater, with 59 per cent of women domestic workers legally entitled to both maternity leave and maternity cash benefits. This indicates a positive tendency to grant income security for domestic workers during their maternity leave.

Towards decent work for domestic workers

Making decent work a reality for domestic workers in Asia and the Pacific requires not only improving the scope of workers with legal protection but perhaps more importantly, the effective implementation of measures contained in laws and regulations. In relation to working hours, half of all domestic workers in Asia and the Pacific (50 per cent) work outside the scope of “normal working hours”, compared to 46 per cent of other employees. Differences between domestic workers and other employees can also be seen in terms of wages, with domestic workers on average earning only 65 per cent of the average monthly wages of other employees. The average monthly wages are especially low for domestic workers employed informally, at less than half of that of a non-domestic worker in formal employment. To address these challenges, policy recommendations are identified, including closing legal gaps, setting minimum wages with engagement from social partners, setting limits on working time, utilizing standard employment contracts, and engaging in knowledge- and capacity-building activities.

Social security coverage (as detailed in Part II of the report) is an area where many domestic workers lack legal access, but even when they are permitted to participate in social security schemes, they may lack coverage due to limited implementation of laws and regulations. As a result, only 15.7 per cent of domestic workers in Asia and the Pacific enjoy effective employment-related social security coverage.³ In Asia and the Pacific, gaps in legal coverage largely explain the absence of effective coverage, although there are other factors that contribute, such as administrative barriers, difficulties in accessing social

2 There are nine different social security branches: medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits.

3 The proportion of domestic workers in formal employment is used as a proxy for effective employment-related social security coverage.

security benefits, lack of awareness about rights, and inability to cover the costs of registration and payment contributions. Policy recommendations to address these challenges include the extension of social security rights to domestic workers, removal of administrative barriers, development of adequate financing mechanisms, improving the availability and adequacy of benefits, accountability in institutions, strengthening enforcement, and raising awareness among domestic workers and their employers on social security requirements. Further, the introduction of portable social security benefits is highlighted for migrant domestic workers.

Occupational safety and health (OSH) are central to the working conditions of domestic workers. Here too, domestic workers tend to experience decent work deficits due to work-related hazards, including chemical, ergonomic, physical, psychosocial (including violence and harassment) and biological hazards. Adding to this, certain social and cultural characteristics of domestic workers may increase their risk of psychosocial hazards; for example, migrant domestic workers may not be able to speak or read the language in the place where they live and work. Specifically, violence and harassment against domestic workers is considered a pervasive phenomenon. A number of policy recommendations are identified, including the collection of OSH data on domestic workers, closing legal gaps, improving capacity of labour inspectors to conduct inspections, guidance and awareness-raising campaigns, and improving domestic workers' access to justice.

Although these policy recommendations would contribute towards making decent work a reality for domestic workers, without formal employment, access to decent work remains elusive. Estimates show that 84.3 per cent of domestic workers remain in informal employment in Asia and the Pacific, and 71.3 per cent of domestic workers are informally employed in the South-Eastern Asia and the Pacific subregion. Data also show that informal domestic workers are more likely to be working extremely long hours, particularly when compared to other workers in formal employment. The widespread informality in the domestic work sector also influences wages, with the average monthly wage of informal domestic workers standing at just 57.4 per cent of the average monthly wages of other employees. Within Asia and the Pacific, the majority of informal domestic workers (86 per cent) require a first step towards formalization to be taken through their inclusion under national labour and social security regulations. For the remaining 14 per cent who already enjoy legal coverage, but who are nonetheless informally employed, efforts can focus on closing implementation gaps. Recommendations to formalize the domestic work sector include: closing existing legal gaps, reducing the costs of formal employment, increasing costs of non-compliance, increasing the benefits of being and remaining formal, awareness-raising activities, and skills training for domestic workers. Specific to migrant domestic workers, the regularization of migration channels is important to promote the formalization of migrant domestic workers.

Workers' and employers' organizations play a central role in achieving progress in law and in practice to realize decent work for domestic workers. These organizations, however, often face numerous challenges to effectively organize and represent themselves in bipartite and tripartite dialogue, including when domestic workers and employer households fall outside the scope of laws on freedom of association. In Asia and the Pacific, barriers to freedom of association must be removed to allow for the full potential of these organizations within the domestic work sector.

Finally, the COVID-19 pandemic has had a devastating impact on domestic workers in Asia and the Pacific, particularly for domestic workers in informal employment. Taking as a reference the last quarter of 2019 and comparing it to the second quarter of 2020, statistics show that domestic workers suffered significantly more compared to other employees in terms of employment, working time and wages during the COVID-19 pandemic. Specifically, in Viet Nam and the Philippines, job losses among domestic workers were high, at 17 per cent and 45.1 per cent – two to three times higher than for other employees. The impact on domestic workers in other ASEAN countries is likely significant, although the exact extent is unknown given the lack of available data. The COVID-19 pandemic also laid bare the serious challenges

domestic workers face, as despite the pandemic many continued to go to work, often without access to personal protective equipment. The lack of access to adequate healthcare has also placed domestic workers at a particularly high risk should they fall ill. The experiences of migrant domestic workers are also highlighted, with many left stranded in destination countries after their employers dismissed them for fear of catching the virus or as a result of economic downturn.

Conclusion

Domestic work remains a critical economic sector across Asia and the Pacific, especially for women, with the demand for domestic work likely to continue to grow. Limited progress has taken place during the past ten years, and decent work deficits remain in all policy areas. To make decent work a reality for the majority of domestic workers in Asia and the Pacific requires their legal equality in labour and social security laws, and the affording of adequate levels of protection that are, at least, no less favourable than those enjoyed by other workers. For domestic workers already covered by laws and policies, efforts should be focused on ensuring the effective implementation of these laws.

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► Introduction

This year marks the tenth anniversary of the adoption of the Domestic Workers Convention, 2011 (No. 189), the first international legal instrument devoted to domestic work. The Convention was ground-breaking, recognizing for the first time that domestic work *is* work. This seismic shift in the way domestic work is treated in international law paved the way for improvements in the lives of so many domestic workers, including in the Asia and the Pacific region, which hosts the world's largest share of domestic workers. Since its adoption, Convention No. 189 has been ratified by 32 countries, including one country in Asia and the Pacific – the Philippines, in 2012.

► Box 1. Definition of “domestic workers” in Convention No. 189

The definition of domestic work is enshrined as Article 1 of the Domestic Workers Convention, 2011 (No. 189), which states:

- 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.

In its preamble, Convention No. 189 recognizes the contributions of domestic workers to the global economy and the persistent undervaluation of domestic work. This undervaluation is driven in part by sexism, classism and racism and a range of other intersectional factors (Lansky et al. 2017). Considering that domestic workers are some of the most marginalized workers, the Convention set out to ensure that domestic workers enjoy decent work, like any other workers, while taking into account the specificities of the sector. Since then, limited progress in terms of legal coverage has been made towards decent work for domestic workers in Asia and the Pacific, but far too many workers in this sector are still without decent working conditions. Some of the most notable developments in terms of legal coverage can, however, be seen in the South-Eastern Asia and the Pacific subregion.

Shortly after the adoption of Convention No. 189, the ILO (2013) produced a report called *Domestic Workers Across the World*. The report published the first estimates of the number of domestic workers globally and regionally, and provided an estimate of the percentage of domestic workers who were covered by key working condition laws, including with regard to working time, wages and maternity protection.

This present regional summary provides an overview of the situation of domestic workers today, ten years after the adoption of Convention No. 189. It focuses on domestic workers in Asia and the Pacific with an emphasis on domestic workers employed in the South-Eastern Asia and the Pacific subregion. Developments specific to the countries of the Association of Southeast Asian Nations (ASEAN) are also highlighted. ⁴ Challenges faced by migrant domestic workers, who are often excluded from labour laws and at high risk of abuse and exploitation, are also presented. Today,

4 The ASEAN Member States are Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

while there are estimates on the number of migrant domestic workers in South-Eastern Asia and the Pacific, the exact number remains unknown, as many migrate through irregular channels, work informally and/or are not included in official statistics (ILO 2018b).

► Box 2. The informal economy

The informal economy refers to “all economic activities by workers and economic units that are – in law or in practice – not covered or sufficiently covered by formal arrangements” (ILO 2002, 2). The informal economy employs workers that would otherwise be without employment and is an especially large employer in developing countries with rapidly expanding labour forces.

Decent work deficits are often more pronounced in the informal economy as workers are not protected under labour legislation and social protection. Work in the informal economy is commonly characterized by undefined workplaces, unsafe working conditions, low-skilled employees, low incomes and long working hours.

The formalization of the informal economy is central to achieve decent work for all and equity in society.

Source: ILO 2002.

Part I of the regional summary report provides estimates on the number of domestic workers, as per the definition found in Convention No. 189 (see box 1). Part II provides detailed estimates on domestic workers’ legal coverage with respect to working time, wages, and maternity leave and maternity cash benefits, as well as estimates on legal coverage for social security. Part II measures the extent of legal coverage, as opposed to effective coverage, which refers to whether or not domestic workers are covered in practice and are able to enjoy effective access to the protections to which they are entitled.

The extent of effective coverage is the subject of Part III, which presents estimates on the actual working time and wages of domestic workers compared to other workers, and the extent of effective legal coverage as measured by employment-related social security contributions. Part III further provides indications of the situation of domestic workers with respect to occupational safety and health, and violence and harassment at work. Estimates on the extent to which informality is due to legal gaps versus gaps in implementation are also presented. Informality is a crosscutting issue throughout this regional summary that impacts all aspects of decent work for domestic workers (see box 2).

The results of Part III highlight some of the challenges on the road towards making decent work a reality for domestic workers, and policy recommendations are presented to close legal and implementation gaps in each of the policy areas covered. The crucial role of workers’ and employers’ organizations in achieving decent work is recognized in a separate chapter. A final chapter then presents data from 2020 on the impact of COVID-19 that illustrate the extent to which the pandemic has affected employment and working conditions among domestic workers generally, and informal domestic workers in particular.

Methodology

The estimates presented in this regional summary have been produced using a comprehensive methodology.

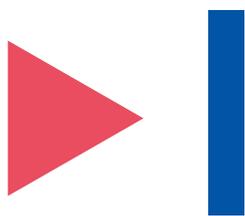
In Part I, the estimates on domestic workers presented in this regional summary capture “domestic workers” as defined by the 20th International Conference of Labour Statisticians definition, adopted in 2018 to align more closely with the definition set out in Convention No. 189. This includes domestic workers employed directly by households, as well as those employed through or by service providers.

In Part II, the estimates on the extent to which domestic workers are covered by national laws are based on two sources: (1) statistical data on the number of domestic workers in Asia and the Pacific; and (2) legal information compiled by the ILO on the coverage of domestic workers by labour and social security legislation.

In Part III, methodologies for the different chapters vary. Details and sources are available under each of the figures.

For a detailed explanation on the methodology, data sources and limitations, see the global ILO (2021a) report *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*.





Regional statistics

Chapter 1. Regional estimates

The Asia and the Pacific region is the world's largest employer of domestic workers, being home to 38.3 million domestic workers over the age of 15 (50.6 per cent of all domestic workers worldwide) (see table below). The total number of domestic workers in the region is high even when excluding China, with 16.4 million domestic workers outside of China. Domestic work represents an important share of employees in Asia and the Pacific (4.6 per cent) and accounts for 2 per cent of total employment in the region. The region also employs the largest share of the world's women domestic workers, at 52.2 per cent (ILO 2021a).

► **Figure 1.1. The Asia and the Pacific region and its subregions**



The subregion of South-Eastern Asia and the Pacific employs 4.8 million domestic workers, or about 12.5 per cent of all domestic workers in Asia and the Pacific. Domestic work accounts for 1.4 per cent of total employment, but when only considering workers classified as “employees”,⁵ this figure doubles to 2.8 per cent. Two countries that account for a large portion of the total number of domestic workers in South-Eastern Asia and the Pacific are the Philippines (2 million) and Indonesia (1.2 million) (figure 1.2).

Domestic work is performed largely by women (80.5 per cent) in South-Eastern Asia and the Pacific, with men accounting for close to one in five domestic workers (19.5 per cent). Domestic work is an important source of employment for women, constituting 2.6 per cent of women’s employment, but only 0.5 per cent of employed men are working as domestic workers. When looking only at women employees, the importance of the domestic work sector at least doubles (5.8 per cent), due to the lower number of women employees in the labour market overall.

► **Table 1. Domestic workers in numbers (regional estimates, 2019): Asia and the Pacific**

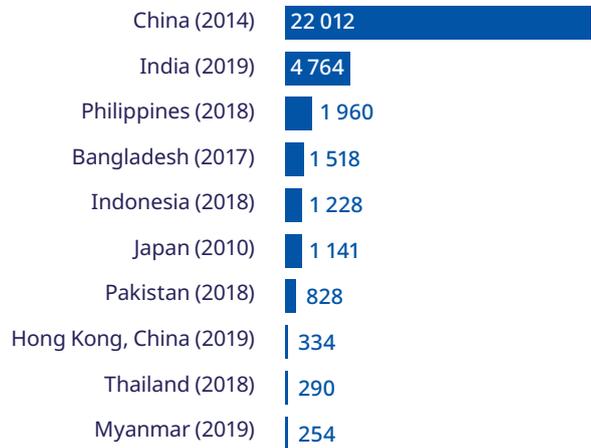
Region/subregion	Number of domestic workers (thousands)			Domestic workers in total employment (%)			Domestic workers among employees (%)			Share of women in total (%)
	Total	Women	Men	Total	Women	Men	Total	Women	Men	
Asia and the Pacific	38 304	30 022	8 282	2.0	4.4	0.7	4.6	10.0	1.5	78.4
— Excluding China	16 424	11 309	5 115	1.4	3.3	0.6	3.5	7.3	1.6	68.9
Eastern Asia	24 308	20 881	3 427	2.7	5.3	0.7	5.2	10.7	1.2	85.9
South-Eastern Asia and the Pacific	4 810	3 873	937	1.4	2.6	0.5	2.8	5.8	0.9	80.5
Southern Asia	9 186	5 268	3 918	1.4	3.6	0.8	4.8	13.1	2.5	57.4

Source: ILO 2021a

5 Employees are persons in paid employment, and thus exclude the self-employed.

► **Figure 1.2. Domestic workers in numbers (top ten countries): Asia and the Pacific**

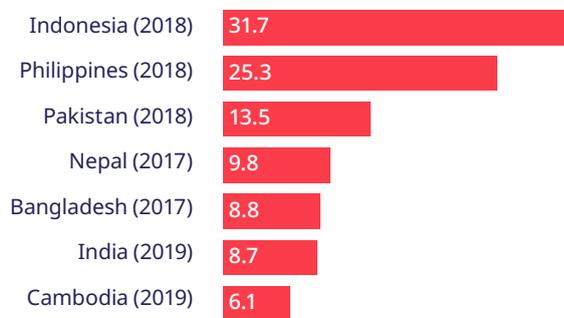
Panel A. Number of domestic workers (thousands)



Panel B. Percentage of domestic workers



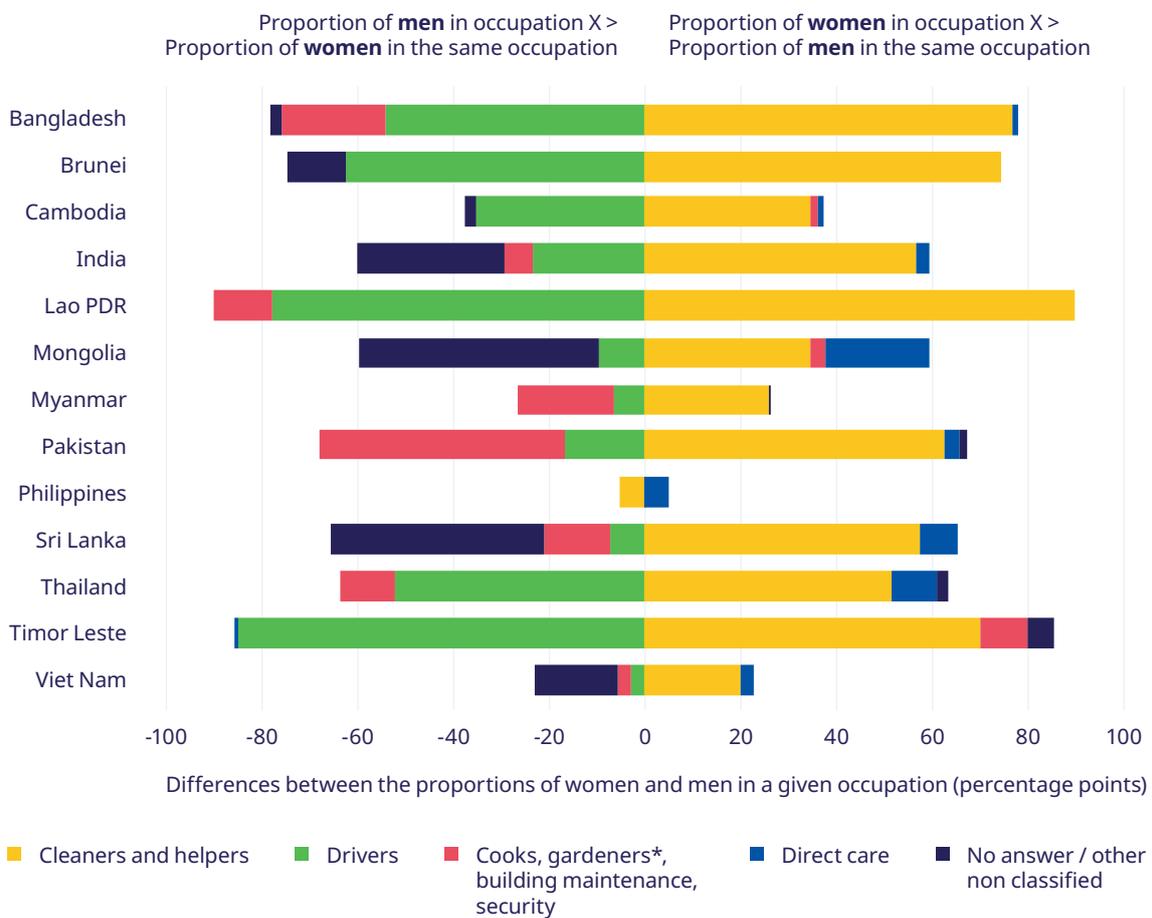
Panel C. Percentage of live-in domestic workers



Source: ILO 2021a.

In most countries where data were available, there is a relatively clear segregation between men and women in the most typical occupations in domestic work. With few exceptions, women domestic workers work as domestic cleaners and helpers or as direct caregivers, with relatively few men holding either of these roles. By contrast, the occupations among men domestic workers are more diverse (drivers, cooks, gardeners, building maintenance and security guards), and in some cases, are more associated with odd-jobs rather than well-defined occupations (figure 1.3). This segregation also influences wages in the domestic work sector, whereby women-dominated jobs such as care work and cleaning are often devalued due to social and cultural biases (Lansky et al. 2017). (See Chapter 6 for details on wages.)

► **Figure 1.3. Occupational differences between women and men domestic workers (%)**



Note: The length of bars shows to what extent some occupations performed by domestic workers are gender-specific. It is measured by the difference between women and men in the proportions of domestic workers in given occupations. A positive value (on the right side of the figure) means that the proportion of women domestic workers in a particular occupation is superior to the corresponding proportion among men domestic workers for the same occupation. By contrast negative values as shown on the left side concern occupations where men domestic workers are over-represented. * Gardeners include agricultural domestic workers, who represent a significant share of men domestic workers in selected countries (10 percent in Cambodia and close to 50 per cent and more in Myanmar).

Source: ILO 2021a.

Within the South-Eastern Asia and the Pacific subregion estimates on the number of domestic workers working through service providers reveals a sizeable role of these actors in the domestic work market in certain countries. This is the case for 43 per cent of domestic workers in Cambodia, 34 per cent in Thailand, and 19 per cent in Viet Nam (ILO 2021a, Annex 7). In addition to matching supply and demand, these agencies ensure the signing of a contract, and will normally find a replacement in case the domestic worker leaves. However, supervision of employment agencies engaged in both national and international placement of domestic workers is challenging and often reactive, with actions commonly taken only when complaints are filed against an employment agency (ILO 2020c).

Migrant domestic workers in South-Eastern Asia and the Pacific

An important characteristic of the South-Eastern Asia and the Pacific subregion is the extent to which migrants find work in the domestic work sector. Out of the 11.7 million migrant workers in the subregion (reference year 2013), 19 per cent were working as domestic workers (ILO 2015c). Further, the percentage of migrants among domestic workers is relatively high in the subregion and was equal to close to a quarter (24.7 per cent) of all domestic workers. It is, however, important to recognize that, as mentioned in the introduction, the total number of migrant domestic workers is unknown, as a significant number of migrant workers migrate through irregular channels and are therefore not included in official statistics (ILO 2018b).

The large number of migrant domestic workers in South-Eastern Asia and the Pacific also reflects the presence of some of the world's most important labour migration corridors, from the Philippines and Indonesia to Malaysia and Hong Kong (China). Domestic workers also migrate outside the subregion. For example, the outbound migration of domestic workers from Viet Nam has increased over the last decade, with new or expanding corridors to Eastern Asia (Miller 2019). The Arab States is another common destination for migrant workers, with 83 per cent of domestic workers in the Arab States being migrant workers (ILO 2015c).

1.1. A look towards the future

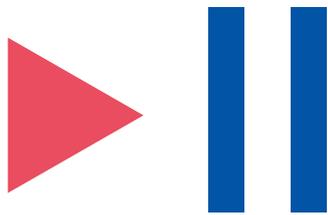
Looking towards the future, it is expected that domestic work will continue to grow as a sector, due to increasing demand and continued supply of the workforce. As one of the main groups providing direct and indirect care to households, domestic workers are likely to continue to be in demand, particularly in light of demographic changes, population ageing and increasing need for long-term care. Lower birth rates and longer life expectancy have shifted the age structure of the region. The proportion of older persons (60 years or more) in Asia is predicted to rise from 13.1 per cent in 2020 to 24.4 per cent by 2050 and to 33.7 per cent by 2100 (UNDESA 2019). Beyond eldercare, a study conducted by the McKinsey Global Institute (2017, 60–61) projects that demand for occupations like childcare, early-childhood education, cleaning, cooking and gardening will grow, creating 50 million to 90 million jobs globally. The rise of digital recruitment/labour platforms also needs to be considered, with a recent ILO (2021b) study confirming that digital platforms are increasing rapidly in number. This is no less true in the domestic work sector, and with domestic work expected to continue to grow so too will the use of digital platforms to provide services.

The circumstances that push so many women and men into domestic work – including poverty, social gender stereotypes and limited access to education – are likely to continue. As countries face increasing income gaps, neither the demand nor the supply of domestic workers is expected to decline. Within Asia, structural, cultural and policy changes are also likely to continue to facilitate the demand and supply of domestic workers, both within and between countries. These same factors also push women and men to migrate where demand for care is high, further encouraged by the growing acceptance for outsourcing care work that has emerged over the past years (Tayah 2016).

Women have been more affected by employment loss as a result of the COVID-19 pandemic than men, and the delivery of unpaid childcare and elderly care has largely fallen on women (ILO 2021c; De Henau and Himmelweit 2021). The gendered aspects of the impacts of COVID-19, on both domestic workers and their (often female) household employers, have led to persuasive arguments for a gender-responsive COVID-19 recovery that focuses on the care economy (De Henau and Himmelweit 2021). Creating jobs in the care sector can also have a significant impact on women's labour participation overall, as well as on health and education outcomes for children (ILO 2018a). Projections from a 2017 study show that investing 2 per cent of GDP in the care industry in, for example, Indonesia would generate a 1.6 per cent increase in women's employment (ITUC 2017). While the results in the study only partially include domestic workers, they are indicative of what can be achieved through a care-led recovery strategy and contribute a strong motivation for a gender-responsive approach to building the "new normal".



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The extent of coverage by labour and social security laws and regulations

Historically, domestic workers have for the most part been excluded from the scope of national labour laws across the world, but this is especially the case within Asia and the Pacific. These exclusions represent a lack of legal recognition of domestic work as real work, and oftentimes reflect the attitude of society at large. Moreover, the traditional hiring of domestic workers through patronage style hiring schemes in Asia and the Pacific continues to have ramifications for the recognition of domestic workers today (Anderson 2016). Convention No. 189 calls on Member States to provide decent work for domestic workers, and therein, to address the existing exclusion of domestic workers from labour and social protection.

Domestic workers' inclusion in national labour laws is therefore a key indicator of progress. Part II of the regional summary will limit itself to measuring the extent to which domestic workers enjoy legal coverage.⁶ The chapters in Part II will provide detailed estimates on the percentage of domestic workers included in: (1) the general scope of labour laws; (2) limitations on normal weekly hours; (3) weekly rest; (4) paid annual leave; (5) minimum wage; (6) limitations on payment in kind; (7) social security; (8) maternity leave; and (9) maternity cash benefits.

⁶ As opposed to “effective coverage”, which refers to whether or not domestic workers are covered in practice and are able to enjoy effective access to the protections to which they are entitled. Effective coverage may be hampered by a diverse range of factors, including institutional capacity to implement and enforce compliance, eligibility requirements, access to information, access to justice, and status in migration, to name a few.

Chapter 2. Scope of national labour legislation

Legal recognition is often considered the first and most foundational step towards ensuring decent work for domestic workers. The inclusion of domestic workers in the scope of national labour laws remains an important indicator of progress in the implementation of Convention No. 189.⁷

In Asia and the Pacific, 61.5 per cent of domestic workers remain fully excluded from labour law, although this proportion is two times lower when excluding China (31 per cent). Labour law coverage is most likely to be found in South-Eastern Asia and the Pacific, where 67 per cent of domestic workers are covered by a combination of general labour laws and subordinate regulations or specific labour laws, and an additional 2 per cent by subordinate regulations or specific labour laws alone. This leaves 31 per cent of domestic workers fully excluded from labour laws in the subregion (figure 2.1). Specifically in the ASEAN countries for which data were available, Cambodia and Singapore provide legal coverage for domestic workers in part by the general labour laws and in part by subordinate regulations or specific labour laws. In the Philippines, Thailand and Viet Nam, (live-in and live-out) domestic workers are covered in part by subordinate regulations and in part by specific labour laws. Notably, Indonesia, one of the largest employers of domestic workers in the subregion (1.2 million), has not extended coverage of the national labour law to domestic workers (ILO 2021a, Annex 9). It is, however, important to note that while domestic workers may be covered by labour laws – whether general labour laws, subordinate regulations or specific laws – this does not necessarily mean that they are entitled to the same legal coverage as other workers, as they may be excluded from specific provisions, such as in Malaysia where domestic workers are excluded from key provisions in the Employment Act, 1955.

► **Figure 2.1. Coverage of domestic workers by national labour legislation, 2020 (%)**



- Domestic workers are covered by the general labour laws
- Domestic workers are covered in part by the general labour laws and in part by subordinate regulations or specific labour laws
- Domestic workers are covered by subordinate regulations or specific labour laws
- Domestic workers are excluded from the scope of the country's labour laws
- Federal country with provisions that differ between states

Source: ILO 2021a.

⁷ It should be noted that inclusion in this regional summary does not say anything about the level of protection that is provided for domestic workers. Sometimes domestic workers are included in the general scope of labour laws, but excluded from many specific provisions. The level of protection may therefore not be sufficient to ensure decent work.

The rate of coverage in the South-Eastern Asia and the Pacific subregion is partly attributed to relatively recent legal reforms. Most well-known was the adoption of comprehensive legislation on domestic work in the Philippines in 2013, following ratification of Convention No. 189.⁸ Unfortunately, the recognition of domestic work under labour law does not always mean domestic workers have the same labour rights as other workers. In 2012, a Ministerial Regulation was adopted by Thailand's Ministry of Labour that excludes domestic workers from several important provisions under the Labour Protection Act, including, importantly, minimum wage rules and provisions on normal working time.⁹ At the time of writing this regional summary, Thailand is in the process of revising the Ministerial Regulation with an intent to increase the protection of domestic workers by removing the exclusions from provisions of the Labour Protection Act, including those on minimum wage and regular working hours. More recently, in 2018, Cambodia saw the adoption of Ministry of Labour and Vocational Training *Prakas* No. 235 on Work Conditions for Houseworkers. The policy sets the minimum age at 18 and requires written contracts, 24 hours weekly rest, paid holidays, overtime for work during public holidays and some social security coverage.

In sum, most domestic workers remain excluded from labour law in Asia and the Pacific. And while 67 per cent of domestic workers in the South-Eastern Asia and the Pacific subregion are covered by a combination of general labour laws and subordinate regulations or specific labour laws, none are covered wholly by the general labour laws. Countries in the subregion have instead tended to adopt specific labour laws to complement the labour code. While the approach can be seen as an effort to ensure protections for domestic workers that are equal to those enjoyed by other workers while taking into account the specificities of the sector – two of the main intentions behind ILO Convention 189 – these laws and regulations, whether general or specific, still do not always afford domestic workers the same rights and protection as other workers. Moreover, whether domestic workers are included in labour laws (be they general or specific) does not in itself provide a full picture of the level of protection they enjoy; as they may nonetheless be excluded from many of the laws' specific provisions or afforded less favourable entitlements.

Chapter 3. Laws and regulations governing working time

Working time is a fundamental issue for all workers; however, domestic workers have regularly been excluded from both national and international laws regulating working time. The adoption of ILO Convention No. 189 sought to correct these exclusions by calling on ratifying Member States to take measures to ensure that domestic workers enjoy working time to the same extent as workers generally, with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and paid annual leave (see Article 10). It is through the adoption and implementation of such measures that domestic workers should be able to enjoy improved working conditions and a recognized human right to rest and leisure.

3.1. Normal weekly hours of work and weekly rest

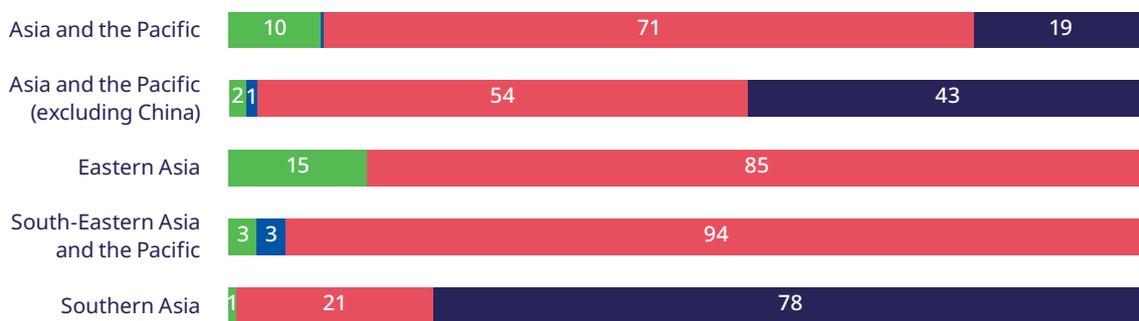
The majority of domestic workers (71 per cent) do not have any legal limits on their normal weekly hours in Asia and the Pacific, which remains true even when excluding China (which often skews data by virtue of its massive numbers of domestic workers). This proportion increases when looking specifically at South-Eastern Asia and the Pacific, where 94 per cent of domestic workers do not have any legal limitations on normal weekly hours (figure 3.1). Only 6 per cent enjoy legal limits on normal weekly hours

8 Republic Act No. 10361, otherwise known as the "Domestic Workers Act" or the "Batas Kasambahay".

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

equal to, or more favourable than, those enjoyed by other workers. Many of these are domestic workers in Viet Nam, where a Decree extended provisions of the Labour Code that, while allowing for overtime with consent, also limits the regular workweek to 48 hours for domestic workers.¹⁰ The working time of domestic workers, however, has also been limited through a required period of eight hours daily rest, making it possible that domestic workers are legally able to work up to 16 hours per day.¹¹ At the time of writing this regional summary, Viet Nam is the only ASEAN country with limits on normal working hours for domestic workers (ILO 2021, Annex 9).

► **Figure 3.1. Limitation of normal weekly hours of work for domestic workers in Asia and the Pacific, 2020 (%)**



- Limitation of normal weekly hours same or lower than for other workers
- Limitation of normal weekly hours higher than for other workers
- No limitation of normal weekly hours for domestic workers
- Information not available/federal countries with provisions that differ between states

Source: ILO 2021a.

When looking at legal entitlement to weekly rest, the vast majority of domestic workers are excluded in Asia and the Pacific (64 per cent) – although this figure drops to 36 per cent when excluding China (figure 3.2). Notably, the number of domestic workers legally entitled to weekly rest on the same or more favourable terms than for other workers in South-Eastern Asia and the Pacific is high at 67 per cent. The higher rate of coverage is partly attributed to several countries in the subregion having recently revised or adopted legislation ensuring equal periods of weekly rest for domestic workers. Such is the

10 Viet Nam: Article 89(3) of Decree No. 145/2020/ND-CP – Special provisions for domestic workers affirmed that working hours and rest periods shall comply with chapter VII of the Labour Code and chapter VII of the Decree. The Labour Code at article 105 on Normal Working Hours sets for general workers a limit of 48 hours, although it also says that the State encourages employers to implement a 40-hour working week for workers.

11 Viet Nam: Article 89 of Decree No. 145/2020/ND-CP – Special provisions for domestic workers established that the hours of work and rest shall be agreed by both parties, provided the worker has at least eight hours of rest, including six consecutive hours of rest during a 24-hour period. This may mean that the working time limit of 48 hours per week is not enforceable, and on a daily basis domestic workers may be requested to work up to 16 hours in a 24-hour period. This would, however, be inconsistent with the Labour Code's cap on the maximum work hours per day of 12 hours (with overtime), but it remains untested, given that Decree No. 145/2020/ND-CP came into effect only in 2021.

case in Cambodia ¹², the Philippines ¹³, Thailand ¹⁴ and Viet Nam ¹⁵, all of which provide the right to one full day or 24 consecutive hours of rest per week (the list is non-exhaustive). There nonetheless remain countries in the subregion in which domestic workers have no legal right to weekly rest. Indonesia, with 1.2 million domestic workers, and Malaysia, an important destination for migrant domestic workers, are two countries where domestic workers are excluded from provisions on weekly rest (ILO 2021, Annex 9).

► **Figure 3.2. Entitlement to weekly rest for domestic workers in Asia and the Pacific, 2020 (%)**



- Entitlement to weekly rest is the same or more favourable than for other workers
- Entitlement to weekly rest of shorter duration than for other workers
- No entitlement to weekly rest for domestic workers
- Information not available/federal countries with provisions that differ between states

Source: ILO 2021a.

3.2. Paid annual leave

In Asia and the Pacific, only 19 per cent of domestic workers have the same entitlements to paid annual leave as other workers. Most of these workers are found in South-Eastern Asia and the Pacific, where a little over three in five domestic workers (65 per cent) have the same entitlements to paid annual leave as other workers (figure 3.3). Again, the relatively high number of domestic workers entitled to paid annual leave can be attributed to recent legislative changes in the subregion. In the Philippines, domestic workers are entitled to five days of annual leave after one year of service, ¹⁶ which is the same entitlement afforded to other workers under the Labor Code (sect. 95). In Thailand, domestic workers are entitled to annual holidays of at least six working days per year, after having worked continuously for one full year,

12 Cambodia: Article 9 of Prakas 235/2018, issued by the Ministry of Labour and Vocational Training, establishes that weekly rest shall be at minimum 24 consecutive hours. This is the same as established in article 147 of the Labour Code for workers generally.

13 Philippines: According to section 21 of Republic Act 10361, and rule IV, section 6, of the Act's Implementing Rules and Regulations, domestic workers are entitled to at least 24 consecutive hours of rest in a week. The Labor Code, applicable to workers in general, establishes a right to weekly rest of no less than 24 consecutive hours after every six days of work.

14 Thailand: Ministerial Regulation No. 14, B.E. 2555 (2012), establishes that section 28 of the Labour Protection Act is applicable to domestic workers. This provision establishes weekly rest of one day per week.

15 Viet Nam: Article 89(3)(b) of Decree No. 145/2020/ND-CP provides that domestic workers are entitled to 24 consecutive hours off weekly, per article 111(1) of the Labour Code, but if it is infeasible for an employer to afford such weekly rest, the employer must ensure that "on average the worker has at least 4 days off in a month".

16 Philippines: Section 29 of Republic Act 10361.

as provided to other workers under the labour code.¹⁷ In Viet Nam, domestic workers are entitled to 12 days of leave following one year of service, consistent with the entitlements afforded to other workers.¹⁸ Still, 35 per cent of domestic workers are excluded from provisions for paid annual leave, including in Cambodia, Indonesia, Malaysia and Singapore.

► **Figure 3.3. Paid annual leave for domestic workers in Asia and the Pacific, 2020 (%)**



Source: ILO 2021a.

In sum, it is clear that much more needs to be done in relation to the legal entitlements of domestic workers regarding working time, both at the Asia and the Pacific level and the South-Eastern Asia and the Pacific level. On a positive note, thanks to new or revised laws in South-Eastern Asia and the Pacific, more domestic workers now enjoy guarantees regarding weekly rest and paid annual leave, with these rights afforded on an equal footing with other workers.

However, legal gaps remain, and a significant percentage of domestic workers in the subregion are still excluded from weekly rest and paid annual leave. Live-in domestic workers in particular do not always have rights equal to those of their live-out counterparts, let alone to those of workers generally. While the working arrangements of live-in domestic workers can indeed call for different approaches to limiting working time – for example, through periods of daily rest or by regulating overtime pay – it is important that such measures be taken in light of the principle of equal treatment referred to in Article 10 of Convention No. 189. Moreover, the effectiveness of working time regulation is particularly dependent on implementation measures and on measures to monitor compliance and ensure enforcement, which will be addressed in Chapter 6.

¹⁷ Thailand: Ministerial Regulation No. 14, B.E. 2555 (2012), establishes that section 30 of the Labour Protection Act is applicable to domestic workers.

¹⁸ Viet Nam: Article 113 of the 2019 Labour Code.

Chapter 4. Laws and regulations governing minimum wages and payment in kind

Domestic workers typically earn some of the lowest wages, despite their enormous contributions to supporting households and societies (ILO 2011). The low pay of domestic workers has frequently been associated with the undervaluation of domestic work (Lansky et al. 2017). In recognition of the principle that domestic workers deserve protection and rights that are no less favourable than those enjoyed by other workers, Article 11 of Convention No. 189 explicitly calls upon ratifying Member States to “take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex”. The wording of Article 11 seeks to address the undervaluation and underpayment of domestic work, which often results from discrimination based on sex, and encourages the inclusion of domestic workers in existing minimum wage coverage.

To address this issue, many countries use minimum wage legislation to set a wage floor for domestic workers. In doing so, these countries have typically used one of two approaches, often building on existing minimum wage systems: (1) including domestic workers under existing minimum wage legislation; or (2) fixing a specific minimum wage rate for domestic workers. In very few instances are specific minimum wages for domestic workers set through collective bargaining. It should also be highlighted that the minimum wage level set for domestic workers can be lower than that for other workers. Including domestic workers in existing coverage contributes to equality between domestic workers and other workers. It also avoids the establishment of separate procedures to fix a sectoral minimum wage. When countries take the sectoral approach, it is particularly important to ensure respect for the principle of equal pay for work of equal value and to ensure that, when setting minimum wages, domestic work is not undervalued because the workers’ skills are associated with being female (ILO 2014).

In addition to the risk of discriminatory wage levels, domestic workers face several other risks when it comes to the payment of wages. One customary practice in domestic work is for workers to receive a portion of their wage as payment in kind. While receiving food and accommodation from the employer can be of benefit to the domestic worker, receiving such payments in kind as part of the minimum wage makes these workers more dependent on the employer. It can also reduce their ability to provide for their own family or contribute towards savings. Low cash wages also make it more difficult to leave an employer, as leaving might require having enough funds to pay for shelter and survive without an income until a new job is found. As a result, domestic workers who depend on their employer for housing are at higher risk of staying in abusive or exploitative situations. This is particularly relevant for migrant workers, who are required by law in many countries to reside with their employer, and whose wages are often assessed with the understanding that accommodation is provided in kind. Immigration regulations that tie the workers’ migration status to the employer only further exacerbates this.

4.1. Minimum wages and payment in kind

In the context of wages, the situation of domestic workers in Asia and the Pacific is unfortunate. Only 11 per cent of domestic workers enjoy a minimum wage that is equal to that of other workers (figure 4.1).¹⁹ This number decreases slightly in South-Eastern Asia and the Pacific to just 6 per cent, although the proportion of domestic workers provided with a minimum wage that is lower than that of other workers is greater, at just over half (52 per cent). Yet, this still leaves a large number of domestic workers who are not covered by any minimum wage (42 per cent). Regarding minimum wage coverage for domestic workers, very few changes have taken place in the South-Eastern Asia and the Pacific region in recent years; however, it is worth noting the recent inclusion of domestic workers under the unified minimum wage in Viet Nam.²⁰ Those South-Eastern Asia and the Pacific countries in which the statutory minimum wage for domestic workers is the same or higher than for other workers also tend to employ smaller numbers of domestic workers. Among the ASEAN countries, it is only in Viet Nam that domestic workers are entitled to a minimum wage rate that is at least equal to that fixed for other workers (ILO 2021a, Annex 9).

In some cases, provision is also made for a portion of the wage to be paid in kind. In the Asia and the Pacific region, while 17 per cent of domestic workers are entitled to receive their full minimum wage in cash, 1 per cent who are entitled to a minimum wage can receive a portion of their minimum wage in kind. Worryingly, for the majority of domestic workers (64 per cent) who are excluded from the minimum wage, payments in kind are also legally permissible as part of the wage. For example, in Indonesia, domestic workers are excluded from the minimum wage, and can also receive their remuneration in any form, without limitations.²¹ In Thailand, live-in domestic workers do not benefit from minimum wage coverage, and no specific limits are placed on the amount that can be paid in kind, leaving no guarantees on the amount of cash payments.²² As noted above, however, the ongoing revision of Ministerial Regulation No. 14 (2012) in Thailand might result in the extension of the minimum wage to domestic workers. Of the 58 per cent of domestic workers in South-Eastern Asia and the Pacific with legal entitlements to a minimum wage – whether the same, higher or lower than other workers – 52 per cent have the right to receive their minimum wage in cash only (figure 4.2). For example, the Philippines prohibits the payment of wages in kind, unless requested by the worker.²³ Only 6 per cent of domestic workers are subject to specific provisions allowing for a specific portion of the minimum wage to be paid in kind. In Viet Nam, such payments must be agreed by the worker and employer, and are limited to 50 per cent of the monthly wage.²⁴

19 Of the countries in Asia and the Pacific used to produce these estimates, none had no statutory minimum wage at all. This does not, however, mean that all countries in the region have a statutory minimum wage.

20 Viet Nam: Article 89(2) of Decree No. 145/2020/ND-CP specifies that a domestic worker's wage must not be lower than the regional minimum wage announced by the Government.

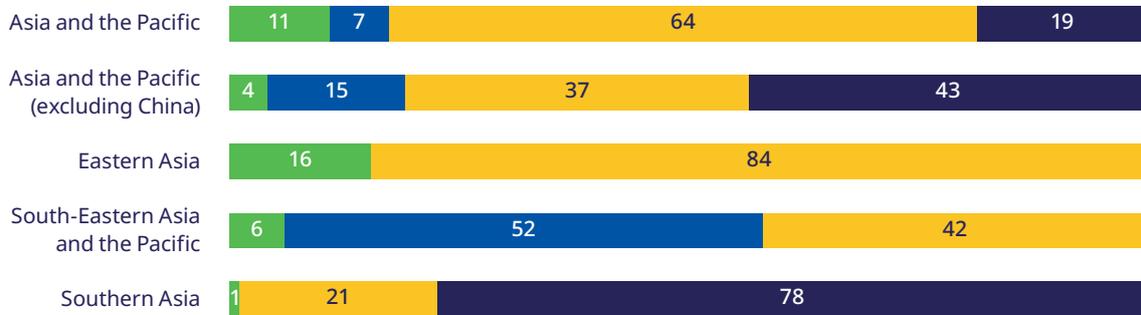
21 Indonesia: Article 1 of Permenaker (Ministry Regulation) No. 2/2015 on Domestic Workers.

22 Thailand: Ministerial Regulation No. 14, B.E. 2555 (2012), under the Labour Protection Act.

23 Philippines: Under section 25 of Republic Act 10361, payment of wages shall be made on time directly to the domestic worker to whom they are due in cash at least once a month. The employer, unless allowed by the domestic worker through a written consent, shall make no deductions from the wages other than those which are mandated by law. No employer shall pay the wages of a domestic worker by means of promissory notes, vouchers, coupons, tokens, tickets, chits or any object other than the cash wage as provided for under the same Act.

24 Viet Nam: Article 89(2) of Decree No. 145/2020/ND-CP provides that employer and worker shall agree on monthly meal and accommodation expenses, which cannot exceed 50 per cent of the wage.

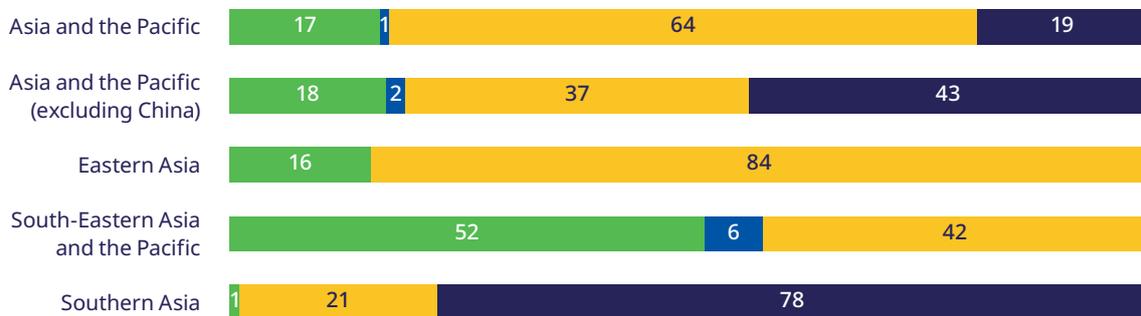
► **Figure 4.1. Extent of minimum wage coverage of domestic workers in Asia and the Pacific, 2020 (%)**



- Statutory minimum wage for domestic workers is the same or higher than for other workers*
- Statutory minimum wage for domestic workers is lower than for other workers
- Domestic workers are excluded from minimum wage coverage in countries where minimum wage exists
- Information not available/federal countries with provisions that differ between states

* This category includes cases where comparison to benchmark minimum wage is not possible. Source: ILO 2021a.

► **Figure 4.2. Extent of provisions on payments in kind in Asia and the Pacific, 2020 (%)**



- Minimum wage can be paid in cash only*
- Part of the minimum wage can be paid in-kind
- Domestic workers are excluded from minimum wage coverage (in countries where minimum wage exists)
- Information not available/federal countries with provisions that differ between states

* Includes cases where no information on in-kind provisions was available. Source: ILO 2021a.

In sum, the results indicate that the majority of domestic workers in Asia and the Pacific (64 per cent) are not legally covered by any minimum wage. The trend in South-Eastern Asia and the Pacific is more positive, as 58 per cent of domestic workers are included under minimum wage coverage, whether through the national minimum wage or through a sectoral minimum wage – although more often than not, they are entitled to a minimum wage that is lower than those enjoyed by other workers. Encouragingly, when domestic workers are covered by a minimum wage, the data indicate a tendency towards prohibiting the deduction of in kind payments from this minimum. This is true for both the broader Asia and the Pacific region and the South-Eastern Asia and the Pacific subregion.

Several other legal considerations can also have an impact on the effectiveness of minimum wage coverage. In some cases, domestic workers who are covered by a monthly minimum wage set on an apparently equal footing with other workers may nonetheless effectively receive a lower wage if they are subject to less favourable limits on their normal hours of work, resulting in a lower hourly minimum wage. When taken together with low levels of compliance (often a reality), and the allowance for (sometimes) large portions of payments to be paid in kind, a high percentage of domestic workers likely still face a significant risk of receiving unduly low pay. In many national contexts within ASEAN, legislation remains ambiguous with respect to overtime (or standby) rates and in-kind payment. Live-in domestic workers, including migrant domestic workers, are often impacted by these factors. The real wages of domestic workers and good practices to improve those wages will be explored further in Chapter 6.

Chapter 5. Laws and regulations governing social security, including maternity protection

Social security, as a fundamental human right, should be inherent to all human beings.²⁵ Effective social security systems are an important investment in the well-being of workers and guarantee income security and access to health protection, thereby contributing to the prevention and reduction of poverty and inequality, and the promotion of social inclusion and human dignity. There are nine different social security branches: medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity, and survivors' benefits. Maternity protection, in particular, is a crucial instrument for ensuring the health, well-being and economic security of child-bearing women, and it has been shown to facilitate women's employment, reduce the motherhood pay gap, and lead to better health outcomes for mothers and their infants (ILO 2018a). Unfortunately, women from socially disadvantaged groups and those in the informal economy frequently lack such protection (ILO 2018a). Domestic workers are no exception.

5.1. Extent of legal coverage by social security laws

Out of the countries reviewed in Asia and the Pacific, 12 (36.4 per cent) provide social security coverage to domestic workers for at least one of the nine social security branches (figure 5.1, panel A).²⁶ This results in 27.9 per cent of domestic workers being covered by at least one branch of social security (figure 5.1, panel B). In covering domestic workers, countries have tended towards extending the existing social security legal framework to domestic workers, although in some cases, they have adopted separate legislation specific to domestic workers (ILO 2016a). When they are covered under the general social security schemes, domestic workers, including migrant domestic workers, are normally entitled to the same branches of social security as other workers. In many cases, though, countries exclude migrant domestic workers from such schemes. In Asia and the Pacific, 7 of these 12 countries do not provide social security coverage for migrant domestic workers (ILO 2021a, figure 6.2). The five countries/territories that do provide social security coverage are Hong Kong (China)²⁷, Indonesia, Pakistan, the Philippines and Viet Nam.

25 As per the Universal Declaration of Human Rights, Art. 22, and the International Covenant on Economic, Social and Cultural Rights, Art. 9.

26 For the purposes of these estimates, a country was counted as providing social security protection to domestic workers as long as the laws provided for coverage by at least one branch of social security. Further, domestic workers were only considered to be covered if the scheme was mandatory, as evidence suggests voluntary schemes are ineffective in reaching "difficult-to-cover" groups such as domestic workers (ILO 2016a).

27 Hong Kong, China, has legal coverage for migrant domestic workers in the field of employment injury.

Given the numbers of migrant domestic workers and the additional challenges they face, the legal framework should also consider ways to facilitate social security coverage of these workers. This includes ensuring that the principle of equality of treatment between national residents and non-national residents is reflected in labour and social security law, and also finding ways to avoid migrant domestic workers losing social security protections as a result of irregular migration status. Given the temporary nature of many migrant domestic workers' work contracts – and compounded by low wages and savings – gaps in pension and healthcare benefits are concerning. In addition, in line with the Domestic Workers Recommendation, 2011 (No. 201), States should seek to conclude bilateral, regional and multilateral agreements to allow the portability of contributory periods and/or acquired benefits, including when migrant workers have migrated to a third country or returned home, and to ensure that these agreements also cover migrant domestic workers.

► **Figure 5.1. Number and percentage of countries with some legal social security coverage for domestic workers, and percentage of domestic workers legally covered**



Note: Based on the review of 33 countries. Panel B based on 33 countries for which the information on the domestic workers is available, representing 97.6 per cent of employment in Asia and the Pacific. Weighted by the total number of domestic workers.

Source: ILO 2021a.

There is also a noteworthy variation in the extent of coverage by specific social security branches. Where comprehensive social protection is not provided, employment injury, unemployment and family benefits are generally the branches where no social security benefits are provided to domestic workers through contributory mechanisms, either because domestic workers are excluded or because no such legal provision exists in the country. In Asia and the Pacific, around one-fourth of domestic workers have a legal entitlement for pension, medical care and sickness. Only a small percentage are legally covered by unemployment insurance (less than 15 per cent) and family benefits, when considering only legal entitlement to contributory benefits (ILO 2021a, figure 6.3, panel C). Less than 1 per cent of domestic workers are included under the scope of social security for all branches (figure 5.1, panel C above). The limited provision of comprehensive social security coverage to domestic workers translates into a tiny proportion of domestic workers being legally entitled to the complete range of social security benefits.

Domestic workers may also be excluded for reasons associated with their inability to meet eligibility conditions such as minimum thresholds in terms of hours or earnings. For instance, in the Philippines, workers must earn at least 1,000 pesos (US\$23) monthly to exercise the right to coverage for sickness

or maternity benefits.²⁸ These types of minimum thresholds, which are considered to be insufficiently aligned with the actual labour conditions of domestic workers, can contribute to their exclusion, even where the law provides for their coverage in principle.

Finally, it is important to note that, while there is a tendency to cover domestic workers under general social security schemes, and that, when covered by such schemes, domestic workers, including migrant domestic workers, are entitled to the same branches of social security as other workers, this does not necessarily mean that they are entitled to all the same conditions. In some cases, the amount of benefits differs from what other workers are eligible to receive.

5.2. Maternity leave and maternity cash benefits

Extending maternity protection to domestic workers is an important measure to lift women who are at the bottom of the labour market. As shown in Chapter 1, 30 million domestic workers (78.4 per cent) are women over the age of 15, a small majority of whom are of childbearing age (ILO 2021a).²⁹ Based on available data, levels of legal coverage for maternity leave in Asia and the Pacific are low, with 68 per cent of domestic workers excluded from maternity leave (figure 5.2). The level of legal coverage, however, markedly increases in the subregion of South-Eastern Asia and the Pacific, where 59 per cent of domestic workers are entitled to maternity leave, largely due to the maternity leave rights afforded to domestic workers in Australia and the Philippines.³⁰ Further, although not considered as part of the estimates, it is important to highlight that some countries in the South-Eastern Asia and the Pacific subregion, including Singapore and Malaysia, prohibit pregnancy among migrant domestic workers.^{31 32} It is also worth noting that, even if they appear to have a legal entitlement to maternity leave, many domestic workers may nonetheless be excluded because they do not meet certain eligibility criteria, such as periods of continuous employment or minimum working hours. Migrant domestic workers may also be excluded for not meeting citizenship requirements or if they migrated through irregular channels.

28 [Social Security System Circular No. 2020-036](#) (pursuant to the Republic Act No. 11199, known as the Social Security Act of 2018)

29 In Asia and the Pacific, less than 55 per cent of women domestic workers are in the age range 15–44 meaning that more than 45 per cent are 45 or older. This figure is based on data from 24 countries representing 96.3 per cent of employment in Asia and the Pacific.

30 Philippines: See article 133 of the Labor Code and section 30 of Republic Act 10361

31 In Singapore, for instance, the Employment of Foreign Manpower Act (Fourth Schedule, part VI, sect. 7) mentions under “conditions to be complied with by Foreign Employee issued with Work Permit”: “If the foreign employee is a female foreign employee, the foreign employee shall not become pregnant or deliver any child in Singapore during and after the validity period of her work permit, unless she is a work permit holder who is already married to a Singapore citizen or permanent resident with the approval of the Controller, or as the Controller allows in any particular case.”

32 In Malaysia, “women migrant workers are not allowed to become pregnant. Passing a pregnancy test is required before entry and when annual work permits are renewed” (Napier-Moore 2017, 20).

► **Figure 5.2. Maternity leave: Extent of legal coverage of women domestic workers in Asia and the Pacific, 2020 (%)**



- Maternity leave entitlements are the same or more favourable than for other workers
- Maternity leave entitlements less favourable than for other workers
- No entitlement to maternity leave for domestic workers
- Information not available/federal countries with provisions that differ between states

Note: To produce the estimates, only statistical data on women domestic workers were retained. For the purposes of the estimates presented, maternity leave refers only to the duration of the leave provided to domestic workers, as compared to other workers. Regarding maternity benefits, the research looked specifically at the cash benefits to which domestic workers were entitled (but not medical benefits) through the social security systems or employer liability schemes.

Source: ILO 2021a.

While legal coverage for maternity leave is an important first step towards ensuring maternity protection, the leave is difficult to implement without cash benefits to maintain income security during the leave period. To be in line with the ILO Maternity Protection Convention, 2000 (No. 183), these cash benefits should amount to at least two-thirds of their previous earnings; however, maternity cash benefits in many Asia and the Pacific countries still fall below this threshold. One positive aspect in this space is that among those countries that do grant maternity cash benefits to domestic workers, the tendency is to grant entitlements that are equal to those of other workers, and this is true at both the regional and subregional level (although, as we will see in Part III, very few domestic workers enjoy effective coverage in practice). In South-Eastern Asia and the Pacific, 59 per cent of domestic workers are entitled to maternity cash benefits, again due to the benefits available to domestic workers in Australia and the Philippines (figure 5.3). This indicates a strong tendency to ensure the income security of domestic workers during their maternity leave. Further efforts are required, however, before the remaining 41 per cent of domestic workers in South-Eastern Asia and the Pacific are entitled to maternity leave and cash benefits. There is yet some promise of change in the subregion, however, as domestic workers in Viet Nam³³ have recently gained the right to maternity allowance under the Law on Social Insurance (art. 4).

33 Viet Nam: Article 28 of Decree 27/2014/ND-CP established that the Labour Code and other guiding documents shall apply to issues that are not mentioned in the Decree. Article 139 of the new 2019 Labour Code establishes that female employees are entitled to six months of prenatal and postnatal leave, and that the employee is entitled to maternity benefits as regulated in the Law on Social Insurance. The Law on Social Insurance includes a maternity allowance among the benefits that it protects under its Compulsory Scheme (art. 4) and extends to all employees who are Vietnamese citizens.

► **Figure 5.3. Maternity benefits: Extent of legal coverage of women domestic workers in Asia and the Pacific, 2020 (%)**

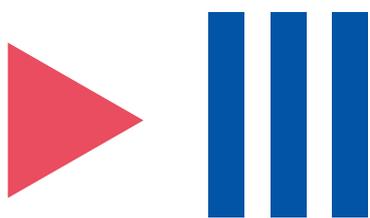


- Entitlement to maternity cash benefits is the same or more favourable than for other workers
- No entitlement to maternity cash benefits
- Information not available/federal countries with provisions that differ between states

Source: ILO 2021a.

In sum, based on the data reviewed for this regional summary, the proportion of domestic workers without access to some legal social security coverage in Asia and the Pacific (71 per cent) far exceeds those with access. Among the countries where domestic workers have access to some legal social security coverage, there is a tendency to cover domestic workers under general social security schemes, and, when covered by such schemes, domestic workers tend to be entitled to the same branches of social security as other workers. However, this does not necessarily mean that domestic workers are entitled to all the same conditions. The situation for migrant domestic workers is further exacerbated, as among the 12 countries that provide domestic workers with some legal social security coverage, only five provide coverage to migrant domestic workers.

With respect to maternity leave and cash benefits for domestic workers, most women domestic workers do not have legal coverage for maternity leave, nor do they have legal entitlements to maternity cash benefits. In South-Eastern Asia and the Pacific subregion, legal entitlements to maternity leave are more common than they are across the entire region, but this is largely the result of the rights afforded to domestic workers in the Philippines and Australia – and, more recently, in Viet Nam. Maternity leave and cash benefits also seem to be provided by law in tandem in most cases, and when domestic workers are covered by these laws, they tend to be entitled to the same level of legal protection as other workers. Yet, as we will see in Chapter 8, it is unlikely that domestic workers actually enjoy these rights in reality. High rates of informality, restrictive entry requirements, barriers to social security registration, low contributory capacity of workers and employers, absent or inadequate policies to publicly fund or subsidize maternity benefits, pervasive social norms that domestic work is not real work, and the fact that domestic workers tend to come from marginalized groups that face discrimination all contribute to the challenge of ensuring maternity rights for domestic workers. The existence of legal frameworks does, however, represent an important first step towards making these rights a reality.



Towards decent work for domestic workers

The adoption of Convention No. 189 marked a turning point for domestic workers by recognizing them as workers with rights for the first time. Progress in the adoption of labour laws in the last ten years has been modest in Asia and the Pacific, although some developments have taken place in the subregion of South-Eastern Asia and the Pacific, as made clear in Part II. While closing legal gaps is a central requirement for Asia and the Pacific, making decent work a reality for domestic workers also entails the effective implementation of measures contained in laws and regulations. As such, the chapters in Part III reveal the extent to which decent work has become a reality for domestic workers compared to other employees.³⁴

To this end, chapters 6 and 7 will consider working time, wages, social security, occupational safety and health, and protection from violence and harassment – both before and during the COVID-19 pandemic. Further, as being in formal employment is a key determinant of access to decent working conditions and protection, domestic workers in informal employment are compared to other employees in Chapter 8.

Chapter 6. Working time, wages and social security

6.1. Working time

It has been said that there is no such thing as a 40-hour workweek in domestic work, and indeed evidence suggests that the typical working hours of domestic workers fall outside of the range of what are considered to be normal for most other workers. As detailed in Chapter 3, working time is one of the areas in which domestic workers face a deficit in coverage, particularly with respect to normal weekly hours. These legal coverage gaps are made worse by compliance gaps, resulting in domestic workers often working either very long or very short hours. In Asia and the Pacific, domestic workers are predominately over-represented in terms of working very long hours, especially among those in informal employment, as will be explored further in Chapter 8.

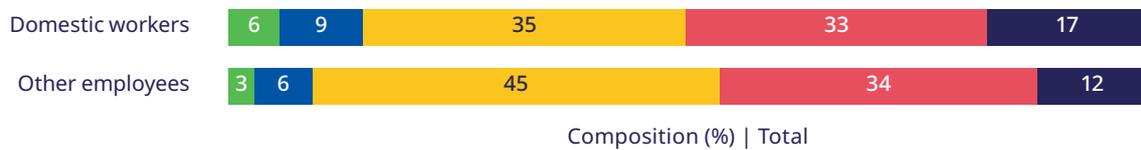
In Asia and the Pacific, nearly two-thirds of all domestic workers (65 per cent) are working outside the scope of “normal hours”, compared to 55 per cent of other employees (figure 6.1, panel A). Focusing on very long hours of work, 17 per cent of domestic workers work more than 60 hours per week, compared to 12 per cent of other employees. These long hours can be due to low hourly wages, for which domestic workers compensate by working longer hours. The percentage of men working more than 60 hours per

³⁴ The category of “employees” refers to persons in paid employment, and thus excludes the self-employed.

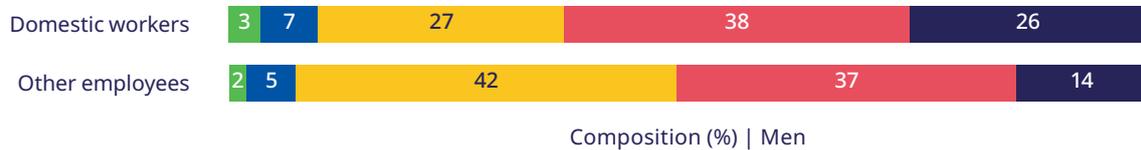
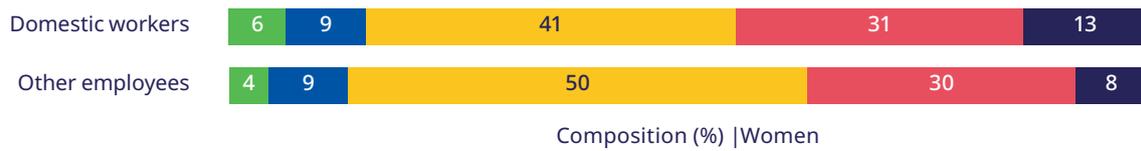
week is double that of women (26 per cent versus 13 per cent), possibly influenced by women’s need to attend to unpaid care duties in their own home, or by men domestic workers providing round-the-clock security, and therefore working longer hours. As noted above, the majority of countries in Asia and the Pacific do not have legal provisions on working time for domestic workers, and in those countries that do, gaps in implementation and compliance can also influence domestic workers’ long working hours.

► **Figure 6.1. Working time patterns among women and men domestic workers compared to other employees, Asia and the Pacific, 2019 (%)**

Panel A. Total



Panel B. Gender differences



■ <20 hours ■ 20-34 hours ■ 35-48 hours ■ 49-60 hours ■ >60 hours

Note: ILO calculations based on an analysis of national household surveys from 24 countries representing 96.3 per cent of employment and 95.1 per cent of employees in Asia and the Pacific. Regional estimates weighted respectively by the total number of domestic workers and other employees in 2019. Source: ILO 2021a.

6.2. Wages

Domestic workers earn some of the lowest wages. Low wages in domestic work have often been attributed to the lack of financial value placed on women’s work in the home, as well as to the perception that the work is low-skilled and/or performed by groups such as migrants or people with low levels of education (ILO 2011). In the ASEAN region, arguments have also been heard that households that employ domestic workers are not able to pay higher wages. Whereas a minimum wage is a tool that aims at protecting wage workers against unduly low pay, it is not uncommon for domestic workers to be excluded from such policies and for non-compliance with minimum wages to be higher among employers of domestic workers than among those who employ other types of employees. As reported in Chapter 4, the extent of minimum wage coverage varies across Asia and the Pacific.

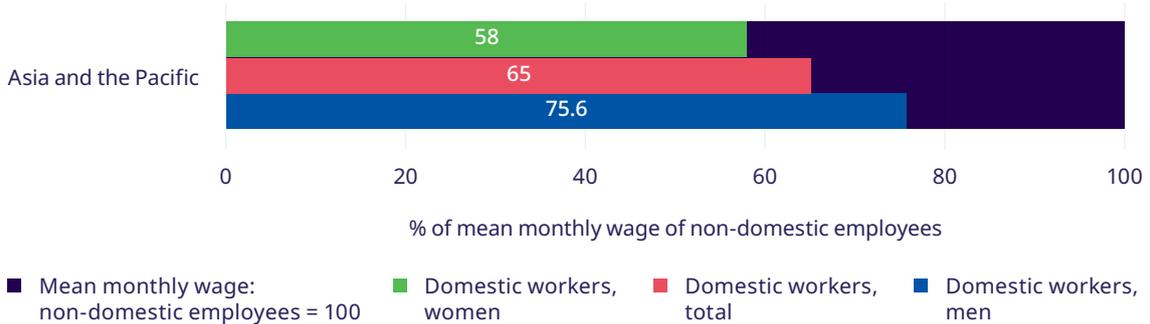
In the Asia and the Pacific region, domestic workers earn 65 per cent of the average monthly wages of other employees (figure 6.2, panel A). Women domestic workers earn slightly more than half (58 per cent) of average monthly wages of other employees; while men domestic workers earn 75.6 per cent of

average monthly wages of other employees – significantly higher than their female counterparts. This is likely attributable to the different occupational tasks performed by men and women domestic workers (see figure 1.3 for details on occupational tasks). In comparison to the global wages of domestic workers, which stand at 56.4 per cent of average monthly wages of other employees, the wages in Asia and the Pacific appear to be high. However, this must again be read in light of the long hours of work performed, as around half of all domestic workers work more than 48 hours a week on average (figure 6.1). This is particularly the case among informal domestic workers, who make up 84 per cent of the sector (see Chapter 8).

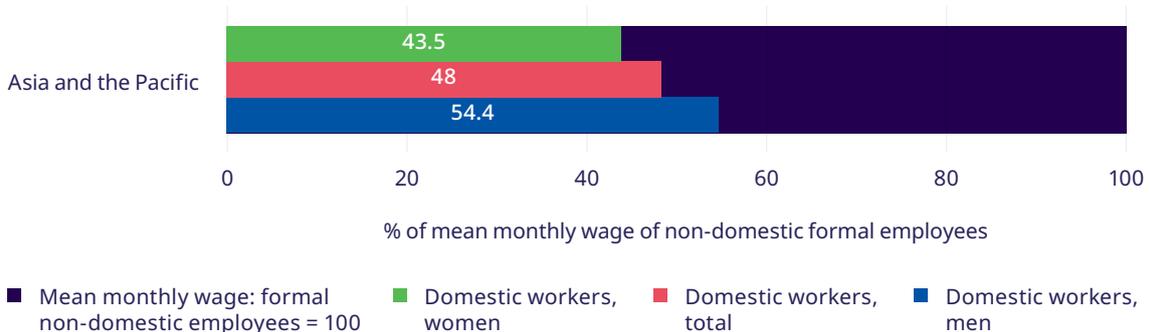
The average monthly wages of domestic workers (both men and women) are particularly low when compared to the average monthly wages of other employees in formal employment (figure 6.2, panel B). In Asia and the Pacific, the average monthly wage of domestic workers is less than half (48 per cent) that of a non-domestic worker in formal employment. Here again, the wages earned by women domestic workers are markedly lower than the wages earned by their male counterparts.

► **Figure 6.2. Domestic worker wage gap: Average monthly wage of domestic worker expressed as a percentage of average monthly wage of non-domestic employee (total and formal) in Asia and the Pacific, by sex, 2019 (%)**

Panel A. Average monthly wages compared to other employees



Panel B. Average monthly wage compared to other employees in formal employment



Note: Based on data from 18 countries representing 89.6 per cent of domestic workers and 84.1 per cent of employees in Asia and the Pacific. Weighted by the total number of domestic workers in Asia and the Pacific in 2019. To produce the estimates, the monthly average wage among domestic workers was compared to the monthly average of other employees, and to the monthly average wage of other employees in formal employment. The difference is expressed as a ratio, and not as a pay gap. No comparisons were made with respect to hourly wages, and the results were not controlled for specific features such as number of working hours per month. Other parameters such as education, or whether the workers were employed in urban or rural areas, were also not considered in the estimates.

Source: ILO 2021a.

6.3. Policy recommendations on working time and wages

The long working hours and low pay that are commonplace for domestic workers are partially rooted in legal coverage gaps, insufficient levels of protection and gaps in compliance. There are several policy recommendations that can be used to guide relevant stakeholders on how to address these challenges:³⁵

1. **Closing legal gaps:** The inclusion of domestic work as a form of work in relevant legislation and policies that regulate working time and wages is a necessary first step.
2. **Setting the minimum wage:** Ensure a minimum wage that takes into account actual working time, daily and weekly rest, and whether domestic workers have overtime protection or compensation, as well as the needs of workers and their families, and household capacity to pay. Since live-in domestic workers tend to work some of the longest hours, separate minimum wages for live-in and live-out domestic workers can also be considered.
3. **Consultation with social partners:** Engage with social partners to fix appropriate working hours and minimum wage levels for domestic workers. The working time and wages can also be set through collective bargaining.
4. **Awareness raising and capacity building:** Promotion of compliance through awareness-raising activities and campaigns as to the legal requirements on working time and minimum wages. This can include capacity building of employers and domestic workers on working hours, including on the provision of tools that provide a written record, such as timesheets, work schedules and payslips, thereby supporting compliance of legal limits.
5. **Standard contracts:** Another approach used by some countries is the development of standard contracts that set minimum standards and protections for domestic workers. Standard contracts may also be incorporated within the framework of memoranda of understanding (MOUs) between countries of origin and destination to cover migrant domestic workers (see box 3). Standard contracts are particularly effective when implemented at the point of hire.

► Box 3. Standard employment contracts

Standard employment contracts for domestic workers were introduced as part of the “My Fair Home” initiative implemented by the ILO, the International Domestic Workers Federation (IDWF) and Homenet Thailand. These contracts are available in multiple languages catering for employers and specific groups of migrant workers, and take into consideration both national and international standards for the protection of domestic workers.

There has also been progress in developing standard contracts for domestic work in Viet Nam in recent years, as well as in Malaysia, as seen in the ILO publication *Enhancing Standard Employment Contracts for Migrant Workers in the Plantation and Domestic Work Sectors in Malaysia*.

At the ASEAN level, standard contracts for migrant domestic workers have been recommended as early as the 7th ASEAN Forum on Migrant Labour in 2014. The Philippines’ experience concerning standard employment contracts for Filipino domestic workers is instructive, as stakeholders have noted that the Philippines’ ratification of Convention No. 189 has helped them in negotiating for protection of their citizens working abroad as domestic workers. Some bilateral MOUs include standard contracts, such as those Malaysia has signed with Indonesia (2006, amended 2011), Bangladesh (2016), Viet Nam (2015), and Cambodia (2017).

Sources: IDWF 2016; Holliday 2020; ASEAN 2014; Correspondence, ILO Geneva, 23 January 2016, as cited in Napier-Moore 2017, 47.

35 For additional information see: ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

6.4. Social security

As detailed in Chapter 5, social security is an area where domestic workers face a deficit in coverage, which in many cases is made worse by compliance gaps. Few domestic workers are effectively covered by social security laws, and coverage is even lower among migrant domestic workers. Statistically speaking, effective social security coverage is measured by whether or not domestic workers and their employers are making contributions to social security. This is also the primary indicator of whether or not a domestic worker is engaged in formal or informal employment. According to ILO estimates on informal employment presented in Chapter 8 below, of the 38.3 million domestic workers in Asia and the Pacific, 84.3 per cent (32.3 million) remain in informal employment. As a result, only 15.7 per cent of domestic workers enjoy effective employment-related social security coverage. In the South-Eastern Asia and the Pacific subregion, 71.3 per cent of domestic workers (3.4 million) remain in informal employment, and therefore only 28.7 per cent enjoy effective employment-related social security coverage. The high proportion of domestic workers in informal employment is therefore a strong indicator of how few domestic workers enjoy social security protection in practice.

To enable contributions to social security, domestic workers must be covered by social security laws and by labour laws, and their employment relationship must be recognized. However, many factors contribute to creating a lack of effective social security coverage, including:

- ▶ a lack of efficiency and accountability in social security institutions;
- ▶ difficulties in accessing benefits;
- ▶ insufficient or low levels of benefits;
- ▶ administrative barriers, such as the complexity or length of time it takes to register or make contributions;
- ▶ lack of awareness about rights and obligations; and
- ▶ incapacity to cover the direct and indirect costs of registration and payment of contribution.

Factors such as these influence the level of confidence in and the willingness to join social security schemes.

In addition, given that domestic work is performed in private households and that domestic workers are therefore widely dispersed, enforcement is difficult. Further, labour and social security inspectors may not have sufficient financial nor human resources for carrying out inspections adequately (ILO 2015b). Without labour and social security mechanisms, it is difficult to monitor the application of and ensure the compliance with labour and social security laws (ILO 2016a). The lack of registries of domestic workers and their employers also contributes to the difficulties in detection and regulation (ILO 2015b).

Finally, lack of information and low levels of organization can also act as a barrier towards effective coverage. When workers and employers are unaware of their rights and obligations related to the social security system – including registration, payment of contributions, and when and how to access entitlements – they are much less likely to exercise them. Information should be made available and in a manner that is accessible to both domestic workers and employers. Information should also be available in languages that can be understood by migrant domestic workers.

6.5. Policy recommendations on extending social security coverage to domestic workers

The development of social security policy solutions should be based on a solid assessment of the characteristics and situations of domestic workers and their employers, and should be conducted with the effective participation of domestic workers and the employers of domestic workers (ILO 2019a; 2021d). The policy recommendations below provide guidance on the effective extension of contributory mechanisms to domestic workers:³⁶

1. **Closing legal gaps:** The overall objective should be to ensure that all domestic workers have access to social protection on an equal footing with other employees, which for large parts of Asia and the Pacific means they should be covered under the existing legal social insurance mechanism.
2. **Removal of administrative barriers:** Efforts to simplify registration and contribution payments will encourage compliance and extend coverage. Given that domestic workers may have multiple employers and that their employers are generally households without the same capacity to deal with administrative procedures as other employers, it is important to ensure that administrative procedures account for such circumstances to facilitate access.
3. **Facilitating the payment of contributions and developing adequate financing mechanisms:** Digital technologies such as electronic registration systems can help facilitate the payment of contributions. Further, it is also important to address the financial challenges experienced by employers and workers by establishing flexible mechanisms for contributions (ILO 2016a). However, without political will and financial commitments, these policy recommendations will be insufficient. Government subsidies are an important mechanism to address the low contributory capacity in the domestic work sector.
4. **Enhancing enforcement:** Inspection mechanisms are crucial for ensuring compliance with labour and social security law. In the case of domestic work, to be effective, inspections may need to consider access to private households.³⁷ Collaborations between governments and domestic workers' organizations can also facilitate inspections (ILO 2017). Trainings to build the capacity of social security inspectors and support for a diverse labour inspectorate are also important.
5. **Raising awareness and providing information:** Awareness-raising mechanisms need to be improved to ensure that domestic workers and employers are aware of their rights and obligations and understand how to apply them. Measures can include educational and awareness-raising campaigns, including through mass media, to enhance knowledge about the schemes and benefits and the importance of social protection. Digital technology can also be harnessed for this purpose. Organizations of domestic workers and employers, civil society organizations, or intermediaries such as agencies and digital platforms can play an important role in facilitating access to information and raising awareness (Fudge and Hobden 2018).³⁸
6. **Developing and implementing integrated and coherent policies:** Policies and strategies to extend social security coverage in the domestic work sector form part of a broader set of interventions guided by other social and economic policies in general and by employment formalization strategies in particular.

36 For additional information see: ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

37 Convention No. 189, Art. 17.

38 See, for example, WIEGO and IDWF, *Your Toolkit on ILO Convention 189 – The Domestic Workers Convention*, 2018.

- 7. Portable social security for migrant workers:** Large numbers of migrant domestic workers are excluded from bilateral social security agreements, and portable social security is an evident need. Bilateral agreements are important mechanisms for ensuring that migrant domestic workers are entitled to social security benefits in receiving countries, and for supporting the portability of benefits (Olivier 2018).

Chapter 7. Occupational safety and health and violence and harassment in domestic work

7.1. Occupational safety and health

Central to the working conditions of domestic workers are occupational safety and health (OSH) conditions. Here too, domestic workers tend to experience decent work deficits, and are more exposed to the impacts of OSH risks due to the characteristics of their work, the nature of their workplaces, and the specificities of the sector. It is possible to identify some common work-related hazards to which domestic workers are exposed, including chemical, ergonomic, physical, psychosocial (including harassment), and biological hazards.

In performing cleaning and gardening tasks, domestic workers are typically exposed to chemical hazards such as bleach or insecticides, causing immediate (intoxication, allergies) or long-term effects, such as cancer. The work is also physically demanding as a result of tasks such as lifting and handling heavy loads, and repetitive postures. They also face physical hazards that may be especially pronounced in urban settings in ASEAN, such as working at heights and pollution and noise. Maternity protection for domestic workers deserves particular attention, as the absence of medical care and lack of OSH prevention measures during pregnancy can involve a serious risk for the mother and the baby, and may be even less accessible to migrant domestic workers.

These factors are compounded by psychosocial hazards. Among psychosocial hazards, the most often mentioned in domestic work are violence and harassment in its different forms, including sexual harassment (Alfers 2011). Nevertheless, other hazards such as communication problems, lack of free time, isolation and lack of family contact also put domestic workers at high risk of depression, mental fatigue and mental health issues. Adding to this, certain social and cultural characteristics of the domestic workers themselves also play a role. For example, domestic workers may not be able to speak or read the language of the place in which they live and work, as is often the case for migrant domestic workers. Low literacy rates can contribute to difficulties in accessing information, and domestic workers are also rarely trained in OSH. The situation is further exacerbated for live-in domestic workers due to risks such as workplace isolation, as well as for domestic workers in informal employment due to their lack of access to healthcare and social protection.

Finally, certain characteristics of the workplace also produce an environment that is more conducive to OSH risks. For instance, most people do not usually associate housework in their own homes with risk, nor do they always perceive their homes as the workplace of the domestic workers. The household is regularly conceptualized as private, rather than a workplace, and this principle is often embedded in legal frameworks, making it more difficult for labour inspectors to enter and inspect such workplaces (ILO 2016b).

7.2. Policy recommendations on occupational safety and health

The policy recommendations below provide guidance on improving the occupational safety and health of domestic workers:³⁹

1. **Closing legal gaps:** As with other areas of decent work, many of the OSH risks faced by domestic workers stem from gaps in legal protection. In some cases, domestic workers are excluded from such legislation due to their exclusion from the labour law, and at other times they are explicitly excluded from OSH legislation. Exclusion from such provisions may have the effect of excluding domestic workers from workers' compensation and other social security schemes, compounding and exacerbating their precarious position in the workforce. Closing these legal gaps and ensuring legal coverage by OSH laws is an important step towards securing decent work for domestic workers.
2. **Collecting statistics on accidents and diseases related to domestic work:** The fact that domestic work takes place behind closed doors has made it difficult to develop a clear mapping of the incidence of OSH risks in the domestic work sector, which limits the possibilities of evidence-based policymaking. Adding to this, data are often not sex-disaggregated, which is necessary to inform law and policy.
3. **Guidance, awareness raising and training:** It is essential to inform, guide and train domestic workers and household employers on OSH risks. Governments can elect to introduce legislation highlighting the role of the household employers in delivering information on OSH risks to domestic workers. Other organizations – such as trade unions, enterprises employing domestic workers or civil society organizations, such as migrant groups – can also be important facilitators of information dissemination on OSH. Trainings are also an effective measure to ensure domestic workers are prepared for the job, and able to discuss risks with their employers.
4. **Enforcement:** The high levels of informality and the private nature of the workplace is a constraint for assessing and improving the occupational safety and health of domestic workers. Once legal gaps are closed, countries are faced with the challenge of closing compliance gaps. An approach to closing compliance gaps can include the establishment of a dedicated and trained team within the labour inspectorate carrying out awareness-raising and inspections.

7.3. Violence and harassment in domestic work

Violence and harassment against domestic workers is a pervasive phenomenon, deeply embedded in the patterns of society, and too often seen as “normal” or “part of our life” (IDWF 2020, 34, 37). Domestic workers are particularly at risk of facing violence and harassment at work as a result of a confluence of factors: work is performed behind closed doors, in isolation and in working environments with deepened power imbalances (see box 4). When domestic workers are in a situation of dependence on their employer, either economically or due to migrant status, they are more likely to tolerate violence and harassment. The absence of complaint mechanisms, lack of freedom of association, exclusion from labour and social protection, and low awareness of rights also mean domestic workers are less likely to be able to assert their rights. Despite domestic workers' susceptibility, few countries include forms of violence and harassment as OSH risks, or require that risk assessments should include risks for violence and harassment, even though explicitly including risks of violence and harassment under OSH management could have a considerable influence in preventing such violence. In addition, only a small number of countries consider the health consequences of work-related violence and harassment as compensable occupational illnesses under workers' compensation insurance. This, in turn, often leaves workers with incapacitating physical and/or mental health conditions to pay substantial expenses out of pocket (ILO 2018d, paras 382–389).

39 For additional information see: ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

► Box 4. Definitions of violence and harassment

According to the ILO Violence and Harassment Convention, 2019 (No. 190), violence and harassment includes “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment” (Article 1(1)(a)). Gender-based violence and harassment is, then, defined as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment” (Article 1(1)(b)).

Discrimination on the basis of difference, or perceived difference, can be another substantial driver of violence and harassment and where discrimination and risk factors intersect, it leads to greater exposure to violence and harassment (ILO 2018d, paras 92 and 122). Due to the composition of the domestic workforce, risk conditions disproportionately affect women – and predominantly women from communities that already face discrimination in society, such as migrant workers, indigenous people, and those facing multigenerational poverty (ILO 2019b, 192).

In particular, migrant domestic workers are exposed to factors of risk specific to their condition as migrants. For example, migrant domestic workers who have taken loans to pay for recruitment fees might be in a situation of aggravated economic dependence, in addition to being isolated and lacking a social network. Some abusive practices by employers or employment agencies are especially common for migrant domestic workers to experience, such as retention of passports (ILO 2012, para. 295). Migrant domestic workers may also be dependent on their employers for their legal status, which in practice means that they are unable to leave the country, resign or change their place of employment without the permission of their employer.⁴⁰ Migrant workers in irregular situations may experience limited access to justice, as they might not report violations of their rights due to language barriers, lack of experience with the legal system, lack of available support from associations, networks or unions, or out of fear of deportation, job loss or other punitive measures.

Preventing violence and harassment in the world of work is inextricably linked to ending discrimination, promoting equality and extending economic security (Lima and Núñez 2019, 37). Therefore, it is important to adopt an inclusive, integrated and gender-responsive approach, which tackles the underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power.⁴¹ Workers should also be protected irrespective of their visa status and the formality of their labour arrangements.

In 2017–18, the International Domestic Workers Federation (IDWF) undertook a survey among 13 domestic workers’ organizations in 12 Asian countries and found that all of the organizations had received complaints of violence and harassment from their members. It also found that the most common types of violence and harassment experienced by domestic workers in their workplaces

40 As noted in the following Observations of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR):

- Observation – Discrimination (Employment and Occupation) Convention, 1958 (No.111) – Bahrain, adopted 2018, published 108th Session, International Labour Conference, 2019;
- Observation – Discrimination (Employment and Occupation) Convention, 1958 (No.111) – Qatar, adopted 2018, published 108th Session, International Labour Conference, 2019; and
- Observation – Discrimination (Employment and Occupation) Convention, 1958 (No.111) – Saudi Arabia, adopted 2019, published 109th Session, International Labour Conference, 2020.

41 Preamble of the Violence and Harassment Convention, 2019 (No. 190); see also ILO 2019b, 68.

included economic abuse, psychological abuse, physical and sexual abuse, verbal abuse, and lack of access to appropriate food. Other less frequent but alarming types of violence were bullying, coercion, violations of privacy, and withholding of wages (IDWF 2020, 9). These are often compounded by deprivation of liberty or confinement in the household, with some incidents amounting to forced labour (ILO 2018a, 192). Afraid to lose their job and lacking alternatives, domestic workers often cope with abuse for as long as they can, until it becomes unbearable. Nevertheless, when domestic workers have a support network and are provided with viable alternatives, such as education and another job, they can recover and, in turn, strengthen the domestic workers' movement (IDWF 2020, 36).

7.4. Policy recommendations on violence and harassment

The policy recommendations below address the challenges faced by domestic workers in relation to violence and harassment in the workplace:⁴²

1. **Closing legal gaps to ensure comprehensive legal protection:** Domestic workers are frequently excluded from legal protections when it comes to violence and harassment. In some cases, domestic workers are not protected by these legal instruments because they are migrants, particularly when they are migrants in an irregular situation. It is essential for legislations to be fully comprehensive in order to avoid loopholes and breaches that could lead to impunity and/or limit access to justice and remedies for all victims (ILO 2018d, para. 377). Today, some legislations protect domestic workers against violence and harassment by extending the definition of domestic violence beyond traditionally understood family relationships. Through this wider understanding, all persons living in a household enjoy protection from violence and harassment in the domestic sphere (see box 5).

► Box 5. Protection of domestic workers through extension of the definition of domestic violence

In Indonesia, live-in domestic workers are considered as members of the household for which they work and are, as such, protected against physical, psychological, sexual and economic violence (Act No.23 of 2004 regarding Elimination of Violence in the Household, art. 2).

In Cambodia, the Law on the Prevention of Domestic Violence and the Protection of Victims is a legal mechanism designed to prevent domestic violence in households. Domestic workers are included in the definition of dependents of the household, and are thus protected by the Law (art. 2).

2. **Access to justice:** Under-reporting is a common problem, and many domestic workers may not be free to or comfortable with turning to the competent authorities for assistance. Migrant workers in irregular situations are also faced with the very real risk of penalization due to their irregular status. For this reason, it is necessary to adopt measures to protect migrant workers from forced labour and other abusive practices, regardless of their legal status.⁴³ It is also necessary to adopt measures to protect migrant workers by controlling the exploitative aspects of private recruitment agencies' activities, including indebtedness.⁴⁴ Different approaches have been adopted in certain countries to overcome these difficulties, including:

42 For additional information see: ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

43 CEACR, Observation – Forced Labour Convention, 1930 (No. 29) – Italy, adopted 2018, published 108th Session, International Labour Conference, 2019.

44 CEACR, Observation – Forced Labour Convention, 1930 (No. 29) – Indonesia, adopted 2018, published 108th Session, International Labour Conference, 2019.

- i. allowing human rights and other associations to denounce violations and assist victims throughout judicial procedures;
 - ii. affording victims special protection, or providing a temporary residence permit for migrant victims in an irregular situation; and
 - iii. establishing sanctions against authorities that do not pursue complaints that are brought to their knowledge.⁴⁵
- 3. Remedies:** Several countries take a criminal justice approach to addressing violence and harassment; however, criminal law does not cover the full range of behaviours that constitute work-related violence and harassment. To avoid gaps in protection, a broader approach is necessary, offering protection and safe complaint mechanisms within labour, OSH, and equality and non-discrimination laws (ILO 2018d, para. 378). Creating various dispute resolution mechanisms and simplifying processes may also encourage reporting, and it would also allow all stakeholders to monitor and enforce legislation on violence and harassment in the world of work through non-confrontational means, as recognized in Convention No. 190 (Art. 10).
- 4. Labour inspection:** Household labour inspections are challenging, as labour inspectors typically need to obtain a judicial authorization to access a household, which undermines the possibility of undertaking routine inspections. To address these challenges, some countries are developing new inspection methods that can be undertaken without entering the household; for example, reviewing the contractual documents or interviewing the domestic worker and the employer at the door (ILO 2016c). Further, labour inspectors, judges and other stakeholders are predominately men, and are rarely provided with training on identifying risks of violence and harassment and are not always given the power to stop work or give interim orders where those risks exist (ILO 2018d, para. 390). To address this tendency, trainings on the specific decent work deficits often experienced by domestic workers can be implemented for labour inspectors and other stakeholders (see box 6).

► Box 6. Household labour inspections in Singapore

In Singapore, officers from the Ministry of Manpower conduct household inspections to check on the living and working conditions of migrant domestic workers. During the visits the officers also provide information on decent working conditions to both employers and domestic workers.

The household inspections were introduced as a complement to the in-person interviews currently conducted with first-time migrant domestic workers. The Ministry also intends to expand the scope of the interviews to all first-time migrant domestic workers by the end of 2021, as today interviewees are selected at random.

Source: Min 2021.

- 5. Provision of guidance and information to workers and employers:** In addition to legislative measures, several governments have adopted a range of practical measures to address violence and harassment in the world of work. Government institutions also frequently provide guidance on violence and harassment against workers in general or against specific groups of workers, often treated as a form of discrimination (ILO 2018d, paras 345–351). Sometimes OSH agencies and social partners adopt guidelines, operate hotlines, implement campaigns and deliver training to domestic workers (see box 7).

45 CEACR, Direct Request – Forced Labour Convention, 1930 (No. 29) – Belgium, adopted 2009, published 99th Session, International Labour Conference, 2010; and CEACR, Direct Request – Forced Labour Convention, 1930 (No. 29) – Portugal, adopted 2009, published 99th Session, International Labour Conference, 2010.

► Box 7. Guidance and information to domestic workers and employers

To support and guide domestic workers and their employers on decent working conditions different approaches have been adopted. For example, in Singapore the Ministry of Manpower published the “Employer’s Guide: Foreign Domestic Workers”.

Another example is the toll-free hotline “Hello TKI” set up in Indonesia in June 2011 to support migrant workers and their families, both within and outside the country. In the first year of operation, the hotline received almost 250,000 calls and e-mails from migrant workers, their family members or persons interested in working abroad.

Source: Singapore, n.d.; Farbenblum, Taylor-Nicholson, and Paoletti 2013.

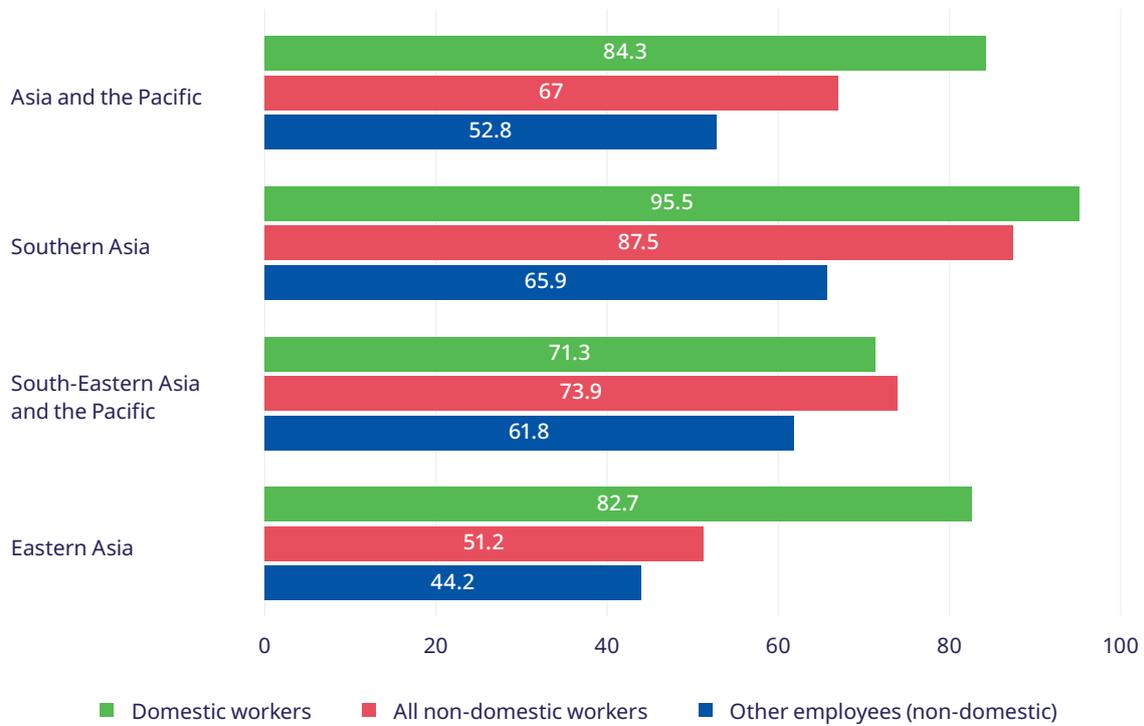
6. **Social dialogue:** Social dialogue is an important mechanism through which the rights and protections of domestic workers can be strengthened. Trade unions and workers’ organizations have also played a vital role in promoting the rights of domestic workers as well as the ratification of international Conventions to eliminate violence and harassment in the workplace (such as ILO Convention No. 190).

Chapter 8. Informality and formalization

Without formal employment, access to decent work remains elusive, as informality impacts almost all aspects of decent work. Transition from informal to formal employment is also a means of reducing poverty and leading to better equality among people. Informal employment has a negative impact on public revenues and government’s scope of action, as recognized in the Preamble of the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). Domestic work is no exception: informal employment prevents many domestic workers from accessing rights, adequate protection and decent working conditions; hampers efforts to promote and enforce compliance with labour and social security laws; and creates an environment that is conducive to child labour, forced labour, violence and harassment. This chapter specifically explores domestic workers in informal employment.

As a region, Asia and the Pacific (together with Africa) generally has a larger share of informal employment than other regions of the world, and the share of informal employment in domestic work is higher than it is for other workers (figure 8.1). Estimates show that 84.3 per cent of all domestic workers remain in informal employment in Asia and the Pacific. The situation is marginally better in South-Eastern Asia and the Pacific, where 71.3 per cent of domestic workers are in informal employment.

► **Figure 8.1. Share of informal employment among domestic workers and non-domestic workers, 2019 (%)**



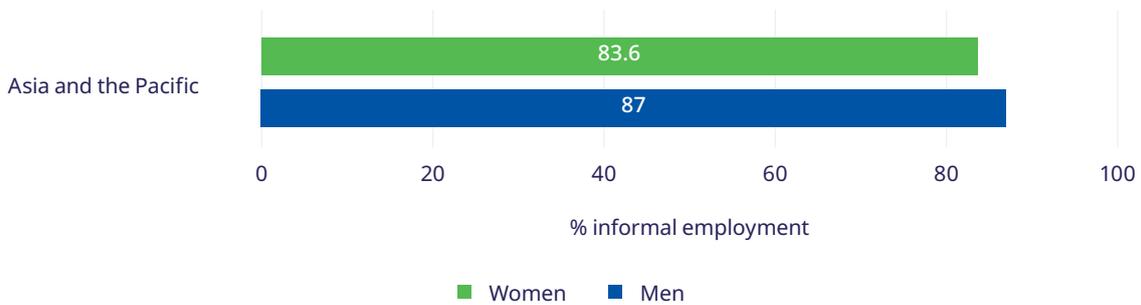
Note: ILO calculations based on 22 countries representing 94.5 per cent of employment in Asia and the Pacific. Estimates of informal employment follow the ILO harmonized definition. For China, estimate based on the average proportion of domestic workers at the regional level in upper-middle income group of countries.

Source: ILO 2021a.

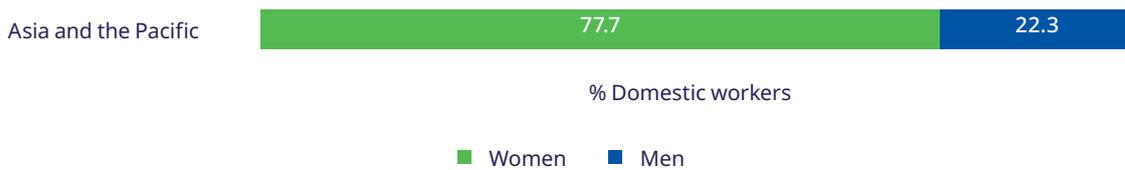
Further, there is a far higher proportion of women (77.7 per cent) than men (22.3 per cent) among informal domestic workers in Asia and the Pacific (figure 8.2, panel B), but this is largely a reflection of the gender composition of the sector, as women also make up the vast majority of all domestic workers, irrespective of informal or formal employment. Interestingly, rates of informality are actually slightly higher among men domestic workers (87 per cent), as compared to women domestic workers (83.6 per cent) (figure 8.2, panel A). In some respects, this is consistent with the distribution of informal employment among men and women workers at the global level (ILO 2018c). This distribution is also amplified by the fact that Asia and the Pacific (together with the Arab States) are the regions where the majority of men domestic workers are found, and it is a region where informality among domestic workers is high.

► **Figure 8.2. The gender dimension of informality among domestic workers: Share of informal employment among domestic workers and distribution of informal domestic workers, by sex, 2019 (%)**

Panel A. Share of informal employment by sex



Panel B. Distribution of informal domestic workers by sex



Note: ILO calculations based on 22 countries representing 94.5 per cent of employment in Asia and the Pacific. Estimates of informal employment follow the ILO harmonized definition. For China, estimate based on the average proportion of domestic workers at the regional level in upper-middle income group of countries.

Source: ILO 2021a.

Finally, the higher rate of informality among male domestic workers may be due to their typical occupations, and the way in which they engage in domestic work. Analysis of occupations among domestic workers by sex tends to show a higher variation in the range of occupations performed by men, suggesting a higher proportion of casual jobs in the absence of better alternative (see figure 1.3). Moreover, male domestic workers are twice as likely to self-declare as self-employed (10 per cent versus 5 per cent among females), which contributes to their higher exposure to informality, since the self-employed are usually more exposed to informality than employees.

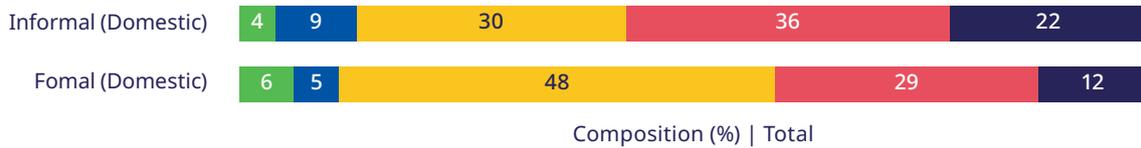
8.1. Decent work deficits among informal domestic workers

With respect to working time, data show that informal domestic workers in Asia and the Pacific are more likely to be working extremely long hours compared to formal domestic workers (figure 8.3, panel A). Fewer than three out of ten domestic workers in informal employment work within the range of normal hours, compared to close to half of those in formal employment. Similar numbers can be seen among women domestic workers in Asia and the Pacific; however, the majority of men domestic workers work long hours both in informal and formal employment.

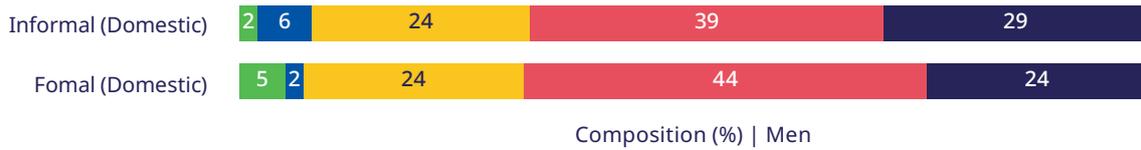
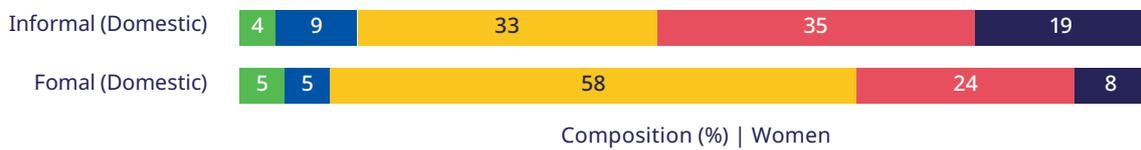
Domestic workers in informal employment also earn far less than either formal domestic workers or other employees. While the average monthly wage of domestic workers in Asia and the Pacific is equivalent to 65 per cent of the average monthly wage of other employees (figure 6.2), this ratio falls to 57.4 per cent for domestic workers in informal employment (figure 8.4). Considering as a reference the average wage of other employees in formal employment, domestic workers in informal employment earn on average just 42 per cent of the average wages received by formal employees.

► **Figure 8.3. Working time patterns among domestic workers in informal employment compared to those in formal employment in Asia and the Pacific, 2019 (%)**

Panel A. Total



Panel B. Gender differences



■ <20 hours ■ 20-34 hours ■ 35-48 hours ■ 49-60 hours ■ >60 hours

Note: ILO calculations based on the analysis of national household surveys from 22 countries representing 94.5 per cent of employment in Asia and the Pacific. Regional estimates weighted respectively by the total number of domestic workers in formal and informal employment in 2019.

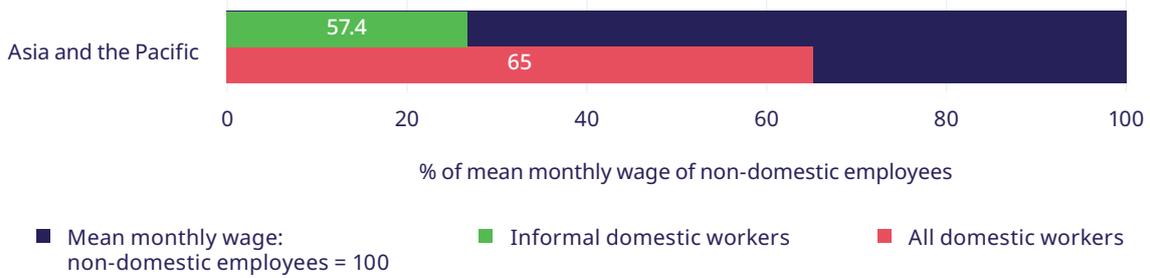
Source: ILO 2021a.

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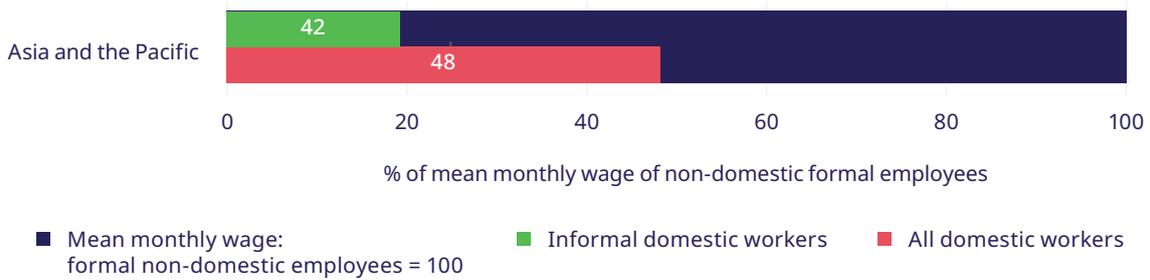


► **Figure 8.4. Average monthly wages among domestic workers (total and in informal employment) compared to the average monthly wage of other employees (both sexes) and of other formal employees taken as a reference in Asia and the Pacific, 2019 (%)**

Panel A. Reference: Average monthly wage of other employees



Panel B. Reference: Average monthly wage of other employees in formal employment



Note: ILO calculations based on data from 17 countries representing 89.6 per cent of employment and 84.1 per cent of employees in Asia and the Pacific.
Source: ILO 2021a.

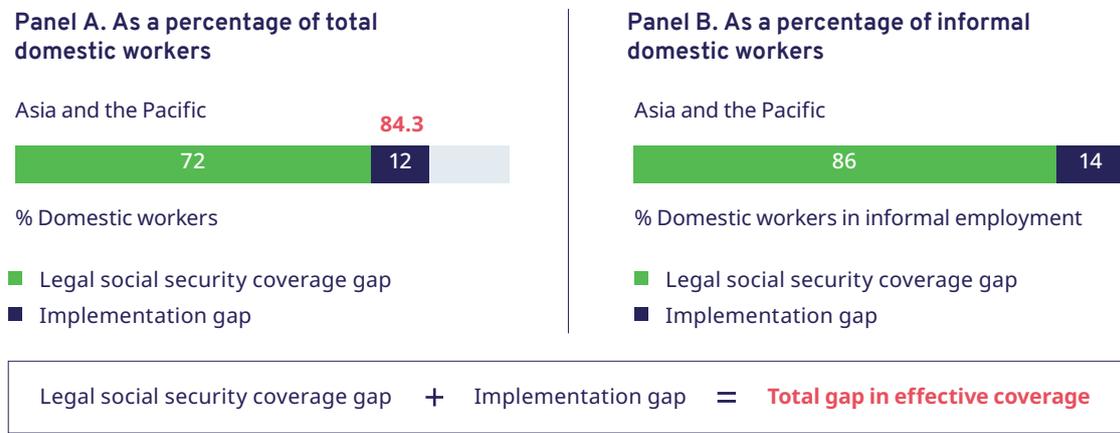
8.2. Formalizing domestic work

To effectively formalize domestic work requires a clear analysis of the sources of informality, which can be the result of one or several of the following three situations: exclusion from labour and social security laws; lack of compliance with laws and regulations; and inadequate levels of protection.⁴⁶ Depending on the situation, this means realizing one or several of the following actions: (1) extending legal coverage to those excluded; (2) providing an adequate level of legal protection; and (3) ensuring effective compliance with laws and regulations.

In Asia and the Pacific, 72 per cent of all domestic workers are not legally entitled to social security. Yet, a total of 84.3 per cent are estimated to be in informal employment (figure 8.5, panel A). As such, among informal domestic workers, 85 per cent would require a first step towards formalization to be taken, which would involve their inclusion under the scope of pension schemes and other social security branches, as well as the promulgation of any labour laws required to ensure the recognition of their employment relationship (figure 8.5, panel B). For the remaining 15 per cent of informal domestic workers who are already included under the scope of social security laws, the source of informality is the lack of application of the law in practice.

⁴⁶ For the methodology see ILO 2021a, Chapter 9, section “Assessing the source of informality”. Due to methodological challenges, it was not possible to measure the adequacy of the level of protection. However, indications as to how to assess gaps in the level of protection can be found in Part II of this report.

► **Figure 8.5. Source of deficit of protection among domestic workers: Legal and implementation gaps**



Note: Based on 21 countries with information on the extent of legal coverage and informal employment, which represent 94.5 per cent of employment and 98.0 per cent of all domestic workers in Asia and the Pacific. The legal gap is measured as the absence of legal social security coverage through contributory mechanisms, as presented in Chapter 5. The total gap in effective coverage is the proportion of domestic workers in informal employment, as presented in figure 8.1.

Source: ILO 2021a.

8.3. Policy recommendations on formalizing domestic work

As the full scope of approaches to formalization is beyond the scope of this regional summary, the approaches presented here focus on measures to: (1) increase the benefits and reduce the costs of formal employment and/or increase costs of informal employment; (2) remove sources of possible self-justification by non-compliant employers; and (3) disseminate information.⁴⁷

1. **Closing legal gaps:** The inclusion of all domestic workers under the scope of all labour and social security laws is an important step towards formalizing domestic work. To address this issue some countries have extended existing legal frameworks to domestic workers, and in some cases have adopted specific legislation concerning domestic workers (ILO 2016a).
2. **Reducing the costs of formal employment:** Policies to reduce the cost of formal employment through fiscal incentives, such as tax breaks or subsidies, have shown positive impacts on formal employment as well as job creation, labour participation and work–life balance.⁴⁸ Policies to support the provision of direct care services have tended to be considered and subsidized as part of the welfare state, whereas indirect household care services generally have been subsidized through fiscal advantages or voucher systems.
3. **Simplification of procedures:** A reduction of the transaction costs through the simplification of registration can help to drive formalization. Simplification measures can be as simple as digitalizing a system, reducing required paperwork or decentralizing procedures. In some cases, measures have been taken specifically to facilitate the registration of domestic workers with multiple employers, a need that is uncommon in other sectors. Further, with the increasing uptake of smart phones and expansion of digital technology, some countries have made efforts to digitalize the process of registration.

47 For additional information see: ILO, *Making Decent Work a Reality for Domestic Workers: Progress and Prospects Ten Years after the Adoption of the Domestic Workers Convention, 2011 (No. 189)*, 2021.

48 For a synthetic review of policies in the European Union, see European Commission, *An Analysis of Personal and Household Services to Support Work Life Balance for Working Parents and Carers: Synthesis Report – ECE Thematic Review 2018*, 2018.

- 4. Increasing costs of non-compliance through punitive measures:** Increasing the costs of non-compliance through punitive measures such as fines or other penalties has proven to be an effective driver of formalization. For this approach to be effective, employers of domestic workers and domestic workers themselves must perceive that public authorities have the capacity and will to identify instances of non-compliance and to enforce legislation through labour inspectorates and tribunals. Public authorities must not only impose the threat of fines or other penalties, but also have the capacity to carry out inspections and enforcement.
- 5. Social norms and behavioural insights:** While empirical research is still underway, the high rates of informality, even in countries where there are clear labour and social security laws in place, suggests that there is a detrimental social norm of non-compliance in domestic work. Conversely, domestic workers may not want to be formal if they observe that their peers are not in formal employment. As social norms influence behaviour, norms can also act as a tool to change behaviour. Social norms are commonly used in awareness-raising campaigns, with campaigns, for example, providing evidence of new behavioural trends to change people's perceptions of what is desirable behaviour.
- 6. Awareness raising:** When formalization is driven by a lack of knowledge or awareness of obligations, information campaigns can act as an important first step toward promoting formal employment arrangements. Such campaigns have been carried out by public authorities, but also by workers' and employers' organizations, including organizations of domestic workers and employers of domestic workers. These campaigns aim to reach domestic workers and employers through media such as radio and television, or by meeting them where they live, work or commute.
- 7. Skills training and professionalization:** Skills training and professionalization seek to increase the value of domestic services. However, skills training can also empower domestic workers by shifting their perceptions so they view themselves as skilled workers as well as by strengthening their ability to negotiate with their employers or, if desired, move into other related sectors and jobs. Skills trainings can also focus on building domestic workers' overall education and knowledge in areas such as labour rights and financial management.
- 8. Promoting the formalization of migrant domestic workers:** In some countries, informal status is closely linked to irregular status in migration, and measures can thus be taken to both regularize and formalize domestic workers. Measures can include developing and increasing accessibility to regular migration channels that are less costly and time consuming, thereby encouraging migrant domestic workers to migrate regularly (Harkins, Lindgren, and Suravoranon 2019). Recruitment agencies, as an important aspect of the migrant domestic work phenomenon, can also contribute to the formalization of migrant domestic workers by employing fair recruitment practices and ensuring workers are placed in formal jobs.
- 9. Removal of migration bans for women migrant workers:** Some countries restrict women's labour migration, making it impossible for women to migrate regularly. To address these bans, countries are recommended to withdraw gender-based restrictions on labour migration and to adopt non-discriminatory clauses in labour migration policy to guarantee freedom of movement (Napier-Moore 2017).
- 10. Integrated approaches ensuring that formalization is of benefit to domestic workers and employers:** Together with actions targeting individuals (domestic workers and households as employers), actions should be taken on the side of institutions and the political environment to ensure that formalization effectively results in real protection. Such actions involve improving the accountability, effectiveness and transparency of institutions and providing adequate levels of benefits. This is an important condition to improve the perception of the fairness of institutions, to increase the willingness to formalize and also to set the basis for a sustainable formalization.

Chapter 9. Exploring the role of workers' and employers' organizations

Workers' and employers' organizations, including organizations of domestic workers and employers of domestic workers, where they exist, have a key role to play in achieving progress in law and in practice to realize decent work for domestic workers. Through their lobbying efforts and social dialogue, many of these organizations have contributed to the ratification of Convention No. 189 in upwards of 30 countries around the world; driven the revision or adoption of laws and policies concerning the domestic worker sector; or contributed to implementation, compliance and formalization of employment in domestic work.

Yet, domestic workers and the households that employ them also face numerous challenges to effectively organize and represent themselves in bipartite and tripartite dialogue. At the legal level, domestic workers and employing households sometimes fall outside of the scope of laws on freedom of association and collective bargaining, either due to the legal definitions of worker, workplace or even employer. In some cases, migrant domestic workers are doubly excluded from – or restricted in their right to exercise – freedom of association and collective bargaining.⁴⁹ This is the case in many of the ASEAN countries where trade union organizing for domestic workers remains restricted (ILO 2018b).

Domestic workers' organizations also face challenges to effectively represent their membership, due to procedures required to register as a union, the labour-intensive process of organizing domestic workers one at a time, domestic workers' low fee contribution capacity, and high levels of turnover as workers come in and out of work. Lack of experience as leaders, stemming from the position of most domestic workers as marginalized members of society, also hampers domestic workers' capacity to establish their own representative organizations. When there is no formal group of employers of domestic workers, it also becomes impossible to engage in collective bargaining (ILO 2015b).

However, the adoption of Convention No. 189 has strengthened the ability of workers' and employers' organizations to represent the sector in social dialogue. In 2013, domestic workers' organizations held the founding congress of the International Domestic Workers' Federation (IDWF). The IDWF represents over half a million domestic workers around the world through 78 affiliates, including in Cambodia, Indonesia, Malaysia, the Philippines and Thailand. In carrying out its mission to build a strong, democratic and united domestic/household workers global organization to protect and advance domestic workers' rights everywhere, the IDWF has played a vital role in building the capacity of fledgling organizations of domestic workers around the world (ITUC, IDWF, and ILO 2016). Other domestic workers' organizations that have played a decisive role in advancing the workers' rights of domestic workers across Asia and the Pacific are the Federation of Asian Domestic Workers' Unions (FADWU), UNITED, SENTRO and JALA-PRT, together with other trade union organizations that have supported them. The contributions of trade union organizations include, at the national level, providing training, advice and political support to domestic worker leaders to represent the sector in social dialogue (ILO 2015b). At the international level, trade unions have advocated for more inclusive, accessible, resilient and caring economies through investments in care, and also called for sectoral bargaining so as to ensure fair wages and decent working conditions across the health and care sectors (ITUC et al. 2020).

⁴⁹ Committee on Freedom of Association Case No. 2637 (Malaysia), 2008: In Thailand, representative organizations of domestic workers have failed so far to secure their registration as trade unions in accordance with the Labour Relations Act, B.E. 2518 (1975).

Organizations of employers of domestic workers can contribute to the achievement of decent work by representing the collective voice of employers in social dialogue, and by providing assistance to households in managing the employment relationship. The existence of these organizations can also facilitate joint advocacy for increased public investment in domestic work, as a means of bridging the interests of both workers and employers. As such, employers' organizations should work towards formalizing the sector in ways that result in improvements for domestic workers and employers alike. The presence of employers' organizations in ASEAN countries is sparse, and their presence is urgently needed for effective social dialogue (ILO 2018b).

Employers of domestic workers commonly organize into one of three types of organizations:

1. those established with the explicit purpose of representing employers (including households and enterprises) in social dialogue;
2. civil society groups that later gain recognition as representatives of households; and
3. organizations of employers that are not recognized for the purpose of bargaining or policy dialogue, though they may advocate for their interests and be included in coalitions with employers' organizations and domestic workers' unions.

Employers' organizations can contribute to decent work and formal employment by offering services that build the capacity of individual employers to comply with their legal obligations and provide decent working conditions for the workers they employ. Many of these services can help to address informality in the sector by providing model or standard written contracts and by increasing access to social insurance schemes. These services fall into six broad categories: awareness raising and/or information sharing, administrative and regularization assistance, social insurance, legal advice, dispute resolution, and research.

Workers' and employers' organizations also have an important role to play in determining policy and good practices within the domestic work sector. When representative organizations of domestic workers and employers both exist, the conditions are in place for the negotiation and conclusion of bipartite agreements or other agreements. The conclusion of such agreements can result in better adapted wages, better working conditions and benefits for domestic workers, while also contributing to the formalization of domestic work.

Chapter 10. Impact and responses to COVID-19

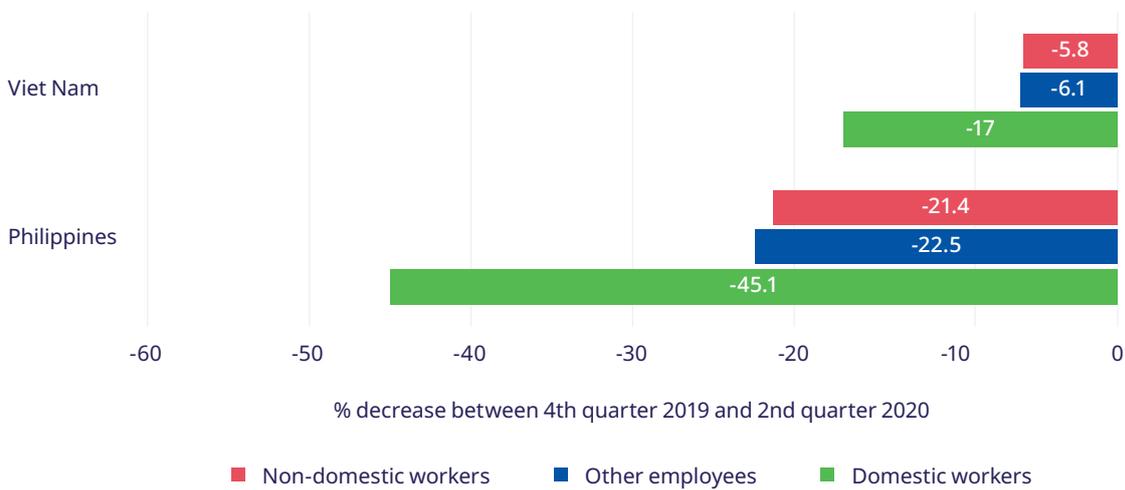
While virtually all workers have seen their working lives affected by COVID-19, statistics show that domestic workers have suffered significantly more compared to other employees and workers in terms of employment, working time and wages. Among domestic workers, those in informal employment were more affected than average.

Domestic workers were much more likely to lose their jobs compared to other employees and other workers. Taking as a reference the last quarter of 2019 and comparing it to the 2nd quarter of 2020, the number of domestic workers decreased drastically and at a higher rate compared to other employees. In Asia and the Pacific, Viet Nam and the Philippines were studied, and both countries experienced significant decreases in the number of domestic workers – 17 per cent and 45.1 per cent, respectively (figure 10.1, panel A). Over the same period, job losses among other employees were lower in both countries (6.1 per cent and 22.5 per cent, respectively). Job losses also hit domestic workers in informal employment more than average; this is notably the case in the Philippines with a decrease of 57 per cent among informal domestic workers compared to a 45.1 per cent decrease among all domestic workers (figure 10.1, panel B). The impact on domestic workers in other ASEAN countries is likely significant, although the exact extent is uncertain (ASEAN 2020).

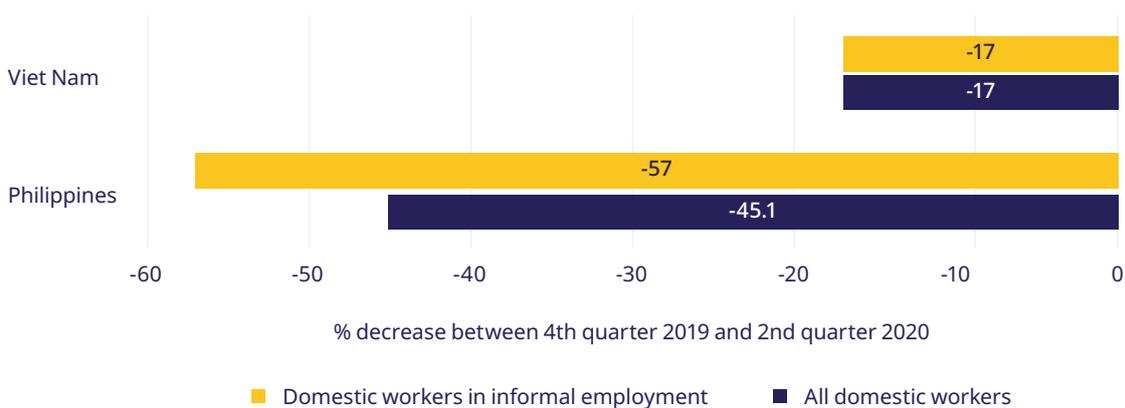
While some domestic workers lost their jobs, others saw a reduction in their working hours, with both of these outcomes resulting in a dramatic reduction in the total amount of wages received. In the 2nd quarter 2020, working hours decreased by 43.9 per cent for domestic workers in the Philippines and by 24.7 per cent in Viet Nam compared to the 4th quarter of 2019 (ILO 2021a, figure 11.2, panel A). Notably, the decrease in working hours for domestic workers in the Philippines was lower than for other employees; although this should be viewed in relation to the significant decrease in employment overall, as presented above. As a result of job losses and reductions in hours worked, the wages received by domestic workers decreased by 38.6 per cent in the Philippines and 26.2 per cent in Viet Nam (ILO 2021a, figure 11.2).

► **Figure 10.1. Percentage decrease in the number of domestic workers between 4th quarter 2019 and the 2nd quarter 2020 in the Philippines and Viet Nam**

Panel A. Domestic workers, other employees and all workers other than domestic workers



Panel B. Domestic workers in informal employment compared to all domestic workers



Note: ILO calculations based on national household surveys. Based on quarterly data and comparing the second quarter 2020 to the fourth quarter 2019 in Philippines (labour force survey) and Viet Nam (labour force survey).
Source: ILO 2021a.

Despite the comparatively higher rates of job loss during the pandemic, many domestic workers continued to go to work, where they faced other serious challenges. For the most part, domestic workers did not have access to personal protective equipment, despite providing essential services to numerous households. Many domestic workers, whether formal or informal, also lack access to adequate healthcare, leaving them at a particularly high risk should they fall ill. Some domestic workers also found themselves working longer and more intense hours, particularly live-in domestic workers.

In other cases, employers stopped paying their live-in domestic workers, due to their own financial circumstances or a belief that domestic workers did not need their salaries anyway, since they could not go out because of the pandemic. In many countries, live-in domestic workers are predominantly migrants who rely on their pay to support their families in their countries of origin. Non-payment of wages and the closure of remittance services have therefore also left the families of migrant domestic workers at risk of poverty and hunger. Some domestic workers have also been found in the streets, after their employers dismissed them for fear of catching the virus. Having lost shelter, income and often the legal right to remain in the country, such domestic workers face a higher risk of trafficking and related crimes. These practices are demonstrative of the discrimination faced by many domestic workers. Restrictions on international mobility prevented these migrant domestic workers from returning home to their families (ILO 2020a; 2020b).

10.1. Policy recommendations in response to COVID-19

While some governments, as well as workers' and employers' organizations have taken measures to protect domestic workers from the COVID-19 pandemic, the situation remains precarious. The policy recommendations below provide guidance on the protection of domestic workers in the short and long terms.

- 1. Ensure access to healthcare:** Providing access to healthcare for all domestic workers, including migrants, is important to ensure their health and safety.
- 2. Income support:** The extension of financial support should be made available to domestic workers, including those in informal employment and migrant domestic workers.
- 3. Improve safety and health standards in the workplace:** Minimum standards for decent living and working conditions should be provided for domestic workers. The provision of personal protective equipment or guidance on OSH can serve as preventive measures to reduce domestic workers' exposure to COVID-19.
- 4. Ensure access to dispute resolution mechanisms:** Complaint mechanisms should be readily available to address labour disputes of domestic workers, including complaints on wages and other grievances. The labour disputes of domestic workers who have lost their jobs should be handled immediately, and for migrant domestic workers preferably prior to returning home.
- 5. Information dissemination and awareness raising:** Information on COVID-19 should be made readily available to domestic workers, and where possible, electronically. Information should also be accessible in languages that can be understood by migrant domestic workers. Community groups and NGOs should be engaged in these activities to ensure reach to particular groups of domestic workers.
- 6. Provision of support services for migrant domestic workers:** Given the precarious situation for migrant domestic workers, particular attention should be given to those stranded in destination countries. This includes extending visa amnesties or renewals for migrant workers unable to return home due to travel restrictions, and coordination through diplomatic missions, labour attachés and recruitment agency representatives.

Conclusion

The adoption of the ILO Domestic Workers Convention, 2011 (No. 189), set out to ensure that domestic workers enjoy decent work equal to that of any other worker. To make decent work a reality for domestic workers requires: first, legal recognition by labour and social security laws, affording adequate levels of protection that are, at least, no less favourable than those enjoyed by other workers; and second, the effective implementation of those laws. This regional summary has shown that progress towards decent work within Asia and the Pacific remains limited, although some notable developments have taken place in countries in South-Eastern Asia and the Pacific over the past ten years.

Domestic workers in Asia and the Pacific remain some of the most exposed workers in the economy, due primarily to gaps in legal coverage of domestic workers. The risks faced by domestic workers have become especially apparent due to the COVID-19 pandemic, with data indicating that domestic workers have suffered more than other workers. Today, 61.5 per cent of domestic workers remain fully excluded from labour laws in Asia and the Pacific, with the majority of covered workers found in the South-Eastern Asia and the Pacific subregion (67 per cent). Domestic workers' inclusion under labour laws does, however, not guarantee protection, as they may be excluded from specific provisions or afforded less favourable entitlements.

Gaps in legal coverage also exist for specific policy areas, such as working time, where 71 per cent of domestic workers in Asia and the Pacific do not have any legal limitations on working hours; this gap is even greater in South-Eastern Asia and the Pacific, standing at 94 per cent. With respect to minimum wage, only 11 per cent of domestic workers are entitled to a legal minimum wage on an equal footing with other workers, a number that decreases slightly in South-Eastern Asia and the Pacific (6 per cent). Only one in four domestic workers (27.9 per cent) are covered by at least one branch of social security in Asia and the Pacific, and close to zero are legally entitled to the complete range of social security benefits. Legal coverage to maternity leave is also low in Asia and the Pacific (19 per cent), with the largest group of domestic workers with legal maternity leave coverage on equal footing with other workers found in the South-Eastern Asia and the Pacific subregion (59 per cent). One positive aspect in this area is that when domestic workers are legally entitled to maternity leave, maternity leave cash benefits tend to be provided in tandem.

Further, while this regional summary did not measure legal gaps with respect to occupational safety and health (OSH) and to violence and harassment, much work remains before domestic workers fall within the scope of application of such laws. The situation for migrant domestic workers is particularly fraught, as migrant workers are frequently excluded from coverage under labour and social security laws.

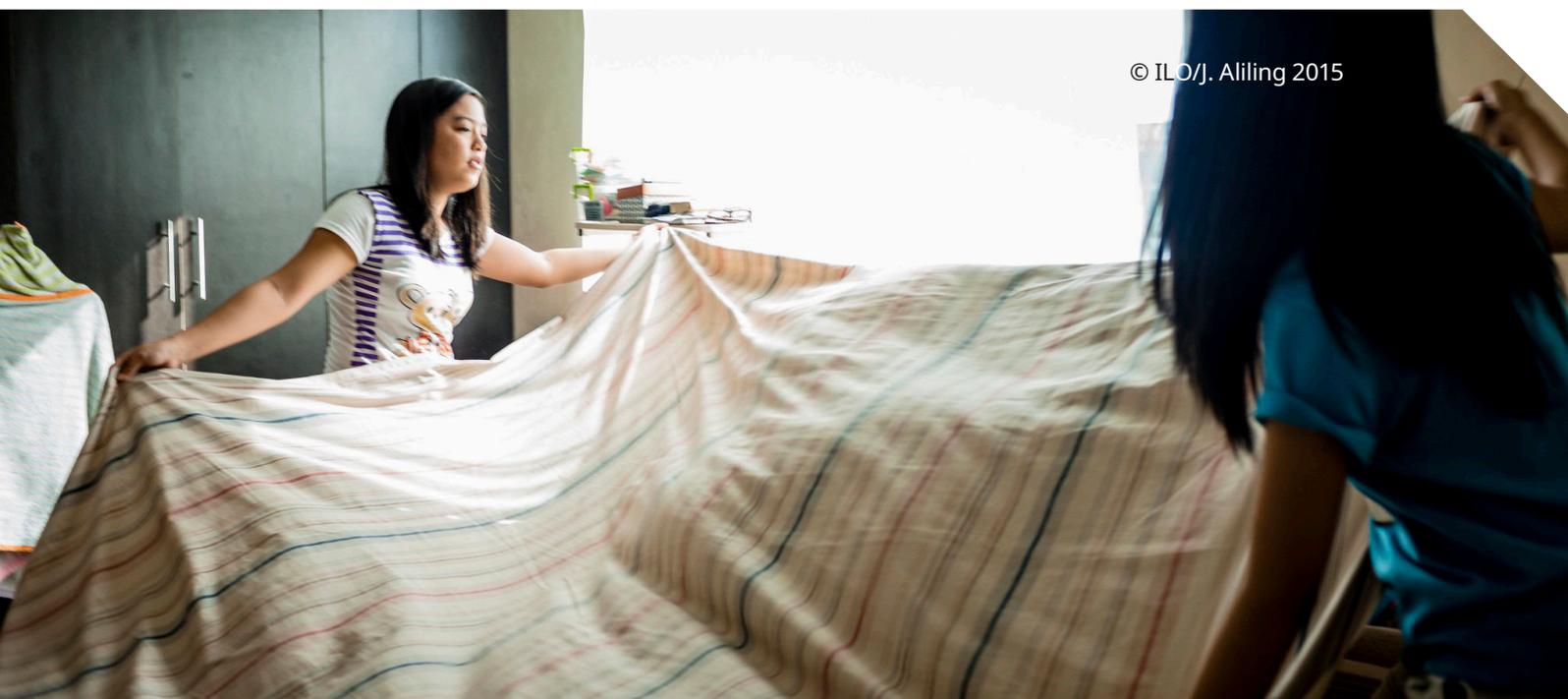
One of the primary sources of decent work deficits in Asia and the Pacific and in the South-Eastern Asia and the Pacific subregion is informal employment, with 84.3 per cent and 71.3 per cent, respectively, of all domestic workers in informal employment. Domestic workers are more likely to be in informal employment than other employees, although informality is also prevalent in other sectors of employment. The large number of informal workers results in only 15.7 per cent of domestic workers in Asia and the Pacific enjoying effective employment-related social security coverage. This number is slightly higher in the South-Eastern Asia and the Pacific subregion, at 28.7 per cent. Informality negatively influences the working conditions of domestic workers, as they are more likely to work very long hours and earn only 57.4 per cent of average monthly wages of other employees. Legal recognition of domestic workers under labour and social security laws is also a key first step towards the formalization of the domestic work sector, with an overwhelming majority of informal domestic workers in Asia and the Pacific (86 per cent) requiring this first step towards formalization.

Other factors that contribute to domestic workers' exposure to decent work deficits include: (1) the lack of effective protections, (2) the fact that the work takes places within the private sphere of the household, where public authorities have little access, and (3) a lack of voice and representation.

Looking forward, closing legal gaps is a priority for Asia and the Pacific, and within the ASEAN region. Minimum wages should be set that take into account the specificities of the domestic work sector. Laws on working time should be in coherence with applicable minimum wages, taking into account the various working arrangements in domestic work, to prevent domestic workers from needing to work excessive hours in order to take home an adequate amount of pay. Laws on working time and weekly rest should also take into account the working situation of live-in domestic workers. Social security laws, including maternity leave and maternity cash benefits, must be extended in scope to cover domestic workers. Efforts should also be placed on ensuring domestic workers are covered by OSH laws. Beyond this, societies must progress towards the elimination of violence and harassment in domestic work by ensuring it is both legally and socially unacceptable, and sanctioned appropriately.

When legal protection equality is achieved, effective implementation of labour and social security laws remains a requirement to achieve decent work for domestic workers. In Asia and the Pacific, implementation gaps immediately affect 14 per cent of informal domestic workers, but will also become relevant to other domestic workers as existing legal gaps begin to close. As has been explored in Part III of this regional summary, implementation gaps for working time and wages, social security, OSH and violence and harassment can be addressed through several different policy recommendations. These include – but are not limited to – the extension of labour laws to domestic workers, development of adequate regulation, awareness raising and capacity building of domestic workers and employers, improving domestic workers' access to justice, and strengthening the capacity of labour inspectors. Workers' and employers' organizations also have a vital role to play in the advancement of decent work for domestic workers. Specifically, in Asia and the Pacific, FADWU, UNITED, SENTRO and JALA-PRT, together with other trade union organizations, have played an instrumental role in the developments over the past ten years. Moving forward, barriers to freedom of association must be removed to allow for the full potential of these organizations within the domestic work sector.

This regional summary confirms that domestic work remains a critical economic sector across Asia and the Pacific, particularly among women. With the demand for domestic work likely to continue to grow due to increasing demand for domestic work services and the continued supply of the workforce, there is ample incentive for governments, employers' organizations and workers' organizations in the region to address the current legal and compliance gaps prevalent within the domestic work sector.



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► Making decent work a reality for domestic workers

Progress and prospects in Asia and the Pacific ten years
after the adoption of the Domestic Workers Convention,
2011 (No. 189)

In 2011, the international community adopted the ILO's Domestic Workers Convention, 2011 (No. 189), which recognized for the first time that domestic work is work and that domestic workers should enjoy the same labour protections as all other workers.

To mark the tenth anniversary of this historic Convention and to explore the progress made over the last decade, a global report has been produced by the ILO. Recognizing the importance of the domestic work sector in Asia and the Pacific, both for workers in general and migrant workers specifically, the ILO TRIANGLE in ASEAN programme, supported by Australian Department of Foreign Affairs and Trade and Global Affairs Canada, developed this summary of the situation of domestic workers in the region.

This regional summary provides new estimates on the numbers of domestic workers and guidance on the primary sources for the deficit of protection for domestic workers in Asia and the Pacific. The regional summary discusses the legal and implementation gaps and offers policy recommendations on how to address these deficits. Through this stocktaking of the conditions and challenges faced by domestic workers, new approaches and energy can be harnessed to make ever greater progress in the next decade.

ILO Regional Office for Asia and the Pacific

United Nations Building
Rajdamnern Nok Avenue
Bangkok 10200, Thailand

T: +662 288 1234
F: +622 280 1735
E: BANGKOK@ilo.org
www.ilo.org/asia

