



International  
Labour  
Office



## DOMESTIC WORK POLICY BRIEF

# 8

# Domestic work voice and representation through organizing

## 1. Introduction

Despite improved labour protections in countries around the world, domestic workers in many places still struggle to claim these rights. Even where laws are in place, the unequal bargaining position of domestic workers in the employment relationship and conditions of poverty compel them to accept unfair labour practices, including unduly low wages, late payments, underpayment or non-payment of wages, extremely long hours, and sometimes more extreme forms of abuse and exploitation. These unacceptable forms of work are perpetuated by conditions that are particular to the sector: domestic workers work in isolation, behind closed doors, and their unequal bargaining position in the home disables them from claiming rights that may be provided by law, bargaining for better conditions, and, worse, unable to refuse exploitative work. Domestic workers are also the subject of multiple discriminations, which further reduces their bargaining power and confidence to realize their rights: 83% of them are women, often from socially marginalized communities, and often with low levels of education and literacy.

Unacceptable forms of work in industrial sectors have often been addressed through unionization and collective bargaining. Through these institutions, workers are able to negotiate working conditions, and can strike to see that their demands are met. This model is based on a direct employment relationship with a single employer, a high ratio of workers to employers, and the power of the workers to withhold their labour to compel employers to comply, the source of their bargaining power.

None of these conditions however are characteristic of the domestic work sector. In other unorganized sectors, the law has played a fundamental role to reduce the unequal bargaining power between workers and employers, and to protect those who cannot protect themselves from unacceptable forms of work due to a lack of alternative options, and a need to survive and provide for their families.

Even when laws are in place though, organizations have been vital means of ensuring legal implementation and compliance. Yet, the decentralization and isolation of the workers in homes creates practical barriers to forming trade unions; and low worker to employer ratios make workplace bargaining practically impossible. Moreover, withholding labour is not an effective source of bargaining power for domestic workers: if a domestic worker “strikes”, the employer can simply hire another who is sufficiently eager to escape poverty and willing to endure unfair labour practices.



Achieving voice and representation for domestic workers has therefore required new paradigms of worker organizing to form unions and set collective standards, and new thinking is required to identify what power they have – if not the power to strike – to implement the standards set in law or collective agreements. In many cases, domestic workers have succeeded in collective negotiation with employers; in many others still, they negotiate for better conditions with the government, advocating for minimum statutory protections, enforcement of law, and equal treatment beyond the workplace.

While recognizing that advocacy campaigns for more effective labour protections has been a widespread means of action, this policy brief focuses on illustrating the specific measures taken by domestic workers' organizations to successfully address unacceptable forms of work in the sector through innovative approaches to unionization, collective bargaining, and other forms of negotiation.

## 2. Voice and representation through organizations

Domestic workers' organizations exist around the world: the existence of an International Domestic Workers' Federation, an affiliate of The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), with 58 affiliates in 46 countries, is evidence of their capacity to organize. Building these organizations has hinged on an enabling legal framework, and organizing strategies that recognize the specific situation and needs of domestic workers, particularly those linked to workplace isolation. These strategies point to new paradigms of worker organizing in an era of increased decentralization and fragmentation of the workforce (Fine, 2006; Goldberg, 2014).

### 2.1 Why and how do domestic workers join and form unions?

Domestic workers have a diversity of needs that start before and go beyond the workplace. Research shows that their isolation in the workplace and position as women, often from marginalized communities, and often poor, have directly influenced their organizing objectives. As such, domestic workers often organize first to overcome workplace isolation, building social networks based on pre-existing relationships for the sake of company and mutual support.<sup>1</sup> Migrant domestic workers also organize into nationality, ethnicity or language based associations to the same end (Das Gupta, 2006; Fine, 2006; Goldberg, 2014; Hondagneu-Sotelo, 2001; Boris and Nadasen,

2008). They meet in public places, and at community or religious events to provide each other with mutual support. Progressively, they discuss their workplace concerns, share information about rights, tips for the job, and how to address conflict. Through intentional organizing efforts, these informal discussions can lead to the collective identification of common concerns such as long hours and low wages, and advocacy for labour law reforms and improved working conditions. This process forms the basis for developing a collective voice and demands.

Unions have adopted a variety of strategies to build on social networks to organize domestic workers. Since domestic workers cannot be organized in the hundreds, like workers on a factory floor, many unions reach out to domestic workers by distributing leaflets in places where domestic workers congregate, for instance in playgrounds, toy shops, grocery stores, food markets, and at public transportation stops where domestic workers commute (ILO, 2012). By these means, the *Federación Nacional de Trabajadoras del Hogar Bolivia* (FENATRAHOB) reached a membership of 9,600 workers, and the *South Africa Domestic Service and Allied Workers Union* (SADSAWU) 25,000 workers (ILO, 2014). SADSAWU negotiated an agreement with the supermarkets and bus drivers to allow the domestic workers to distribute flyers and invite domestic workers to meetings. To find domestic workers, Domestic Workers Netherlands, part of the *Federatie Nederlandse Vakbeweging* (FNV) Cleaners' Union, went to places where they knew domestic workers met: at religious institutions, Burger King, community parties, and at migrant centres (Hobden, 2012).

In countries where domestic workers are closely concentrated, some unions have had success in organizing domestic workers door to door. The Kenya Union of Domestic Hotels Education Institutions Hospitals and Allied Workers (KUDHEIHA) reached a membership of some 20,000 workers by targeting neighbourhoods where employers lived and domestic workers worked (ILO, 2012). The Jamaica Household Workers Union (JHWU) deposited leaflets in mailboxes instead (ILO, 2012). The media has also proven to be a key tool to reach domestic workers, since they often listen to the radio or the television while they work. In Bolivia, certain radio stations even have dedicated time slots for domestic workers, during which information on rights is shared. The FENATRAHOB also used hotlines to take in inquiries and complaints from domestic workers: in one year, FENATRAHOB received about 900 calls, out of which approximately 60 domestic workers decided to join the union (ILO, 2014).

<sup>1</sup> For a good summary of this, see Goldberg, 2014.

On the leaflets they distribute, unions include information of a central place and constant time at which workers can receive advice and attend meetings. For a highly decentralized and mobile workforce, this type of stability and reliability is crucial. In New York, Domestic Workers United established a monthly meeting at the same place and time on the third Saturday of every month. Each worker leader was responsible for contacting a certain number of domestic workers – current members and new recruits – to ensure attendance. In the week before each meeting, the domestic worker members would phone their contacts to encourage them to come to meetings (Hobden, 2010; ILO, 2012).

Many domestic workers' organizations also hold social events in addition to their general meetings to foster the social network that keeps members engaged. During some events, they provide services of particular interest to domestic workers, like medical checks, massages or legal advice, while also delivering information on campaigns or new rights. For instance, Domestic Workers Netherlands organizes social picnics in addition to demonstrations and general meetings. These events are a chance for domestic workers to build stronger networks, laying the foundation of trust for the exercise of collective standard-setting (Hobden, 2012).

In cases of abuse or exploitation, domestic workers do not usually have the means or capacity to launch legal proceedings for compensation. Trade unions have therefore attracted members by providing legal advice and representation, and their collective power to pressure employers to comply (ILO, 2012). The Hong Kong Trade Union Confederation (HKCTU) provides information, legal assistance, counselling, welfare and referrals to members and non-members (Ramos-Carbone, 2012). In Peru, members of the trade union *Sindicato de Trabajadoras y Trabajadores del Hogar de la Región Lima* (SINTTRAHOL) can count on the assistance of lawyers from their labour confederation, the *Confederación General de Trabajadores del Perú* (CGTP), when they take legal action. SINTTRAHOL leaders may also represent a union member in court if they are unable to get time off for the hearing (ILO, 2012).<sup>2</sup> In many countries, when employers are unwilling to resolve a dispute, or comply with a legal decision, domestic workers' unions have also picketed outside of employers' homes and workplaces.

## 2.2 What organizational structure supports the voice and representation of domestic workers?

In some countries, domestic workers have formed unions, while in others they have formed cooperatives or associations. The choice of the form of organization has depended on a broad range of factors, including the legal frameworks in place, whether domestic workers have the right to organize, the role of trade union confederations in organizing and affiliating domestic workers, and the needs and objectives of the domestic workers in the organization. In many countries, domestic workers are reticent about joining trade unions, in part because they do not trust that their voices will be effectively represented (Hobden and Schwenken, 2015). Yet, countries like Uruguay, Brazil, Bolivia and South Africa have seen long standing unions of domestic workers that have grown to the tens of thousands of members over decades of organizing efforts. These unions respond to a broad range of domestic worker needs, from social and legal support, to advocacy and industrial relations. In other countries, like the United States, domestic workers are organized into associations. Some of these associations remain small, and primarily provide opportunities for domestic workers to connect and support one another, access legal services, and receive skills, negotiation and language training. Research has debated whether one model is stronger or more effective than another (Fine, 2006; Hobden and Schwenken, 2015). Increasingly, unions and association use similar strategies to organize domestic workers.

The low geographic mobility of domestic workers has meant that they tend to organize first into small neighbourhood or ethnicity based associations. To overcome the dispersion of domestic workers, unions have built on these geographic or ethnicity-based groups to form a union. Some have formalized neighbourhood-level committees where domestic workers work, and other committees where domestic workers live. These committees are responsible for recruiting new members, relaying information to union staff, identifying situations of abuse, and collecting dues. In South Africa, SADSAWU sets up such committees when many members live or work in the same neighbourhood, so that these members can meet and discuss labour issues more easily and regularly (ILO, 2014). A similar strategy was adopted by Tunas Mulia, the domestic workers' union in Yogyakarta, Indonesia: each neighbourhood committee (called "operata") brings together some 20 domestic workers, allowing them to meet close to where they live and work (ILO, 2014).

<sup>2</sup> For a full review of approaches to organizing domestic workers, see ILO, 2012.

In cities with domestic workers of many nationalities, domestic workers tend to organize first according to nationality. This is the case in Hong Kong, where domestic workers have organized by nationality, and then come together to form the Federation of Asian Domestic Workers Unions (FADWU), which in turn affiliated to the HKCTU. In the Netherlands, domestic workers organized into “self-organizations”, associations of migrant domestic workers of the same nationality that formed to provide one another with support, and advocate for their rights as migrants and as workers. None of these are registered trade unions, but cooperate with the FNV Cleaners’ Union in organizing: nearly all of their domestic worker members are members of the trade union.<sup>3</sup> Each self-organization has its own elected leadership, bylaws, and organizational agenda, which are independent of one another and of the union. When the domestic worker members of the Cleaners’ Union come together, they call themselves Domestic Workers Netherlands.

### 2.3 Ensuring domestic work leadership within the union

Trade union confederations increasingly count domestic workers’ unions among their affiliates, and have successfully campaigned for labour protections and ratification of the ILO Domestic Workers Convention (2011), No. 189, as evidenced by the International Trade Union Confederation (ITUC) 12 by 12 campaign.<sup>4</sup> Ensuring the leadership of domestic workers within these structures has proven essential to ensuring their voice and representation, and thus their empowerment. The genuine ability to participate and have decision-making positions has encouraged domestic workers to join unions. Trade unions like HKCTU (Ramos-Carbone, 2012), FNV Bondgenoten, and the *Confederação nacional dos trabalhadores no comércio e serviços* (CONTRACS) in Brazil have taken proactive measures to promote the representation of domestic workers on their executive committees. Such actions ensure that the unique views and concerns of domestic workers make it to the table. In Hong Kong and the Netherlands, it also enables the voice of migrant domestic workers to be heard.

The FNV Cleaners’ Union, which is organized into geographically bound organizing committees, ensured a space for the collective voice of domestic workers by creating an organizing committee (OC) of its own so that they can speak with a more unified voice despite their lower numbers in the union. The domestic workers’ OC is composed of 30 members who are elected by the self-organizations. The OCs are governed by the Cleaners’ parliament, which is composed of 75 seats, and has the power to approve the union’s annual plan. Each OC has a specific number of seats allocated to it. The structure allows each OC to bring their own issues to the table, based on their city, region – or sub-sector in the case of domestic work. Domestic workers have 6 parliamentary seats. Typically, one of these 6 domestic workers stands for election to the Cleaners’ Union Government, composed of 12 seats. Usually, the domestic work candidate gets a seat; however, in 2012, none were elected. In response, parliament tabled a proposal to better ensure domestic work representation in the Cleaners’ Union government (Hobden, 2012).

Trade unions also train domestic workers to be union leaders. The U.S. National Domestic Workers’ Alliance (NDWA) ensures the leadership of domestic workers through a comprehensive training programme on campaign planning and development, political analysis, organizational development, strategic planning, communications and fundraising. The advanced level allows domestic workers to intern as staff at their respective organizations, to build practical skills in organizing and management (Hobden, 2012). SADSAWU, FADWU, the FNV Cleaners’ Union, and many others offer similar leadership training.

Leadership training builds the confidence of domestic workers to represent the organization and voice their opinions to the public and policy makers, including in collective bargaining. To ensure the capacity of domestic workers to negotiate, trade union confederations have also engaged in training domestic worker leaders prior to a bargaining session. In Uruguay, the *Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores* (PIT-CNT) trade union confederation trained a representative of the *Sindicato Unico de Trabajadoras Domesticas* (SUTD), strengthening her participation in the collective negotiation process.

<sup>3</sup> The self-organizations that work with the Cleaners’ Union in organizing domestic workers include IMWU-Indonesia, OTRADELA-Latin America, and CARE, MIGRANTE and UMDW NL-Philippines. The self-organizations also have different policies regarding union affiliation; some require their domestic worker members to affiliate to the union, while others keep a more open policy.

<sup>4</sup> For news and updated figures, see the campaign website at <http://www.ituc-csi.org/domestic-workers-12-by-12> (accessed 19 Oct. 15).

### 3. Voice and representation in collective bargaining and other forms of negotiation

#### 3.1 How can domestic workers enjoy the right to collective bargaining?

The fullest expression of voice and representation is arguably the ability to participate in social dialogue and collective bargaining. According to the ILO Collective Bargaining Convention, 1981 (No. 154), collective bargaining means any negotiation that takes place between one or more workers' organizations on one hand, and one or more employers or employers' organizations on the other. To enjoy the right to collective bargaining, it is therefore important for domestic workers to first be recognized as workers in the labour law, to enjoy fully the right to organize and collective bargaining, and to be registered trade unions.

#### Article 2

For the purpose of this Convention the term **collective bargaining** extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for—

- (a) determining working conditions and terms of employment; and/or
- (b) regulating relations between employers and workers; and/or
- (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

Parties to the collective bargaining should be able to choose the most appropriate levels at which collective bargaining takes place. The ILO Collective Bargaining Recommendation, 1981 (No. 163) says that measures adapted to national conditions should allow collective bargaining at any level whatsoever, including that of the “establishment, the undertaking, the branch of activity, the industry, or the regional or national levels” (Art. 4(1)).

#### 3.2 Collective Bargaining: how do domestic workers bargain collectively?

Domestic workers' organizations have engaged in collective bargaining and reached agreements in several countries. All the examples of collective bargaining in domestic work have taken place at the national level, primarily because of the impossibility of workplace bargaining.

For collective bargaining to take place, laws and policies must allow for sectoral collective bargaining; there must be representative domestic workers' and domestic employers' organizations; if there is no employers' organization, or if a public authority or agency is involved in the employment relationship as well, an employer of record must be identified and established.

For a domestic workers' organization to participate in collective bargaining, the organization must first be registered and recognized as a domestic workers' union. In practice, these unions are usually affiliated to the trade union confederation. Where collective bargaining has been achieved, domestic workers themselves have developed their platform of demands. In some cases, such as in Uruguay, a domestic worker union representative also took part in the bargaining, with the support of a representative of the trade union confederation (ILO, 2015g).

Federations of employers of domestic workers exist only in a few countries, like France and Italy, allowing for collective bargaining to take place. In Italy, three unions<sup>5</sup> bargained a first collective agreement with the National Federation of the Italian Clergy, and two employers' associations<sup>6</sup> in 1974. Over the following four decades, employers organized to form their own representative organizations, the *Associazione Nazionale Famiglie Datori di Lavoro Domestico* (DOMINA) and the *Federazione Italiana Datori di Lavoro Domestico* (FIDALDO). FIDALDO became a signatory to the agreement as of 1996, and DOMINA as of 2001. The agreement that is currently in force was signed in 2013, and includes wage rates, periods of rest, paid holidays, sick pay, and severance pay. The agreement is not universally applicable: it is only compulsory for employers who are members of DOMINA or FIDALDO or who have entered into contracts that explicitly or implicitly reference the bargaining agreements. When workers who are not formally covered by the contracts bring cases to court, judges use the provisions regarding wages and social security as the standards by which to adjudicate; this does not, however apply to the other conditions of

<sup>5</sup> *Federazione Italiana Lavoratori Commercio, Turismo e Servizi- Confederazione Generale Italiana del Lavoro (Filcams-CGIL), Federazione Italiana Sindacati Addetti Servizi Commerciali, Affini e del Turismo- Confederazione Italiana Sindacati dei Lavoratori (Fisascat-CISL), and Unione Italiana Lavoratori (Uildatca-UIL)*

<sup>6</sup> *Nuova Collaborazione and the National Federation of the Italian Clergy*

the contract (e.g. working hours, paid leave, etc.). These same conditions apply to migrant domestic workers. Despite these limitations, conditions in the domestic work industry have improved significantly over the last fifteen years, with many more workers having signed a standard contract (ILO, 2015e).

Domestic workers are often in a triangular employment relationship, entailing challenges in the identification of the employer (and relevant employers' organization) for the purposes of bargaining. Certain categories of domestic workers are placed in households by intermediaries, either public or private. In addition, the placement of domestic workers in households may be subsidized by the government as part of the social welfare provided to householders. These triangular employment relationships create complexities in terms of the respective rights and responsibilities.

In countries such as France and Belgium, they have resulted in a number of collective agreements with different employers' organizations representing either householders or intermediaries and agencies (public or private) (Basten, 2015). The first, which was signed in 1999 by the *Fédération des particuliers employeurs de France* (FEPEM) and the *Confédération française démocratique du travail* (CFDT), *Confédération Générale du Travail* (CGT), *Confédération française des travailleurs chrétiens* (CFTC) and *Force Ouvrière* (FO) trade union confederations, covered only privately paid workers who are employed by individual households (68% of the workforce) (ILO, 2015a). Two more agreements were signed: a 2012 agreement, signed by the six unions and two employers' organizations, covers domestic workers placed in private homes by non-profit intermediaries<sup>7</sup>; and an agreement signed in 2014 by three unions<sup>8</sup> and two employers' organizations that represented private companies<sup>9</sup> covers domestic workers who are employed by private enterprises.<sup>10</sup>

Together, these agreements cover the vast majority of the domestic work sector. Each of them is universally applicable, and applies to migrant domestic workers. The reach and compliance with collective agreements are particularly effective in France, in part because of a "voucher system" (*Chèque Emploi Service Universel*, CESU). Under this system, employers purchase a voucher for domestic services from a bank or a government

agency (Mather, 2015), which then manages the payment of wages and social security contributions for domestic workers. Employers receive significant tax reductions and credits, facilitating even vulnerable employers – such as the disabled, elderly, and low income households with homecare needs – to pay fair wages (Mather, 2015; ILO, 2013). To purchase the vouchers, householders must register a written contract that is in line with the provisions of the relevant agreement. The system has therefore provided a large-scale method for implementing the collectively bargained contracts. It also facilitated the process of unionization by earmarking funds for union costs, including the organization of social dialogue and vocational training (ILO, 2013). The system has clearly not been a deterrent to employment: the percentage of employers using the system increased from 56% to 78% between 2002 and 2010.

In Illinois and California, the government increased public funding of homecare services, enabling employers to pay a collectively bargained minimum wage. In California, home care workers, organized by the Service Employees International Union (SEIU), are subsidized by the government, and placed by intermediaries. While pay checks are issued by intermediaries, day-to-day supervision is carried out by householders who are the beneficiaries of government care. The wages that home care workers receive thus depends on the level of public subsidies. The SEIU campaigned for the enactment of state-level legislation that allowed counties to establish public authorities to serve as "employers of record". These authorities are responsible for bargaining with the union, providing job training, and running registries to match workers and employers.

Recognizing that householders play a key role in determining the day-to-day working conditions, county-level boards were established, including the union, the public authority, and representatives of the householders (seniors and people with disabilities). All actors involved in determining the conditions of care have a seat at the table and can address challenges that arise. This illustrates an innovative policy response to the complex triangular employment relationship in the sector (ILO, 2015f). These organizing and negotiation efforts have resulted in wage increases of 147% (Sachs, 2007), along with wide ranging social benefits and grievance procedures. (SEIU Local 530, 2013).

<sup>7</sup> Bargained by six unions including CFDT, CFTC, CGT, Confédération française de l'encadrement-Confédération générale des cadres (CFE-CGC), FO, and the domestic work branch of the Union nationale des syndicats autonomes (UNSA-SNAPAD); and the employers' organizations that represented non-profit companies, Fédération Nationale des Associations de l'Aide Familiale Populaire-Confédération Nationale des Familles (FNAAP-CSF) and the Union Nationale de l'Aide, des Soins et des Services aux Domiciles (UNA).

<sup>8</sup> CFDT, CFTC and the CFE-CGC.

<sup>9</sup> The Fédération Française des Services à la Personne (FEDESAP) and the Fédération du service aux particuliers (FESP).

<sup>10</sup> The CGT objected to this contract, arguing that it mischaracterized the employment relationship by treating employers as service-users. FO also decided not to sign the agreement because they believed it would lead to the disintegration of working conditions in the sector, partly because of the employment relationship model.

Where no recognized employers' organization existed, the union or government have approached other entities to act as the employer for the purposes of bargaining. Increasingly, pre-existing housewives' organizations have been recognized as employers for the purposes of bargaining, such as in Germany, Uruguay and Argentina.

In Germany, it was the NGG union that asked DHB to act as employer association (Basten, 2015). In Uruguay, after the Chamber of Commerce declined an invitation to act as employer counterpart, the *Liga de Amas de Casa, Consumidores y Usuarios de la Republica Oriental del Uruguay* (LACCU) was approached to join a Domestic Work Wage Council, *Grupo 21*, along with the *Ministerio de Trabajo y Seguro Social* (MTSS, Ministry of Labour and Social Security), and the SUTD. While the LACCU had formed on its own, the government's recognition of this body as representative of employers enabled negotiations to take place. Through this council, three agreements have been reached since 2008 around wages, working conditions and benefits (Goldsmith, 2013), each of which was universally applicable to the sector, including to migrant domestic workers. These agreements have increased social security registrations by 48.7% between 2006 and 2012, while wages rose from 55.5% of the wages paid to other women in 2006 to 70.1% in 2012 (ILO, 2015g). Labour inspections and a grievance mechanism have helped achieve these results (Goldsmith, 2013). Capacity building of both the SUTD and the LACCU proved vital in the success of the negotiations.

### 3.3 What other forms of negotiation?

When the national conditions do not allow for national collective bargaining, domestic workers have adopted other, innovative means of setting collective standards. Workplace bargaining cannot be translated to the domestic employment relationship, where the workplace usually consists of one worker and one employer. Instead, domestic workers' organizations have explored two types of innovative approaches: setting collective standards, through coordinated action, that are implemented through an intermediary at the point of hire; and setting collective standards or collective bargaining structures at the municipal, neighbourhood, or building block level. These efforts are all in their early stages; while results remain to be assessed, the initiatives show promise.

### Coordinated Action to Set Standards

A paradigmatic example of this model can be found in the work of the Hong Kong Domestic Workers General Union (DWGU), an affiliate of the HKCTU that organizes local and not migrant domestic workers.<sup>11</sup> The union received government funding for a jobs training programme for local domestic workers, called the Confederation of Trade Unions Training Center (CTUTC). The CTUTC and the HKCTU are formally separate entities, ensuring the CTUTC's ability to promote high professional standards and the HKCTU's independence in social dialogue (HKCTU, 2015). The CTUTC provided over one hundred hours of skills trainings for women entering the market, including cleaning, laundry, caring for infants and the elderly, negotiation, and labour rights. Once certified, students have access to the centre's job referral program, through which women gained access to 19,287 quality jobs between 2002 and 2014. Meanwhile, members of the DGWU came together to determine appropriate wages and fees in the industry (Fish Ip, Interview, 2015), which CTUTC uses when negotiating contracts (HKCTU, 2015). The union invests heavily in deep worker dialogue in order to determine appropriate wages and fees in the industry, giving domestic workers the confidence that their work is of value, which in turn gives them the confidence to demand the collectively set wage (Fish Ip, Interview, 2015).

These contracts have significantly raised standards for workers who are placed through the CTUTC. The standard hourly wage of a trained domestic worker is two to three times higher than the statutory minimum wage, and post-natal caregivers placed through the CTUTC earn double those placed by the government referral agency (HKCTU, 2015). The CTUTC also maintained the highest job placement rate of any government-supported domestic workers job referral program even though their wages were higher (Fish Ip, Interview, 2015). Moreover, about half of the graduates of each class joined the union. Those who joined the union tended to fare better in their ongoing individual contract negotiations, benefitting from deeper professional learning through dialogue with other members and specialized courses offered by the union (ILO, 2015b).

<sup>11</sup> In Hong Kong, domestic workers, including migrant domestic workers, enjoy freedom of association rights, and have thus formed unions there since the 1990s, usually according to nationality. The HKCTU organizes domestic workers of several nationalities are under FADWU, the Federation of Asian Domestic Workers Unions, to which the DGWU is affiliated. However, there is no statutory provision establishing collective bargaining rights for any workers (Hong, 2010). National domestic workers are addressed under the labour code and have the freedom to work on an hourly basis, whereas migrant domestic workers must live in the homes of their employers, and are protected by a government mandated standard contract that includes a minimum allowable wage.

In Zambia, domestic workers' organizations negotiated a code of conduct now used by intermediary agencies as a standard for setting contractual terms. Though domestic workers are unionized, they are excluded from collective bargaining by a threshold provision that only allows bargaining with employers with 25 or more employees (ILO, 2015i). Moreover, the Zambian Federation of Employers (ZFE) could not legally represent employers of domestic workers. Instead, the ZFE, the Zambian Congress of Trade Unions (ZCTU), the Federation of Free Trade Unions of Zambia (FFTUZ), the Ministry of Labour and Social Security and the Ministry of Home Affairs negotiated the Code of Conduct, covering minimum wages, working time, sick leave, maternity leave, severance pay and more, based on the 2011 statutory protections for domestic workers (ILO, 2011). Intermediary agencies distribute the Code of Conduct to employers, refer to it when setting contractual terms at the point of hire, and agreed to negotiate salaries above the minimum wage, and to enforce the contracts. The agencies report salaries between 19% to 130% above the statutory minimum wage, and a high degree of compliance, despite a lack of systematic enforcement (ILO, 2015h).

### ***Neighbourhood-based bargaining***

While the domestic workplace is decentralized, employers tend to be clustered in wealthier neighbourhoods, building blocks, or housing communities. Some organizations have sought to use these groupings to establish collective negotiation. In India, the Domestic Workers' Rights Union (DWRU) in Karnataka had the idea to organize the workers in a given locale to bargain with the local "resident welfare associations". Sometimes resident welfare associations represent residents in a given neighborhood; at other times they represent the residents of a given apartment building. These associations are often registered with the government, and some of them participate in local governmental processes as representatives of civil society. The DWRU has tried to bargain with a number of RWA's, finding some success in convincing sympathetic associations to engage in educational efforts, for example, around child labour. But even the friendly associations were resistant to engaging in wage and hour negotiations, arguing that the employers were the individual households and not their collective association. The Labor Department in Karnataka affirmed that RWAs are not empowered to interfere in household matters, but DWRU succeeded in using grassroots pressure to get the RWA in a given building to promise that domestic workers in that building could receive four paid days off each month (ILO, 2015c).

The DWRU victory suggests that RWAs, or other neighborhood associations, are a potential site for bargaining with domestic employers. In Yogyakarta, Indonesia, domestic workers took a similar approach, requesting the municipal government to adopt a standard contract. The contract terms were discussed and adopted collectively by the domestic worker union members. When the municipal authority turned down their request to implement the standards as a model contract, the union implemented the contract on its own: they used it at points of hire, such as their domestic worker school, and accompanied members to convince employers to sign the contract. In this way, the union succeeded in getting 400 employers to sign the contracts (ILO, 2015d).

Finally, in New York City, a local domestic workers' organization, Domestic Workers United, engaged in an experiment in informal neighborhood-based bargaining in the hopes of significantly raising standards in the industry above the relatively low level of state-mandated standards. They conducted the experiment in a relatively contained and friendly environment, a specific affluent and progressive neighborhood that had a high rate of domestic employment. Further, their experiment relied on the deployment of social networks among workers and employers, and these networks tend to function at the neighborhood rather than the municipal level.

DWU brought together domestic workers who worked in the neighborhood with a small network of progressive employers that had been organized by an allied Jewish social justice organization, Jews for Racial and Economic Justice (JFREJ) for "kitchen table dialogues." These dialogues were used to draft a "Code of Care", setting higher standards for the industry in the neighborhood, including paid vacation, notice of termination, a living wage and a written work agreement (Goldberg, 2014). The Code of Care was launched in the neighborhood in September 2013. JFREJ leveraged the social networks of its members, including their places of worship, to convince 300 employers in Park Slope to commit to these standards by April 2014. In the absence of a clear monitoring mechanism, the rate of compliance with these standards is not clear (ILO, 2015f).

## 4. Conclusions

Domestic workers are among those with the least voice and representation, and who are commonly at risk of unacceptable forms of work. Strengthening their voice and representation through organizations, collective bargaining and other forms of negotiation has proven successful in enhancing domestic workers' bargaining position, and improving labour standards. To this end, government, workers' and employers' organizations can play vital roles:

- Domestic workers' organizations empower domestic workers, and organizing strategies are successful when they identify and address the specific needs and situation of domestic workers, namely, their need for social support, medical and legal services, stable meeting places and times, and structures that enable them to participate and organize within their neighbourhoods;
- Trade unions can take measures to ensure the voice and representation of domestic workers within the confederation, for instance, by creating voting mechanisms that allow domestic workers to have a seat on their executive committees, and by training them to organize, negotiate, lead and represent their organizations;
- To promote collective bargaining in the domestic work sector, governments can facilitate the process of registering domestic workers' unions, help identify an employer for the purposes of bargaining, and establish a platform for collective bargaining as part of the legal framework. Government subsidies to employers of domestic workers also ensures that collectively bargained minimum wages support decent work for domestic workers, and are affordable for employers;
- Employers' organizations can play a vital role by organizing employers and intermediaries, following the example of the ZFE in Zambia, and budding efforts of the ECOP in the Philippines to organize employers, first through community-based consultations, and now more deliberately through their local contacts and chambers.
- To most effectively protect domestic workers from unacceptable forms of work, collective bargaining agreements should be universally applicable to all domestic workers, including migrant domestic workers. These should also be applied through courts as a benchmark, and governments must develop specific mechanisms to monitor and promote compliance.
- Setting collective standards is also possible through an organization in partnership with a training and placement intermediary.
- Neighbourhood-based bargaining has promise. While domestic worker organizing at this level has taken some root, it would also require the establishment and recognition of a neighbourhood-based employer for the purposes of bargaining.

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The Domestic Work Policy Brief series aims to stimulate and inform policy debates on advancing decent work for domestic workers. It provides information on terms and conditions of employment in domestic work, policy issues and different views on these issues, and varied approaches to addressing them around the world.

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