

# OPENING REMARKS BY HALIMAH YACOB, WORKER SPOKESPERSON AT THE DECENT WORK FOR DOMESTIC WORKERS COMMITTEE

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99TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA, JUNE 2 2010

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Mdm Chair and delegates,

First, congratulate chairperson, Ms Lourdes Transmonte, on her appointment. Philippines have done a lot of work in the area of domestic workers and I am sure that her experience would be very useful in helping to steer us in our work. Also, congratulate the employer spokesperson, Mr Rahman, on his appointment. WG certainly hopes that we can leverage on social dialogue to help in the work of this committee and to achieve good conclusions. Thank Ms Manuela and her officers from the Office for their excellent reports both of which are very good and comprehensive. Thank Office also for the set of conclusions prepared after taking into account the responses from the Office questionnaire, which was sent to all governments.



1. We are gathered here on an important mission. Our mission is to make decent work for all, a clarion call of the ILO, not just a slogan but a truly inclusive agenda. For too long, decent work for all has been nothing but a slogan for the millions of domestic workers who toil everyday. Our mission is to change this so that decent work for all is truly inclusive by making sure that it applies to all domestic workers.
2. If we succeed, then international labour conference 2010 and 2011 will go down our history books as the time when we collectively had the courage and strength to do what is right for the millions who have been exploited, abused and forgotten. Our Workers' Group hopes that delegates here, regardless of the group that they belong to will participate in making this long overdue, historic move.
3. Why historic? Indeed, since the abolition of institutionalized slavery more than 200 years ago, domestic workers have remained excluded from recognition or protection from abuse under the labour law in many countries, including the right to organize, over-time protections, and health and safety regulations.
4. So domestic workers, like agricultural workers, were left out of this "leap forward" in the labour world which the abolition of slavery represented. It is no accident that cases of actual domestic slavery are regularly discovered. As a result of an historic oversight, this sector has been in a situation where the working relationship is still based on domination and crude exploitation in too many cases.
5. Many of us on the workers' bench, and I am sure also our colleagues in the governments and employers groups, can testify to the unacceptable and intolerable situation endured by millions of domestic workers. But I will limit myself to what the ILO says about this. I quote: "Domestic workers, in particular in-house workers, often have to work long or even excessive hours of work (on average, 15 -16 hours per day), with no rest days or

compensation for overtime; they generally receive low wages, and have inadequate health insurance coverage, are also exposed to physical and sexual harassment and violence and abuse, and are in some cases trapped in situations in which they are physically or legally restrained from leaving the employer's home by means of threat or actual violence, or by withholding of pay or identity documents. In many countries, labour, safety, and other laws do not cover domestic workers, so that there are no legal norms applicable to them or no offices and inspectors to enforce standards that do not exist. Even if they are protected by legislation, it can be very difficult for domestic workers to learn about or benefit from available protections, the result being widespread violations of protective labour laws" unquote. This comes from the Governing Body document tabled by the Office in November 2007. This unfortunate situation affects all countries regardless of their development level. And actually many of the Governments present here have acknowledged the problems faced by domestic workers and some have already taken steps to address them.

6. Domestic workers have also been excluded from much of international treaties including ILO Conventions. In fact, quite a number of ILO Conventions permit the exclusion of domestic workers from the scope of their provisions, for instance: the minimum age Convention, No. 138 is applicable to all children, but allows the implicit exclusion of child domestic workers. The same goes for Conventions on private employment agencies (No. 181); termination of employment (No 158), Protection of wages (No. 95) and Social Security (No. 102).
7. What we will be dealing with here will be basic human rights, including human rights at work, for a category of workers that has been left without a voice for centuries. Indeed back in 1948, this very body, the International labour conference, drew attention to their plight and in 1965, 45 years ago, called for standard-setting to protect them. The ILO, regardless of where we come from, regardless of our groups, has a collective responsibility to address their concerns and provide them with what they lack most: the recognition as workers, respect and dignity.
8. This is the ILO at its best: developing standards to bring social justice and decent work for the most vulnerable. This is what makes the ILO unique and different from other agencies. Developing international labour standards for domestic workers would fill an important gap in the promotion of Decent Work for All. Domestic workers, many of whom are migrants and women, represent a very large proportion of unprotected workers.
9. We are happy to see that responses to the ILO questionnaire show that many governments have concerns, similar to ours, regarding this category of workers. Many governments support standard-setting and indeed quite a few of them have already taken action that may help us negotiate instruments that are based on good practices and can have a positive impact.
10. Indeed, domestic workers lack protection under both international and national laws. Yet, they represent an important and growing segment of the labour force; estimates put their numbers at well above 100 million and about 4 to 10 per cent of the population in most countries. Their work has enabled others to improve their living standards – those who employ them can take on paid work outside the home. True, domestic work can take many forms and circumstances: live-ins, migrant workers, part-time workers and multiple employers. But they share three things in common: they work in private homes, they are vulnerable to abuses and lack the legal protection enjoyed by most other categories of workers.
11. The fact that domestic workers suffer from poor working conditions and that their isolation makes it difficult for trade unions to reach out and organise them to improve their working conditions, make it a strong case for international convention. A convention can be used by governments as a reference point to improve their legal environment through labour legislation that will enable domestic workers to benefit from the full range of protections and

rights related to decent work. It is clear to us and the majority of governments that have responded to the questionnaire that to do justice to domestic workers require a binding instrument that can set minimum standards and principles to be adhered to. And to assist in the implementation of such a standard, a recommendation could help address specific conditions and situations that may be faced by domestic workers, and also take into account the national context.

12. Indeed, the work performed by domestic workers help to free up others for economic, educational and social activities. They are the oil in the wheels and, without them, many societies and economies could not function. In some countries, the remittances that they sent back amount to billions of dollars and constitute a significant portion of a country's GDP. Often too, the domestic workers earnings are the sole incomes supporting entire families. So providing domestic workers with decent work means improving the lives of their families as well, a multiplier effect which is staggering. Yet, they are often not recognised as "workers" with the rights that other workers have. They are invisible. Many are also migrants, living isolated from their own families and children. While they toil daily to take care of the sick, comfort the elderly and the nurture the young, there is not much being done to support their own welfare and needs, and that of their families.
13. We have heard one argument that having binding standards or a convention on domestic workers will cause rigidity or inflexibility in the labour market. On the contrary, clear rules will promote a more robust and efficient labour market as everyone will be competing fairly on the same transparent set of rules, which is known to everyone who wants to employ a domestic worker, and there is no undermining of each other to gain unfair advantage. In other words, if providing rest days is requirement under the convention and legislated under national laws, every employer has to provide that as a minimum standard, thus avoiding a situation where those who provide such a benefit feels that they are disadvantaged because others are not doing so. Over time, as rest days become the minimum standard, we will see a rising of the quality and standards in the domestic work sector to the advantage of employers and most certainly governments concerned about how to ensure better protection for such workers. One analogy would be the social security system found in most Scandinavian countries. We were told that such a system based on laws and regulations would create rigidities and affect the effective functioning of the labour market. We have seen that this is not the case as many of the Scandinavian countries continue to enjoy economic growth long after their social security system was introduced and I dare say that in the 2009 recession, they were not the worse affected among the industrialized economies. The thinking behind this concern about rigidity is that it will interfere with the labour market. But we have already seen that for other workers, governments do feel that to allow the free market mechanism to apply without restriction would lead to exploitation and abuse as bargaining strength in an employment relationship is never equal and, therefore, governments have intervened to set standards for the workers. We are requesting for the same consideration to apply to domestic workers who are even more vulnerable compared to many other workers.
14. Another argument is that a binding convention would be detrimental to the domestic workers themselves who would lose their jobs and affect employment creation. If we accept this argument, then we should not have any standard at all as every standard could potentially affect employment creation but we have not seen that happening. In fact, we have seen the opposite, in that, with the improvement of labour standards, the world has witnessed unprecedented growth and job creation, pushing millions out of poverty. As people began to enjoy better wages and standard of living, they spend and consume more, and this in turn help to perpetuate the virtuous circle of stronger growth at both the national and global levels.

15. The beauty of standards is that it sets a minimum that everyone has to follow and therefore prevent unfair competition. We also know that without ILO standards we will descend into the nightmare and chaos of the dark ages, beginning with the industrial revolution. In the UK, that nightmare of the dark ages was captured in the classic story called *Hard Times* written by a famous author, Charles Dickens. I studied that as part of my literature subject in school. In his book, Dickens described the appalling working conditions and total degradation of the human spirit that came together with the onset of the industrial revolution. We don't want our domestic workers to continue to live and experience the Dickensian conditions of work as this shows that human society has not progressed.
16. Yet another argument on why we cannot have a convention because the social, economic and cultural conditions in member states differ, has been heard over and over again in the ILO every time we discuss about a new standard or even when we talk about implementation of existing standards. By adopting the Social Declaration, we had reaffirmed that ILO standards are universal and are applicable to all countries. We also acknowledge that there are countries that can apply the standard immediately but there are others who may need ILO technical assistance to do so as they may face some administrative, legislative or other difficulties, or simply lack the know-how. This is not an insurmountable issue and can be dealt with through ILO technical assistance and the Office should proactively provide guidance and assistance. But I also want to urge everyone to look at ILO standards as a goal that every government should aspire to reach. Its like when you set a target for your performance, you want to set a stretched target and not one that is so achievable that there is no challenge at all in fulfilling it. At the end of the day, the fundamental question to ask is whether this is the right thing to do and whether your workers will benefit from this higher standard. We also understand the need for a balance. While the convention should not be overly prescriptive, at the same time, it cannot also be so general and containing only broad principles that it is of not much practical use to countries, which are then again free to set whatever standards they deem fit.
17. Some have also argued that a standard will be difficult because of the private nature of the relationship of domestic work because it is performed in households, but I urge that we do not use this as a basis for denying domestic workers the protection that they badly need. Indeed, the right question to ask, and the real issue, is not whether it is right to accord protection to workers who are working in households but instead we should ask whether it is right for us to continue to exclude and deny protection for such workers just because they work for households.
18. Finally, let me conclude by asking you to recognize that what our domestic workers want most is respect for them as individuals and human beings. They are not invisible, they are not part of the furniture but they are someone's mother, daughter, wife, sister and many more important roles. They exist and they ask that you acknowledge their existence by extending decent work to them. Indeed, I have always been very concerned about the values that we are imparting to our young by the way we treat our domestic workers. If we oppose our domestic workers having the basic rights and standards of dignity that are due to them similar to other workers, what are we teaching our young, as many of these domestic workers are employed to take care of young children in the households. Are we telling them at their young formative age, that there are people who are lesser beings than us, who are less equal than us, who can be badly treated because they are domestic workers and they are no better than the furniture in the house? Are we imparting the right values when we allow our domestic workers to sleep in the dog house or next to the toilet or, for that matter, not to sleep at all? As domestic workers tend to be employed by middle income households, whose children have access to better education opportunities and, when they become adults, are likely to hold leadership positions in industry, commerce, government and society, are we not concerned about the kind of decisions that they would be making with great impact on our society, if their value system is already distorted and they think that it is alright to treat people, such as domestic workers, badly because these are lesser human

beings anyway? And as a ninety per cent of domestic workers are women, are we suggesting to our young that women are inferior to men and therefore can be treated badly? Also, what impact will these have on our efforts to promote gender equality and greater sharing of responsibilities at home, since domestic workers are predominantly women? If these questions disturb you, the solution is not to cast them aside but to ask what we can do to address these issues. And most certainly a convention supported by a recommendation is one way forward.

19. We look forward to work with governments and to engage in dialogue with our colleagues on the employers' bench. It can only be in the common interest of all to bring decent work to millions of workers, and contribute to poverty alleviation. This is also one more step that we are making towards helping to assist workers to transit from the informal sector to the formal economy, as domestic workers are predominantly found here. This is why like many of the governments here present we support the proposals in favour of a Convention supplemented by a Recommendation. This is the only way we can do justice to the legitimate calls for decent work for domestic workers and repair what I would call diplomatically "a historic oversight".
20. Our work will not be easy and some of the issues we will discuss are complex. But our objective is quite simple: it is about developing instruments that will enable us to change an employment relationship based on domination and exploitation because of a legal vacuum, into an employment relationship based on recognized rights and respect for human beings.
21. All of us attending this conference should leave Geneva with a sense of having accomplished a historic mission: providing the ILO and its constituents with the tools to advance the cause of social justice and decent work and end decades of exclusion for domestic workers.
22. We should all feel proud to associate the names of our countries, the names of our trade union organisations, the names of our employers' federation to this noble, historic achievement.
23. The ILO has set "decent work for all" as the goal for its work. Now is the time for that "all" to include domestic workers.
24. Let us work together to make this possible. The world is looking at us. I hope that we will not flinch or baulk at doing the right thing, and we will support a convention supplemented by a recommendation on decent work for domestic workers. And we need a convention that is clear and effective, covering key areas on decent wages, decent living conditions and non-discrimination against domestic workers.

Thank you,  
Halimah Yacob  
Worker Spokeperson at the Decent Work for Domestic Committee

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