International Labour Organization

Making decent work a reality for domestic workers

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

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Preface

The publication of this report, in the midst of a devastating global health pandemic, could not have come at a more critical time for domestic workers.

This crisis has highlighted the vital role that they play in supporting the care needs of households. It has also exposed the precarious position the majority have found themselves in – many being obliged to go to work despite the health risks, others losing their jobs, with no access to income-support measures, putting them and their families at risk of falling into poverty or deeper poverty.

Meanwhile, the households in which they work have struggled with additional care responsibilities, as parents juggle with teleworking and ensuring that their children are educated while at home. Never before has the interdependence of domestic workers and the households they care for been so clear. Neither has the vulnerability of the millions of domestic workers earning a living behind the closed doors of private households been so visible.

This report is also timely since it marks the tenth anniversary of the adoption of the Domestic Workers' Convention, 2011 (No. 189), and its accompanying Recommendation (No. 201), dedicated to the sector in its entirety. Ten years ago, the adoption of these standards was celebrated worldwide by domestic workers' organizations.

These new standards offered a historic opportunity to make decent work a reality for domestic workers worldwide. Their adoption was a recognition that "domestic work is work" and that domestic workers have a right to decent work, like any other workers. Ten years on, this publication takes stock of the progress made since then.

The report assesses how far domestic workers enjoy decent work, both in law and in practice. Importantly, it measures the extent to which countries have extended labour and social security laws to cover domestic workers over the last ten years, as well as the increase in the numbers and proportion of domestic workers who are now protected because of those changes.

While gaps in legal coverage remain, I am encouraged to see that much progress has been achieved. This highlights the role that labour standards play in improving the protection of vulnerable groups. The stories behind these changes in law underscore the often-underestimated role of international labour standards as powerful tools of empowerment, in this case for domestic workers and their organizations.

Although the report clearly shows progress in legal coverage, it also lays bare the large gaps in the implementation of these laws. New estimates show that more than 80 per cent of the world's 75.6 million domestic workers are in informal employment, twice the share of other employees. Their wages and working hours, on average, are far less favourable than those of other workers. Indeed, there remains a long road ahead for many domestic workers in getting access to decent work.

Yet domestic work is a sector that is likely to grow in light of ageing populations and their increasing need for long-term care. Closing these existing gaps is therefore even more of a priority.

Centuries of exclusion cannot be erased in a few years. To help close both legal and implementation gaps, the report provides governments, employers' and workers' organizations, and other stakeholders, with guidance and examples of useful country practices.

In inviting you to read this informative report, I would like to draw your attention to a very important point: Women represent nearly 80 per cent of all domestic workers, almost all of whom are working in the most vulnerable situations. They have made a vital contribution to reducing gender inequality by enabling millions of their female employers to participate in the paid labour market. It is time that domestic workers become not only contributors to, but also beneficiaries of a transformative agenda for gender equality, as called for in the Centenary Declaration for the Future of Work, adopted by the ILO in 2019.

Their situation provides one additional and compelling reason, among many, for the ILO's full commitment to taking concrete actions to make decent work a reality for all domestic workers.

Guy Ryder
Director-General
International Labour Office

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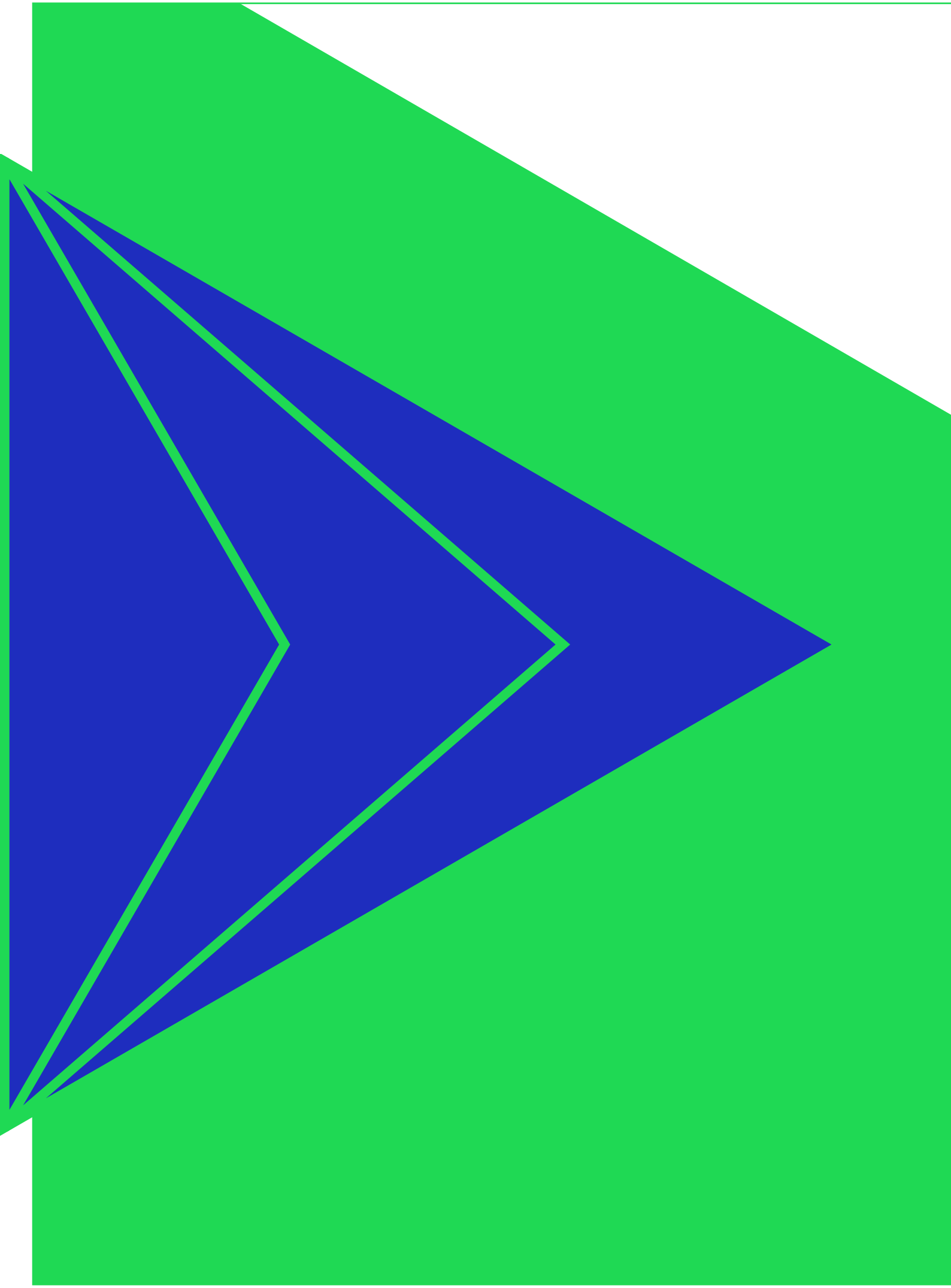


Executive summary

Since the adoption of the Domestic Workers Convention, 2011 (No. 189), domestic workers have gained legal protection in many countries. For too many domestic workers, however, decent work has not yet become a reality. At least 75.6 million people around the world perform this essential work in or for private households. A staggering eight out of every ten domestic workers are informally employed and thus lack effective labour and social protections.

Ten years after the adoption of Convention No. 189, it is time to assess the extent to which decent work has become a reality for domestic workers. Domestic workers provide services for households around the world, and yet they work in some of the most vulnerable situations. Throughout the COVID-19 pandemic, domestic workers were often on the front line, continuing to supply direct and indirect care services for households despite the risk of contagion. Convention No. 189 sought to extend protections to domestic workers and ensure their access to decent work – it is now more necessary than ever to protect them from the loss of jobs and incomes many of them faced during the pandemic.

This report provides new global and regional estimates of the number of domestic workers. It then provides a measure of the extent to which domestic workers enjoy **legal coverage** (meaning their inclusion under key labour and social security laws) and assesses progress made since the adoption of the Convention. The report then provides statistics on the extent to which domestic workers enjoy **effective coverage** (meaning that they can effectively access their rights and protections in reality) in the areas of working time, wages and social security protection. Exposure to occupational safety and health (OSH) risks and to violence and harassment is also addressed. Importantly, the report also provides a measure of the share of domestic workers who **lack coverage** owing to a lack of implementation of applicable laws and policies, or for whom legal gaps must be closed before the question of implementation can be addressed. Statistics on the impacts of COVID-19, in terms of loss of jobs and income, are also presented.

Finally, the report provides guidance on making decent work a reality for domestic workers, including examples of ways in which countries have closed legal and implementation gaps.

What is domestic work?

Convention No. 189 defines domestic work as work performed in or for a household or households, within an employment relationship and on an occupational basis. While domestic workers typically undertake cleaning and cooking and care for children and elderly and disabled people, as well as gardening, driving and guarding private households, the reality is that their tasks vary across countries and over time. Given this heterogeneity of tasks, the defining characteristic of domestic work was determined to be the workplace – that is, the household.

The estimates presented in this report constitute a new attempt to capture more accurately and comprehensively the situation of all domestic workers, as defined by Convention No. 189. They cover "domestic workers" as established in the definition agreed by the 20th International Conference of Labour Statisticians, which was adopted in 2018 to align more closely with the definition set out in Convention No. 189. The estimates thus capture live-in and live-out domestic workers employed directly by a household or households; domestic workers employed through or by a service provider; and domestic workers providing direct and indirect care services. They do not include domestic workers under the age of 15 years.

How many domestic workers are there? Where do they work and what are their characteristics?

Around the world, there are 75.6 million domestic workers aged 15 years and over.[1] The world's largest employers of domestic workers, in numerical terms, are Asia and the Pacific (where 50 per cent of all domestic workers are employed) and the Americas (where 23 per cent of all domestic workers are employed). In contrast, the Europe and Central Asia region employs the smallest share of all domestic workers.

Domestic work is an important source of employment, representing 2.3 per cent of total employment worldwide. When looking at employees only, this figure almost doubles to 4.5 per cent. The weight of domestic work as a source of employment varies across the globe. Domestic work represents the largest share of employees in the Arab States (14.8 per cent), followed by Latin America and the Caribbean (8.4 per cent), Africa (7.3 per cent) and Asia and the Pacific (4.6 per cent). In contrast, domestic work represents only 1 per cent of employees in Europe and Central Asia.

Women continue to make up the majority of the sector (76.2 per cent), which accounts for 4.5 per cent of female employment worldwide, or 8.8 per cent of female employees. Domestic workers represent one third of female employment in the Arab States and 11.3 per cent in Latin America and the Caribbean. Expressed as a percentage of employees, these figures amount to 34.6 per cent and 17.8 per cent, respectively. In contrast, domestic workers represent just 1.6 per cent of women in employment in Europe and Central Asia.

> There are 75.6 million domestic workers aged 15 years and over.

Men make up nearly one quarter of the sector; however, domestic work represents only 0.9 per cent of overall male employment. Among male domestic workers, the largest group can be found in the Arab States (23.2 per cent), followed by Southern Asia (21.8 per cent), Eastern Asia (19.1 per cent) and sub-Saharan Africa (14.2 per cent). Men actually outnumber women in domestic work in the Arab States (63.4 per cent) and represent an almost equal share in Southern Asia (42.6 per cent).

Domestic workers are over-represented in upper-middle-income countries: more than half (53.1 per cent) of all domestic workers are in these countries, compared with 46.8 per cent of all employees. The over-representation of domestic workers in upper-middle-income countries is mostly due to the large countries in that group with both a high share of domestic workers and some of the highest Gini coefficients, such as Argentina.[2]

The demand for domestic work is expected to grow in light of demographic changes, population ageing and increasing long-term care needs. Service providers play a growing role. The number of digital labour platforms in the sector has risen eightfold, from 28 platforms in 2010 to 224 platforms in 2020. The workforce for domestic work is likely to be sustained owing to continued income inequality within and between countries, as well as unequal access to education and care services. As a job-intensive sector that meets essential and growing household needs for direct and indirect care services, domestic work could be a source of employment in the post-COVID-19 economic recovery.

1 The ILO's new global estimates of the number of domestic workers cover 155 countries and are primarily based on a systematic approach, which is designed to identify domestic workers in national labour force and household survey microdata sets, complemented by data from secondary official sources (in ten countries).

2 It is important to note, however, that these results are probably influenced by the strong underestimation of the number of domestic workers in low-income countries.

How many domestic workers are legally covered today, and have their numbers increased since 2010?

Scope

More laws and policies now cover domestic workers, after ten years of effort by governments and by employers' and workers' organizations. Since 2010, thanks to the extension of laws and policies to cover domestic workers, there has been a decrease of 16.3 percentage points in the number of domestic workers who are wholly excluded from the scope of labour laws and regulations. Domestic workers are wholly excluded from coverage in only 8.3 per cent of the countries reviewed, most of them in the Arab States and in Asia and the Pacific. There has been a growing tendency to cover domestic workers through both general labour law and specific labour laws or subordinate regulations.

Working time

Since 2010, there has been an increase in the number of domestic workers legally entitled to: (a) limits on their normal weekly hours equal to or more favourable than other workers (7.2 percentage points); (b) weekly rest entitlements of at least the same length as those enjoyed by other workers (21.0 percentage points); and (c) periods of annual leave the same as or longer than those for other workers (12.6 percentage points). When adopting laws on working time, the majority of countries reviewed cover domestic workers with rights equivalent to those enjoyed by workers generally. As a result, as of 2020, 48.9 per cent of all domestic workers are entitled to weekly rest entitlements that are at least equal to those enjoyed by other workers, 34.8 per cent are entitled to the same limitation on their normal weekly hours as other workers, and 42.9 per cent have equal rights with respect to periods of paid annual leave.

There nonetheless remain important legal gaps. About 28 per cent of countries impose no limits on normal weekly hours of work; 14 per cent of countries provide no legal right to weekly rest; and 11 per cent of countries provide no legal right to paid annual leave.

Minimum wages and payment in kind

Since 2010, little progress has been made in ensuring a minimum wage for domestic workers equal to that enjoyed by workers generally or limiting payment in kind for domestic workers. There has been only a small increase in the number of domestic workers who are entitled to a minimum wage equal to that of other workers (2.9 percentage points) and who have a right to receive their minimum wage fully in cash (7.2 percentage points). When adopting laws on wages, the majority of countries reviewed (64.8 per cent) provide a statutory minimum wage for domestic workers that is at least equivalent to that of other workers. Of the countries in which domestic workers are entitled to a minimum wage, about half stipulate that the minimum wage must be paid in cash only. As a result, 35 per cent of domestic workers are entitled to a minimum wage rate that is at least equal to that fixed for other workers, and 29 per cent must receive that minimum wage in cash.

Improvements in this area have been more limited than in other areas. In one third of the countries reviewed, domestic workers either do not enjoy equal rights with respect to a minimum wage (9.3 per cent) or do not enjoy minimum wage coverage at all (22.2 per cent), and there are about 41 million domestic workers for whom no statutory minimum wage is applicable.

> Men make up nearly one quarter of the sector.

Social security (including maternity leave and cash benefits)

Globally, almost half of all domestic workers are legally covered by at least one branch of social security. Levels of social security coverage vary according to the branch concerned. The most common branch of social security to be provided by law for domestic workers is pension coverage (provided by 50 per cent of countries reviewed in 2020). The least common branch is unemployment benefits, which is provided by 25 per cent of countries. There is a strong tendency among countries to provide maternity leave entitlements (74.1 per cent) and maternity cash benefits (68.5 per cent) that are equal to or more favourable than those provided for other workers. Improvements made since 2010 with regard to maternity are less significant. However, thanks to legal reforms in a number of countries, there has been an increase in the number of women domestic workers who have maternity leave entitlements (4.7 percentage points) and maternity cash benefits (3.6 percentage points) that are at least equal to those of other workers.

Substantial gaps remain in other social security branches, however. Only 6 per cent of domestic workers are covered by all social security branches, 46.5 per cent have no legal entitlement to maternity leave and 47.6 per cent have no right to maternity cash benefits.

What are the rates of legal coverage at the regional level?

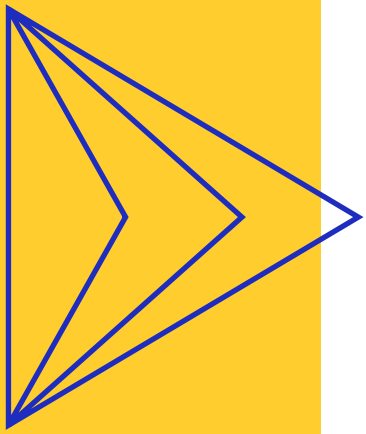
Regional disparities persist regarding the extension of legal coverage. In the Arab States and Asia and the Pacific, most domestic workers remain excluded from the scope of labour law. In provisions on working time, wages and maternity protection, domestic workers are either excluded or are covered under less favourable conditions than workers generally. By contrast, domestic workers in the Americas and in Europe and Central Asia are nearly all covered, in most cases under conditions that are no less favourable than those provided for workers generally.

What are the real working conditions of domestic workers?

While progress has been made in legal coverage, these legal rights have not yet become a reality for most domestic workers. There remain significant decent work deficits in the areas of working time, wages and social security. Only one in five domestic workers enjoys effective employment-related social security coverage. Domestic workers are less likely to work within the range of normal weekly hours and are more likely to work very short or very long hours compared with their employee counterparts. Working outside what are considered "normal" working hours has implications for the wages and social security benefits of domestic workers, who are some of the lowest earners among all wage employees. Globally, they earn 56.4 per cent of the average monthly wages of other employees. Live-in domestic workers and migrant domestic workers can be particularly vulnerable to poor working conditions. Domestic workers are commonly exposed to chemical, ergonomic, physical, psychosocial and biological hazards and are especially vulnerable to violence and harassment.

How many domestic workers are informal workers, and are they in a more vulnerable situation?

The high rate of informal employment in the sector (81.2 per cent) points to the increased vulnerability of domestic workers. About 61.4 million domestic workers are in informal employment, meaning they have no effective access to social or labour protections. The share of informal employment among domestic workers is twice that of other employees (39.7 per cent) and still significantly higher than the overall share of informal employment among non-domestic workers, independent of their employment status



The share of informal employment among domestic workers is twice that of other employees.

(60.1 per cent). Domestic workers in informal employment face some of the worst working conditions. They earn on average 37.6 per cent of the monthly wages of formal employees.

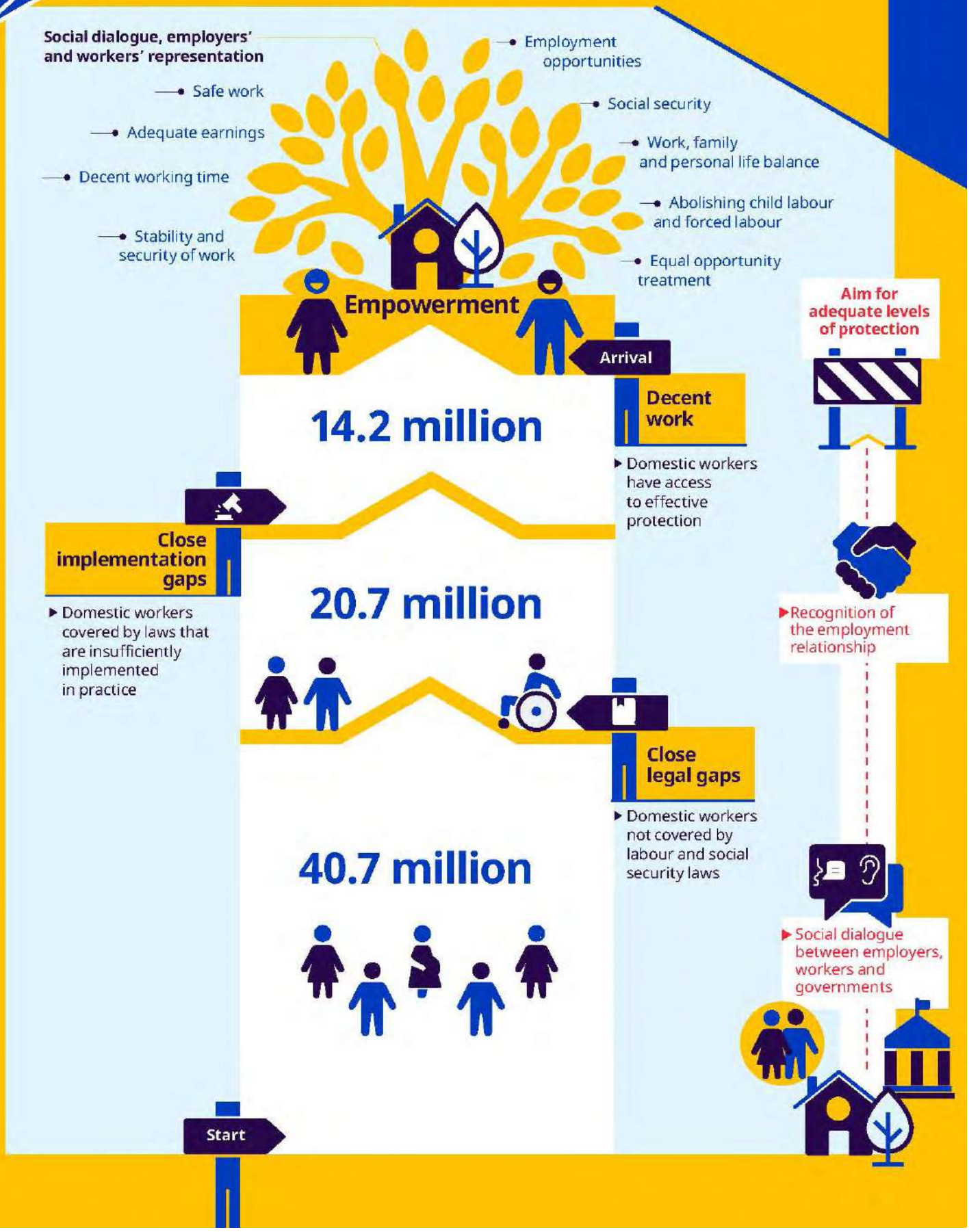
What are the impacts of the COVID-19 pandemic on domestic work?

Domestic workers are among those worst hit by the consequences of the ongoing COVID-19 pandemic. More domestic workers than other employees have lost their jobs or are seeing a dramatic reduction in working hours and correspondingly lower wages. Compared with the last quarter of 2019, the number of domestic workers in the second quarter of 2020 decreased by 5–20 per cent in most European countries covered, by about 50 per cent in Latin America and the Caribbean and by 70 per cent in Peru. To date, job losses have been higher among domestic workers in informal employment than those observed for all domestic workers and systematically higher than for other employees. Live-in migrant domestic workers are facing especially extreme scenarios. Despite providing essential services for clients who are often vulnerable, domestic workers frequently do not have adequate access to personal protective equipment (PPE). Informal domestic workers are the least likely to have access to income support or other emergency measures adopted to address the COVID-19 pandemic.

How much of the deficit in decent work is due to gaps in law versus gaps in implementation?

In this report, informality is used as the main indicator of effective access to rights and protection. There are three sources of informality: exclusion from labour and social security laws; lack of implementation or compliance with labour and social security laws; and insufficient or inadequate levels of legal protection. Using the first two sources of informality, the report measures the extent to which informality is due

Making decent work a reality for domestic workers



only to implementation gaps or is due to legal gaps that would need to be filled prior to closing implementation gaps.

Among the 61.4 million domestic workers who are informally employed, 66 per cent will require a first step towards formalization through their inclusion in the scope of pension schemes and other social security branches, and in the scope of any labour laws that are required to ensure adequate rights and protection. The remaining 34 per cent are covered by laws but remain in informal employment because the laws are not applied in practice.

The way forward: Closing legal and implementation gaps

The following points provide guidance on closing legal and implementation gaps, based on practices used by countries. While the points are organized by policy area, it is important that measures are taken with a view to protecting domestic workers coherently and comprehensively across all areas included in Convention No. 189.

Legal recognition of domestic workers

There has been a growing tendency to cover domestic workers both through general labour law and through specific labour laws or subordinate regulations. Regardless of the approach taken, social dialogue – particularly when it includes the participation of both employers' and workers' organizations, as well as organizations of domestic workers and of their employers, where they exist – has served to achieve such recognition and ensure that levels of protection are adequate.

Working time

Laws on working time should be established in coherence with applicable minimum wages, accounting for the various working arrangements in domestic work. Live-in domestic workers, in particular, do not always have rights equal to those of their live-out counterparts; they generally work longer hours; and they are more likely to receive a portion of their pay in kind. Efforts to close legal gaps may therefore target excessive working hours among live-in domestic workers by establishing periods of daily rest, regulating overtime pay and compensatory rest and limiting payments in kind. The right to rest must also be upheld by ensuring that domestic workers are free to dispose of their rest time as they please, with the right to leave the household during rest periods. Adequate regulation must be complemented by public awareness campaigns and tools to facilitate the monitoring and enforcement of working time regulations. In this respect, time sheets, work schedules and pay-slips help domestic workers and employers reach agreement on work schedules, time worked and wages paid. They also provide a written record that enables the enforcement of compliance.

Minimum wages and payment in kind

In closing legal gaps, governments are encouraged to engage with social partners to fix an appropriate minimum wage level that accounts for the specificities of the sector. To this end, data are needed, not only on domestic workers but also on employing households, their distribution across income groups, the percentage of income spent on domestic work and their capacity to pay. To ensure affordability and avoid potential negative impacts on employment, some countries have opted to take a gradual approach to extending minimum wage coverage. In a small but growing number of countries, such wages have even been fixed through collective bargaining and show significant promise in achieving wages that are adapted to the sector. However, while a well-designed minimum wage policy may encourage compliance, it is rarely sufficient to ensure it. Efforts must be made to raise public awareness of applicable wages. As simulations have demonstrated, achieving full compliance with the minimum wage among domestic workers will contribute to a reduction in overall wage inequality, will have the visible effect of reducing household inequality and will reduce relative poverty, both among domestic workers' households and overall.

Social security (including maternity leave and cash benefits)

The scope of social security laws needs to be extended to include domestic workers. Entitlements must also be sufficient – at least equal to those enjoyed by workers generally – and must include guaranteed access through appropriate eligibility criteria. Governments must remove administrative barriers, facilitate registration with multiple employers, simplify registration and contribution procedures (including by using digital technology) and facilitate access to benefits. Contributory rates must be adapted to the capacity of household employers and domestic workers alike, while ensuring that the benefits enjoyed by domestic workers are no less favourable than those enjoyed by workers generally. Government subsidies are an important mechanism in that regard. The promotion of awareness, through inspectorates, employers' and workers' organizations and public campaigns, helps to promote compliance. Behavioural insights can also help in systems design, taking into account the behaviour of households as employers of domestic workers and the behaviour of domestic workers themselves. Finally, inspection mechanisms must be adapted to promote compliance in the sector, including by establishing the conditions under which labour inspectors may be granted access to household premises as the workplace of domestic workers.

Occupational safety and health

Governments should ensure that domestic workers are covered by OSH laws, either through inclusion of domestic workers within the scope of OSH laws or by adopting special regulations for the sector. Such laws can mandate households or other employers to make domestic workers aware of OSH risks and provide them with PPE, and can be supplemented with guides on risks and prevention measures for use by public authorities, employers and domestic workers. Enforcement of these laws can be enabled by establishing the conditions under which labour inspectors may be granted access to household premises and by building the capacity of labour inspectorates to carry out awareness-raising and inspections. To support such measures, OSH surveys can help map the nature and incidence of risks and assist in effective policymaking.

Violence and harassment

As a systematic phenomenon that is deeply embedded in the patterns of society, acts of violence and harassment against domestic workers must become both legally and socially unacceptable. Domestic workers must be covered by labour, social security and OSH laws, as well as equality and non-discrimination laws. Those laws must cover all forms of violence and harassment to which domestic workers are exposed in their world of work. The implementation of applicable laws involves ensuring access to justice by: (a) strengthening the capacity of institutions to prosecute cases; (b) providing avenues for domestic workers to bring complaints and measures to protect them from reprisals; (c) allowing human rights and other organizations to denounce cases of violence and harassment; and (d) protecting whistle-blowers. Building capacity for enforcement by mandating labour inspectors, judges and other stakeholders to address violence and harassment is another key element in ensuring justice for domestic workers. Denormalizing violence and harassment requires the raising of public awareness via campaigns, guides, informational materials and hotlines.

Formalization as a means of making decent work a reality for domestic workers

Formalization is a means of, and a necessary condition for, achieving decent working and living conditions. In adopting formalization policies, the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), calls on Member States to adopt coherent and integrated strategies to facilitate the transition to the formal economy, while targeting the multiple drivers of informality at the same time.

Governments have worked to reduce the financial and transaction costs of formal employment through fiscal incentives, such as tax breaks or subsidies, and to simplify procedures for registering and making contributions to social security, including through digital technologies. They have also sought to increase the costs of non-compliance, including through punitive measures enforced by relevant public authorities. Awareness-raising campaigns have been carried out in countries around the world, often by the public authorities but also by employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist. Skills training and professionalization can also promote formal employment, particularly when training institutes simultaneously act as a point of hire for household employers, at which point they can enforce the signing of a contract in line with labour laws. Institutions should improve their accountability, effectiveness and transparency and provide adequate levels of benefits. This is an important condition for strengthening the perception of the fairness of institutions and increasing the willingness to formalize, as well as for providing the foundation for a sustainable formalization process.

Employers' and workers' organizations and organizations of domestic workers and of their employers, where they exist, have played a fundamental role in formalizing domestic work by: (a) providing services for their members; (b) participating in social dialogue to extend rights and protections; (c) advocating for fiscal incentives and subsidies; (d) establishing bipartite institutions to professionalize and ensure social security benefits for the domestic work sector; and (e) assisting the promotion of compliance.

Voice and representation

The existence of organizations of domestic workers and of organizations of their employers must be facilitated by the removal of barriers to freedom of association. Deep leadership training has helped domestic workers to establish their own representative organizations and to build and retain membership. Workers' organizations have also played an important role in supporting the organization of domestic workers, inter alia by providing training, advice and political support for domestic worker leaders in representing their sector in social dialogue.

The existence of organizations of employers of domestic workers is a prerequisite for collective bargaining and has also contributed to successful social dialogue beyond collective bargaining. These organizations have facilitated joint advocacy for increased public investment in domestic work, as a means of linking the interests of employers and workers.

A future in which decent work becomes a reality for domestic workers must be informed by the progress already achieved by organizations of domestic workers, organizations of their employers and committed policymakers. Social dialogue is a crucial instrument for addressing the remaining decent work deficits for domestic workers.

Introduction

In 2011, the International Labour Organization (ILO) adopted the Domestic Workers Convention, 2011 (No. 189), the first international legal instrument devoted to domestic work. In its Preamble, the Convention recognizes the contributions of domestic workers to the global economy and the persistent undervaluation of domestic work. Considering that domestic workers are some of the most marginalized workers, the Convention set out to ensure that they enjoy decent work, like all other workers, while taking into account the specificities of the sector. Since then, much progress has been made towards achieving decent work for domestic workers; however, for far too many workers in this sector, decent work has not yet become a reality.

Shortly after the adoption of Convention No. 189, the ILO produced the report *Domestic Workers Across the World* (ILO 2013a), which provided the first global estimate of the number of domestic workers. It also provided regional estimates and an estimate of the percentage of domestic workers covered by key labour and social security laws governing working time, wages and maternity protection.

The present report provides an overview of the situation of domestic workers today, ten years after the adoption of the Convention. Using a novel statistical approach, Part I (Chapters 1 and 2) of this report provides new global and regional estimates of the numbers of domestic workers, as defined in Convention No. 189. Using *Domestic Workers Across the World* as a baseline, Part II (Chapters 3 to 6) reviews the extent to which domestic workers enjoy legal coverage (meaning their inclusion under key labour and social security laws) and assesses progress made since the adoption of the Convention with respect to working time, wages, maternity leave and cash benefits. It also includes new data on the extent of legal coverage with respect to social security more broadly.

While data suggest that significant progress in legal coverage has been achieved, important gaps in implementation and decent work deficits remain. Part III (Chapters 7 to 11) presents new estimates of the extent to which domestic workers **enjoy effective coverage** (meaning that they can effectively access their rights and protections in reality) in the areas of working time, wages and social security protection. Indications of the situation of domestic workers with respect to occupational safety and health (OSH) and violence and harassment at work are also addressed. A new estimate of the extent of informality in domestic work is then presented, demonstrating its implications for decent work deficits. Importantly, the report provides a measure of the share of domestic workers who are in informal employment due to a lack of implementation of applicable laws and policies, or for whom legal gaps must be closed before the question of implementation can be addressed.

The results of Part III highlight some of the challenges on the path towards making decent work a reality for domestic workers. For each challenge, good practices for closing legal and implementation gaps in each of the policy areas covered are also presented. The crucial role of voice, representation and social dialogue in achieving the goal of making decent work a reality for domestic workers is an important theme in each chapter of Part III and is also highlighted in Chapter 10. Chapter 11 presents new data on the impact of the COVID-19 pandemic to illustrate the extent to which the pandemic has affected employment and working conditions among domestic workers generally, in particular informal domestic workers.

Part I

Definitions, sources and methodology

Producing a global estimate of the number of domestic workers requires a clear, shared understanding of which workers can be considered as "domestic workers" and a common methodology for identifying domestic workers in national surveys. Article 1 of Convention No. 189 provides an international legal definition and thus a conceptual framework within which to develop a methodology for identifying domestic workers in national surveys. However, national surveys have often not captured all domestic workers falling under the definition provided by Convention No. 189. In an effort to align the legal and statistical definitions, the ICLS revised the statistical definition of domestic work and domestic workers in 2018, as part of its resolution concerning statistics on work relationships. The approach in this report is primarily aligned with the definition provided by Convention No. 189, while also employing the combination of criteria to identify domestic workers that is recommended in the statistical standard.

For the present estimates, new efforts were made to capture not only domestic workers employed directly by households, but also those working for or through service providers. As a result, the estimate presented in this report should provide a more accurate and reliable picture of the number of domestic workers worldwide. The following paragraphs outline the methodology; they are complemented by a methodological annex (Annex 4) that takes the reader through the different steps, explaining the key ways in which the present methodology differs from previous efforts.

The definition of domestic workers in Convention No. 189

When the ILO discussed the adoption of a new standard on domestic work in 2010, the delegates to the International Labour Conference spent much time defining the terms "domestic work" and "domestic worker". The objective was to capture all domestic workers, but the diversity of definitions of "domestic worker" across the world was a challenge if the Committee was to adopt a unified position. A tripartite working group was nominated to put forward proposals for discussion. Upon submitting the proposed definition to the Committee, the reporter of the working group noted that they had "agreed that the definitions were to be inclusive, in order to ensure that all domestic workers in need of protection could benefit from the Convention" (ILO 2010a, 19/34). The result of these negotiations was indeed a broad definition of domestic work, which is now enshrined as Article 1 of Convention No. 189:

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.

Unpacking some of the wording of this provision reveals the full breadth of the scope that was intended. First, it is noteworthy that "domestic work" is not defined by the tasks performed. While domestic workers typically undertake cleaning, cooking and care of children and elderly or disabled people, as well as gardening, driving

and guarding private households, the reality is that tasks vary across countries and over time. For instance, in some countries, private tutors and coaches fall under the definition of domestic work.[3] Domestic workers also provide a range of indirect and direct care services in or for a private household (ILO 2018a) (see box 0.1). Given this heterogeneity of tasks, the defining characteristic of domestic work was determined to be the workplace, that is, the household.

A second nuance of the definition of domestic work in Convention No. 189 is that it can be performed either in a household or for a household. The chosen wording serves to broaden the scope of application in two ways: first, to ensure that those working off the premises, such as drivers, would remain covered; and second, to ensure coverage of those providing services to households by way of third parties. In the discussions preceding the adoption of this provision, it was noted that the Convention should apply to those directly employed by a household or employed by an agency (ILO 2010b, 12/31; Fudge and Hobden 2018). This provision and the absence of a definition of an "employer" leave open the possibility of including domestic workers who work through or for service providers, including digital platforms.

A third key dimension of Article 1 of Convention No. 189 is that domestic work can be performed in, or for, one, or many, households. The inclusion of multiple workplaces sought to ensure coverage of those domestic workers who provide services for multiple households over the course of a given period, usually on an hourly or daily basis. Despite the reference in Article 1(c) to exclude those who perform domestic work only occasionally or sporadically, its purpose was not to exclude domestic workers who work in casual work arrangements on an occupational basis. For this reason, reference is made to domestic work taking place within an employment relationship. Indeed, the reporter of the tripartite working group that was tasked with elaborating the definition stated: "It was not the intention of the proposed text ... to exclude day labourers, part-time workers or those who worked irregularly ... if those workers were performing domestic work as an occupation" (ILO 2010b, 12/32). The Committee of Experts on the Application of Conventions and Recommendations (CEACR) has since made several direct requests to governments, confirming the need to include occasional workers when domestic work is performed on an occupational basis.[4]

In sum, Convention No. 189 provides a broad framework for understanding domestic work. It is inclusive in spirit, defining domestic work as work performed in or for a household or households, within an employment relationship and on an occupational basis. Thus, it covers those who live in and out of the household; who work on an hourly, daily, monthly or other basis; who work for a single household or multiple households; and who are employed either by the household or through a service provider. Regardless of the working arrangements, the factor that brings them together is that their activities are performed in or for private households.

3 See, for instance, the United Arab Emirates, which also includes private falcon trainers within the scope of Federal Law No. 10 of 2017 on domestic work.

4 ILO, Direct Request (CEACR) – adopted 2017, published 107th ILC session (2018): Domestic Workers Convention, 2011 (No. 189) - Paraguay (Ratification: 2013). See also ILO, Direct Request (CEACR) - adopted 2018, published 108th ILC session (2019): Domestic Workers Convention, 2011 (No. 189) - Finland (Ratification: 2015).

▶ Box 0.1 Domestic work as care work

Domestic workers are those workers in the care economy who work in or for a household or households on an occupational basis (ILO 2018a). The inclusion of domestic workers in the care economy recognizes the fact that domestic workers provide services and goods that are socially necessary for the maintenance of households and the well-being of families, most often in the form of either direct or indirect care activities. A report published by the International Labour Office adopted a well-established definition of care work as consisting of two kinds of activities, which are not mutually exclusive. First are those that consist of direct, face-to-face, personal care activities, such as feeding a baby, helping an older person take a bath, providing basic healthcare, assistance with mobility and activities of daily living (ILO 2020c) or teaching young children. As such, direct care in domestic work includes personal assistance services, mainly for people with a certain level of dependence, such as young children, elderly persons, persons in convalescence or persons with disabilities, enabling them to remain in their own homes. Second are indirect care activities that do not entail face-to-face personal care, such as cleaning, cooking, doing laundry and other household maintenance tasks that provide the preconditions for personal caregiving. Indirect care activities, while they may not require direct contact with members of the household, do ensure that the latter live in a safe and healthy environment. They therefore complement direct care activities (Duffy 2005; Razavi 2007; Budlender 2008).

Understanding domestic work as care work can result in some occupations landing at the intersections of person care/social care, healthcare and domestic work, particularly when they work for or through a service provider. This area of overlap has implications for how they are accounted for in national statistics. For example, personal care workers who provide services for households through a service provider are likely to be counted, statistically speaking, as care workers in the health and social work sector, whereas if they provide the same services when employed directly by households, they may be counted as domestic workers. Yet, in both cases, they would fall within the scope and definition of domestic workers as per Convention No. 189.

The estimates in this report have sought to include all domestic workers who provide indirect and direct care services.

The statistical definition of domestic work

The estimates presented in this report capture "domestic workers" as defined by the 20th International Conference of Labour Statisticians (ICLS) definition, which was adopted in 2018 to align more closely with the definition set out in Convention No. 189. This statistical definition includes:

a. domestic employees, defined as all workers engaged directly as employees of households to provide services mainly for consumption by the household members, irrespective of the nature of the services provided;

b. domestic workers employed by service providers; and

c. domestic service providers employed for profit (see ILO 2018b, paras 103–109).

The new statistical definition largely aligns with the legal definition provided by Convention No. 189. One important distinction is that the statistical definition explicitly captures domestic workers working as "independent workers or dependent contractors". In some circumstances, domestic workers are classified as "independent workers or dependent contractors".[5] Moreover, when responding to national surveys, somedomestic workers may self-declare as independent workers,[6] irrespective of their actual legal status. In addition, in national surveys it is not possible to distinguish between domestic workers who self-declare as independent workers correctly and those who do so falsely. A preliminary analysis of available data showed that only a very small proportion of domestic workers (4.7 per cent of the total number of domestic workers) self-declare as independent workers, irrespective of their actual legal status. As such, for the present estimates, in order to meet international guidelines, both statistical and legal, domestic workers who self-declared as independent workers (category (c) of the statistical definition above) were also counted as employees. The estimates thus capture live-in and live-out domestic workers employed directly by a household or households; domestic workers employed through a service provider; and domestic workers who provide direct and indirect care services. The estimates do not include domestic workers under the age of 15 (see box 1.2 in Chapter 1).

To enhance international comparability, a common approach was applied to each country when processing microdata to identify domestic workers (see Annex 4). As a result, statistics are as far as possible comparable across countries and regions; but the ILO's country estimates of the number of domestic workers (as presented in Annex 5) may differ from national ones, when they exist. As opposed to estimates made in previous years, most[7] of the current estimates are produced on the basis of microdata rather than published data. In total, the original labour force and household survey microdata sets that were available from 145 countries and territories (complemented with published data from ten countries) were used to produce the global and regional estimates (see details by country on sources used in Annex 3; and see table A4.3 for coverage by region in Annex 4). These countries account for 95.4 per cent of global employment. Global estimates of the number and proportion of domestic workers refer to 2019 for domestic workers aged 15 years old and over, who consider domestic work their main job.

> The estimates capture domestic workers employed directly by households and those employed through a service provider.

5 "Dependent contractors" are defined as: "workers who have contractual arrangements of a commercial nature (but not a contract of employment) to provide goods or services for or through another economic unit. They are not employees of that economic unit, but are dependent on that unit for organization and execution of the work, income, or for access to the market. They are workers employed for profit, who are dependent on another entity that exercises control over their productive activities and directly benefits from the work performed by them." See ILO 2018b, para. 35.

6 Statistically speaking, "self-declared independent domestic workers" captures those who have the "degree of autonomy and of economic independence necessary to be considered an independent worker in national law"; it also captures dependent contractors who do not benefit from such autonomy as defined in ILO 2018b, para. 35.

7 Published data are used for a limited number of countries or territories: Australia, Bahrain, Germany, Hong Kong (China), Kuwait, Malaysia, Qatar and Saudi Arabia.

Chapter 1

Global and regional estimates

▶ Global overview

In 2019, at least 75.6 million men and women aged 15 years old and over throughout the world were employed as domestic workers. This figure represents the combined populations of Cape Town, Hong Kong (China), New York City, Mexico City and São Paulo.[8]

Domestic work is an important source of employment: globally, a little over one in 50 workers are employed as domestic workers, accounting for 2.3 per cent of employment worldwide. When looking only at employees, this figure almost doubles: one in 25 employees (4.5 per cent) work as domestic workers.

Since these estimates date from 2019, they do not take into account job losses during the COVID-19 pandemic. While domestic workers have suffered many kinds of impact resulting from the pandemic, one of its main consequences has been the reduction of working hours and job losses resulting from fear and the restricted mobility associated with confinement measures. Chapter 11 presents the impact of the pandemic on employment, wages and working hours of domestic workers, in countries for which data were available.

The weight of domestic work as a source of employment varies across the globe. Domestic work represents by far the largest share of total employment in the Arab States, where domestic workers account for 12.3 per cent of all workers and 14.8 per cent of all employees (figure 1.1, panel B). Domestic workers also represent an important share of employees in Africa (7.3 per cent), Latin America and the Caribbean (8.4 per cent) and Asia and the Pacific (4.6 per cent). In contrast, domestic workers represent only 1 per cent of employees in Europe and Central Asia.

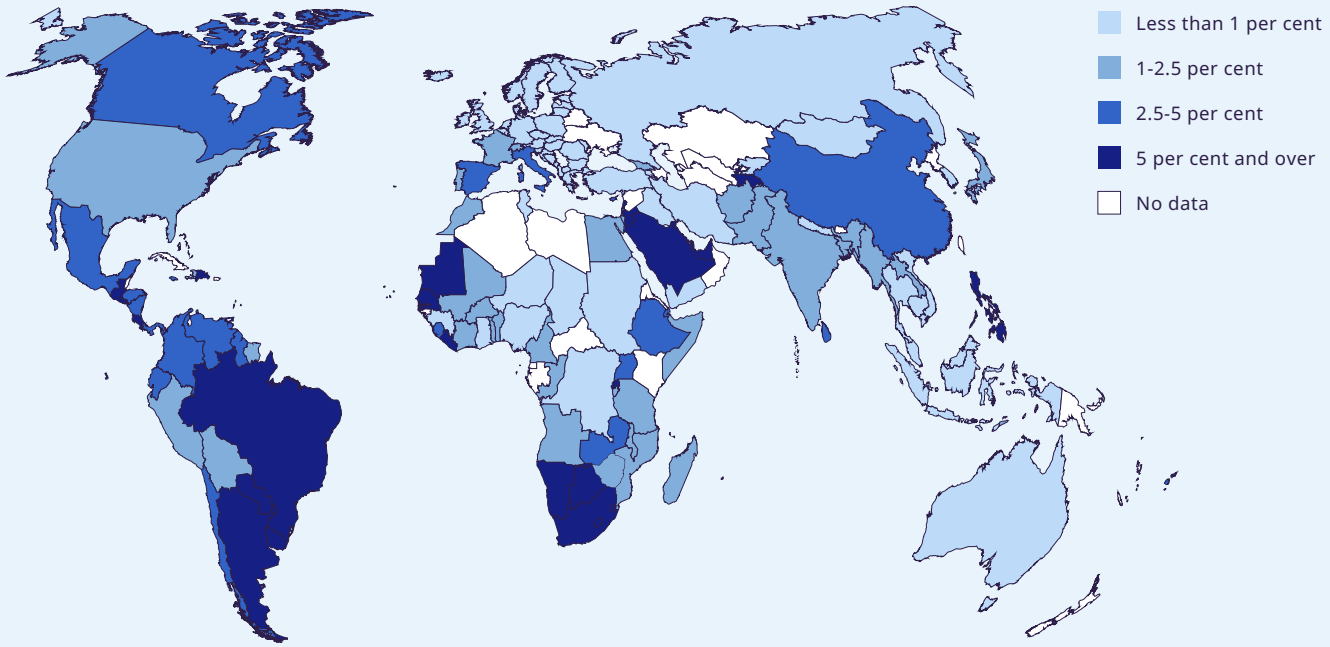
For details of the comparability of ILO global and regional estimates over time, see box 1.1.

> There are 75.6 million domestic workers aged 15 years and over throughout the world, representing 2.3 per cent of employment, or 4.5 per cent of employees.

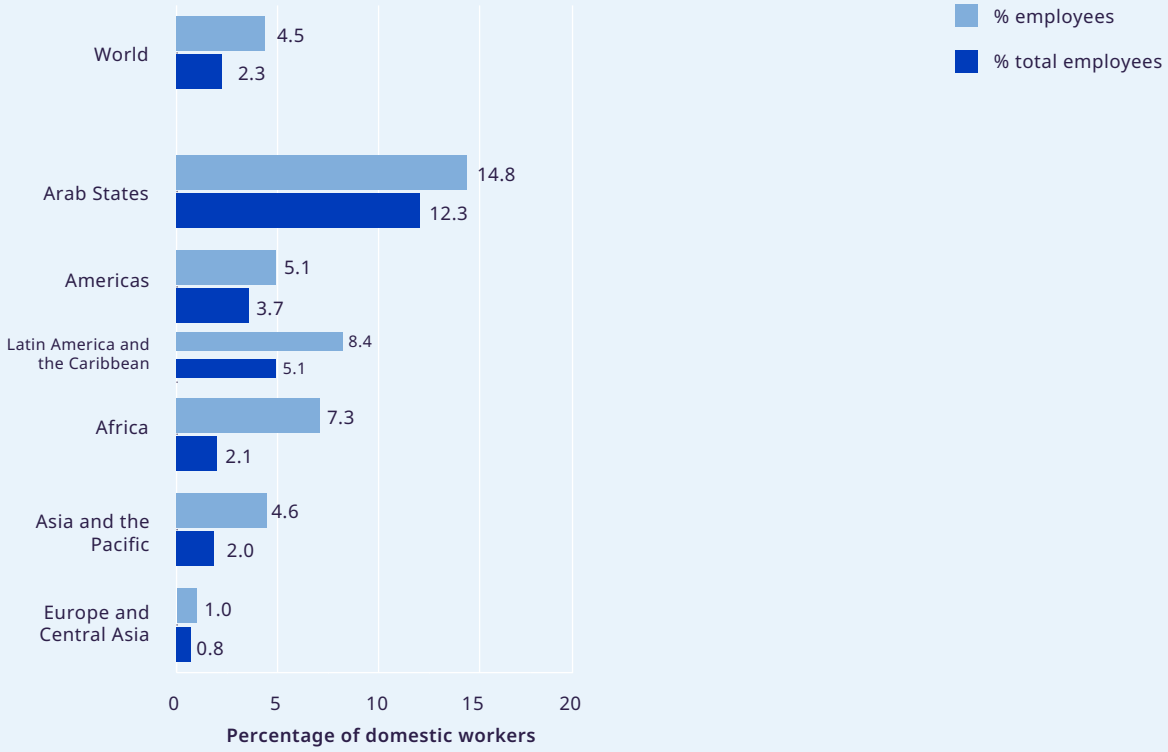
8 Based on statistics taken from United Nations Human Settlement Programme (UN-HABITAT), Global Database of Metropolises 2020.

Figure 1.1 Percentage of domestic workers in total employment and as a percentage of employees, 2019

Panel A.
Percentage of domestic workers in total employment



Panel B.
Global and regional estimates of the percentage of domestic workers in total employment and among employees



Note: ILO calculations. See methodology, number of countries covered and representation in the methodological section of Part I and in Annex 4; detailed data sources in Annex 3; country data for the latest available year in Annex 5; global and regional numbers for 2019 in Annex 6; and the classification of countries/territories by region in Annex 2.

▶ Box 1.1 Comparability of ILO global and regional estimates over time

Since 2013, the ILO has produced three estimates of the global number of domestic workers. Progressive improvements in data quality and differences in requirements for each estimate made have meant that the data across these estimates are not directly comparable. The first ILO estimates, which were published in 2013 and based on data from 2010, showed 52.6 million domestic workers (ILO 2013a). This first effort was largely based on official data published by national statistical offices, with only a small number of countries in which the data were computed from microdata sets. In the second estimate produced in 2015, the ILO estimated there were 68 million domestic workers worldwide; however, in this case, microdata sets were used and estimates were made on the basis of the labour force (including both unemployed and employed workers) (ILO 2015g). The results were therefore not comparable with the first report. Further estimates were produced in 2018 to assess the share of domestic work among care workers (ILO 2018a). This approach arrived at an estimate of 70 million domestic workers; however, in this case, the size of the domestic workforce was compared with the employed population, including employees, independent workers and contributing family workers.

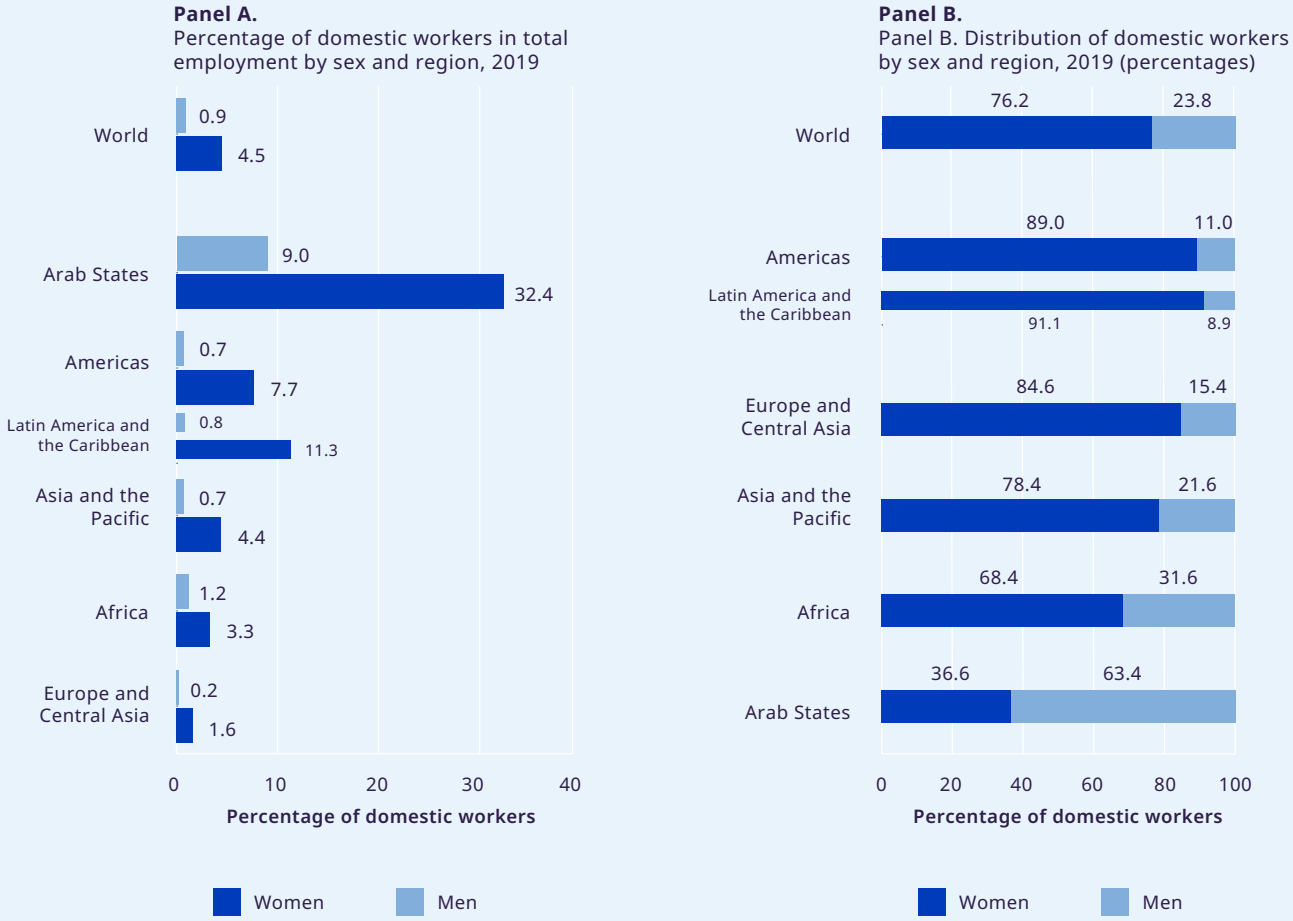
The present estimates have again sought to improve quality and accuracy, forgoing the possibility of a strict comparison with the estimates produced for 2010. As well as including occupational classifications in order to better capture all domestic workers as defined by Convention No. 189, these estimates have also assimilated all independent domestic workers as employees, with the intention of matching the scope and definition established by Convention No. 189, whereby domestic work is performed within an employment relationship. In an effort to maintain some comparability with previous estimates, this figure was then compared with the number of employees and the number of persons in employment.

> While women dominate the sector, about a quarter of domestic workers are men.

Domestic work remains a female-dominated sector, employing 57.7 million women, who account for 76.2 per cent of domestic workers (figure 1.2, panel B). Women domestic workers outnumber men domestic workers in nearly all countries and in all regions except the Arab States, with the highest share being in the Americas at 89 per cent.

The sector also remains an important source of employment for women. Globally, female domestic workers make up 1 in 22 women workers, or 4.5 per cent of total female employment (figure 1.2, panel A). Female employees are particularly likely to be employed as domestic workers, with 1 in every 12 female employees (8.8 per cent) working as a domestic worker. About

Figure 1.2 The gender dimension



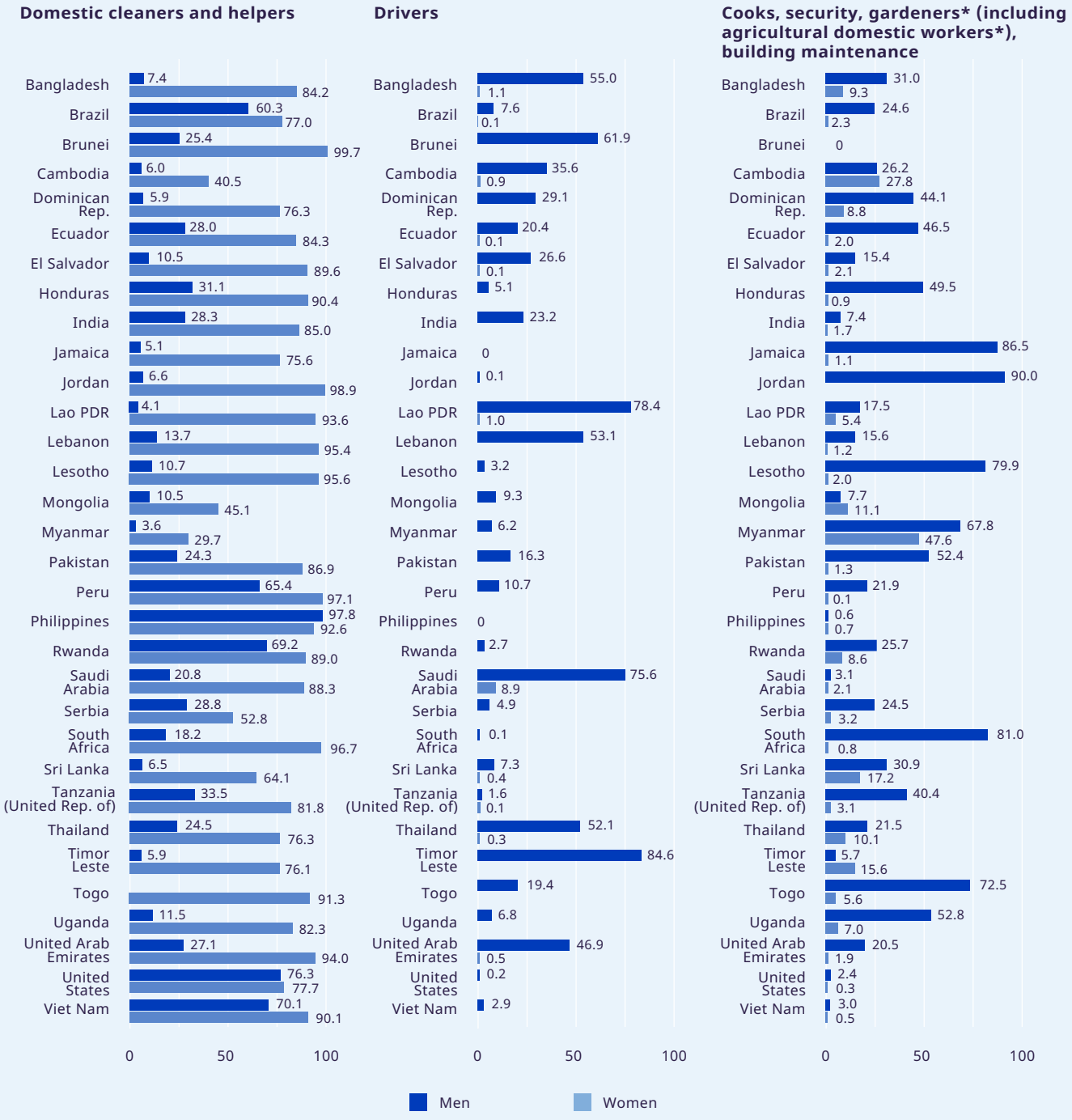
Note: As for figure 1.1.

one in three female employees are domestic workers in the Arab States and a little more than one in five in Latin America and the Caribbean (see Annex 6, Table A6.1). The propensity of women to become domestic workers is so much higher than that of men that it more than compensates for women's lower labour market participation. While women clearly dominate the sector, nearly one in four domestic workers (18 million) are men. Men actually outnumber women in domestic work in the Arab States (63.4 per cent) and make up an almost equal share in Southern Asia (42.6 per cent). However, the sector represents a much smaller source of employment for men generally: only 0.9 per cent of employed men work as domestic workers (figure 1.2, panel A).

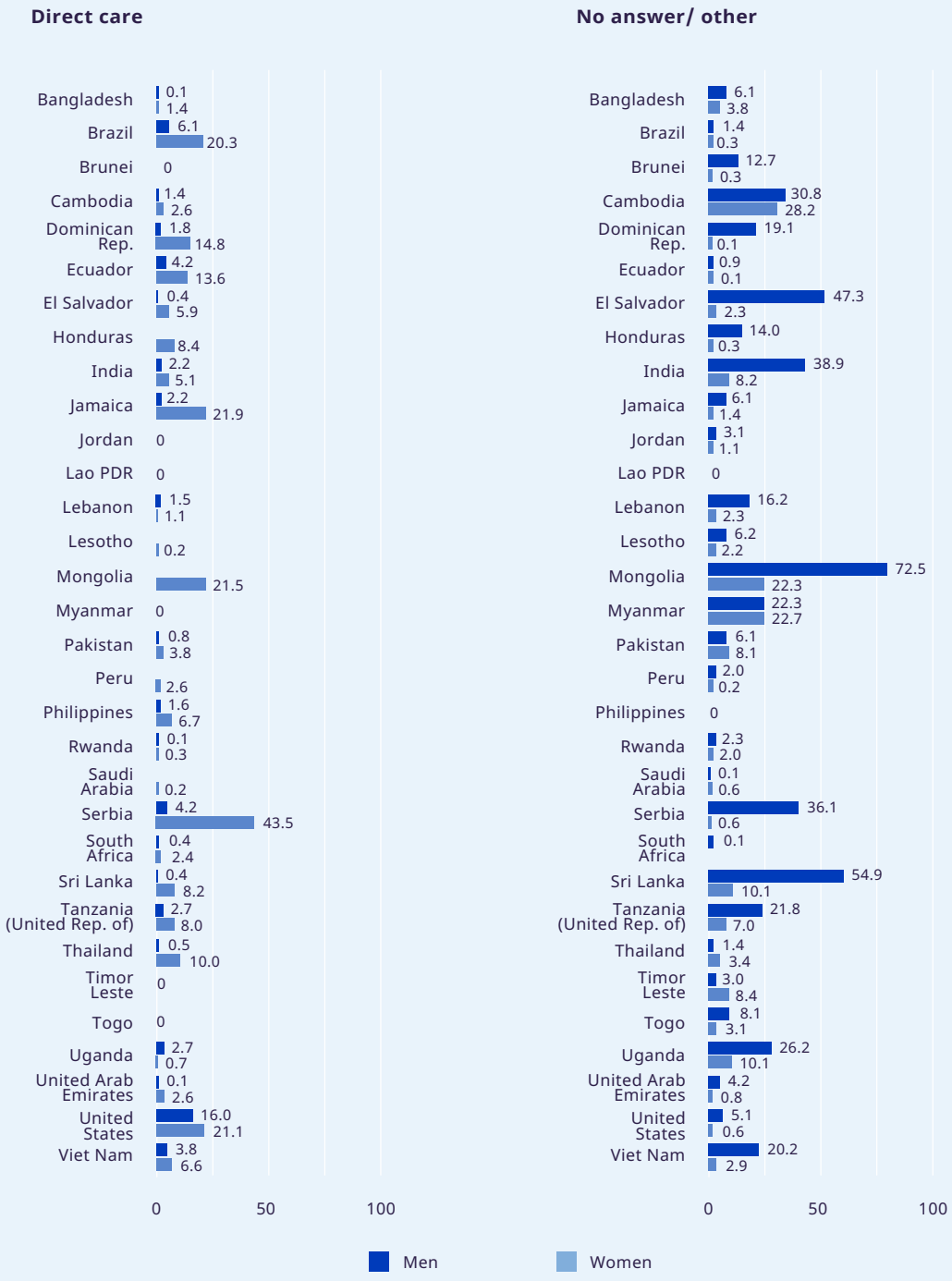
In most countries where data were available, there is a relatively clear segregation between men and women in the most typical occupations in domestic work. With few exceptions, women domestic workers are domestic cleaners and helpers and direct caregivers, whereas men domestic workers tend to be drivers, cooks, gardeners, building maintenance men and security guards. Also, occupations among men domestic workers are more diverse and in some cases are associated with odd jobs rather than well-defined occupations (figure 1.3).

Figure 1.3 Gender-based occupational segregation among domestic workers, 2019

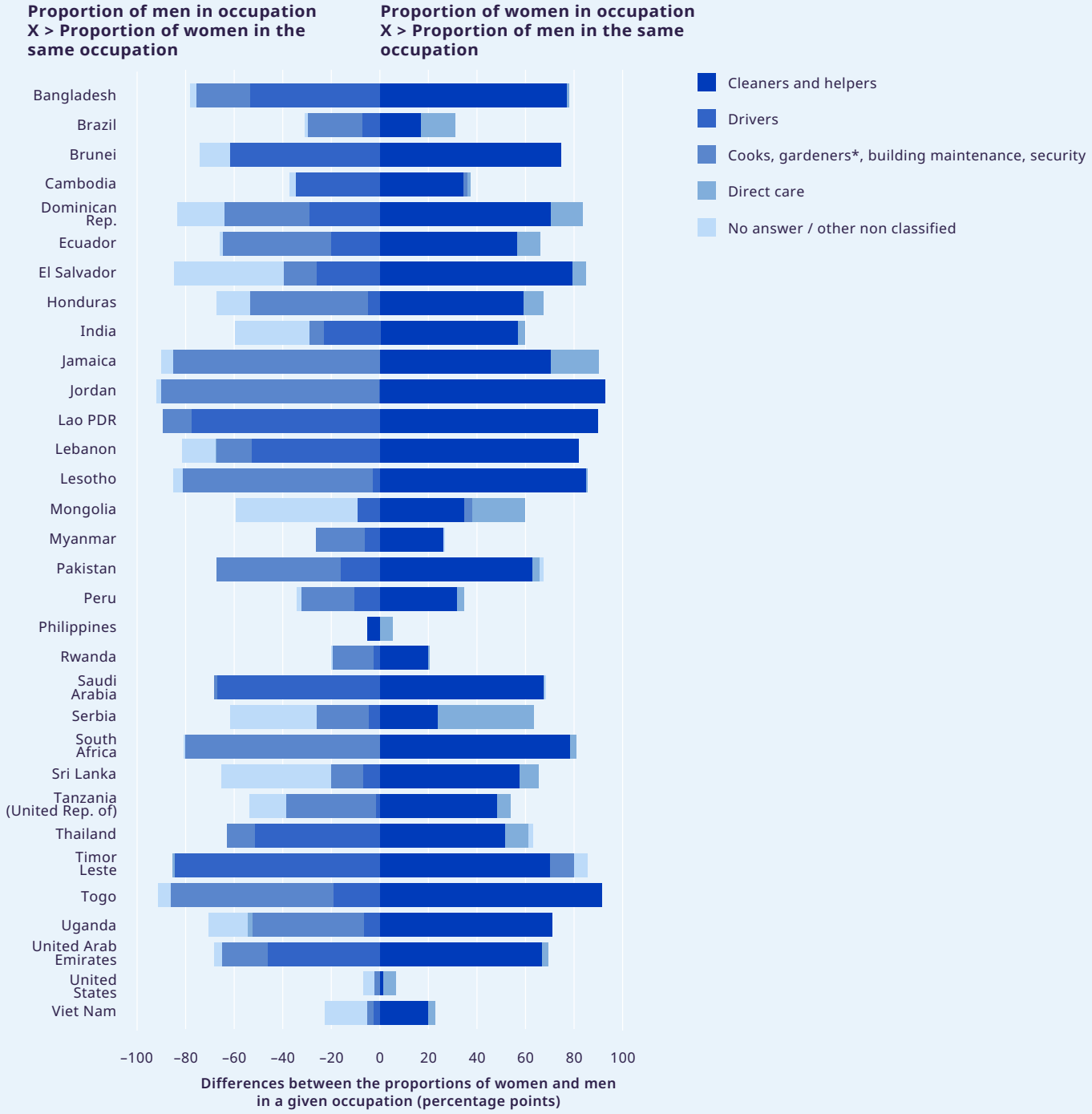
Panel A.
Distribution of women and men domestic workers by occupation (percentages)



* Including agricultural domestic workers, who represent a significant share of men domestic workers in selected countries (10 per cent in Cambodia and Rwanda and about 50 per cent or higher in Lesotho, Myanmar, South Africa and Uganda). See detailed country sources and years in Annex 3. The selection of countries is based on data availability by detailed occupations.


Direct care
No answer/ other
Bangladesh 0.1 1.4 6.1 3.8
Brazil 6.1 20.3 1.4 0.3
Brunei 0 12.7 0.3
Cambodia 1.4 2.6 30.8 28.2
Dominican Rep. 1.8 14.8 19.1 0.1
Ecuador 4.2 13.6 0.9 0.1
El Salvador 0.4 5.9 47.3 2.3
Honduras 8.4 14.0 0.3
India 2.2 5.1 38.9 8.2
Jamaica 2.2 21.9 6.1 1.4
Jordan 0 3.1 1.1
Lao PDR 0 0
Lebanon 1.5 1.1 16.2 2.3
Lesotho 0.2 6.2 2.2
Mongolia 21.5 72.5 22.3
Myanmar 0 22.3 22.7
Pakistan 0.8 3.8 6.1 8.1
Peru 2.6 2.0 0.2
Philippines 1.6 6.7 0
Rwanda 0.1 0.3 2.3 2.0
Saudi Arabia 0.2 0.1 0.6
Serbia 4.2 43.5 36.1 0.6
South Africa 0.4 2.4 0.1
Sri Lanka 0.4 8.2 54.9 10.1
Tanzania (United Rep. of) 2.7 8.0 21.8 7.0
Thailand 0.5 10.0 1.4 3.4
Timor Leste 0 3.0 8.4
Togo 0 8.1 3.1
Uganda 2.7 0.7 26.2 10.1
United Arab Emirates 0.1 2.6 4.2 0.8
United States 16.0 21.1 5.1 0.6
Viet Nam 3.8 6.6 20.2 2.9
0 50 100
0 50 100
Men
Women

Panel B.
Occupational differences between women and men domestic workers (percentage points)



Note: Panel A. The sum of those occupations among domestic workers is equal to 100 for women and men domestic workers, respectively.

Panel B. 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 higher than the corresponding proportion among men domestic workers for the same occupation. By contrast, negative values as shown on the left side reflect occupations in which men domestic workers are over-represented.

Panels A and B. Detailed data sources are available in Annex 3.

The majority of domestic workers are in informal employment

Of the 75.6 million domestic workers worldwide, 61.4 million (81.2 per cent) remain in informal employment. The high proportion of domestic workers in informal employment is a strong indicator of how few domestic workers enjoy rights and protection in practice. Statistically speaking, domestic workers are considered to be in informal employment primarily if they and their employers are not making contributions to social security. 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. Parts II and III of this report provide an in-depth analysis of these indicators of informality and the consequences of informal employment, as well as good practices for formalizing domestic workers.[9]

See box 1.2 for details of children and young people engaged in domestic work.

Of the 75.6 million domestic workers worldwide, 61.4 million are in informal employment, including 45.8 million women domestic workers. The share of informal employment among domestic workers is twice the share of informal employment of other employees.

9 Chapters 3 to 6 in Part II of this report present detailed estimates of the percentage of domestic workers who are covered by key labour and social security laws and therefore, by inference, the percentage who are informal owing to a lack of such legal coverage. Chapter 9 in Part III then presents detailed estimates of the percentage of domestic workers who are in informal employment, identifying the source of their deficit of protection, including the extent of gaps in legal coverage (exclusion from or inadequate legal coverage) and informality associated with implementation gaps.

▶ Box 1.2 Enumerating children in domestic work

The estimates in this report currently cover domestic workers aged 15 years old and over. It is noteworthy, however, that millions of children and young people engage in domestic work around the world. The most recent estimates show that 7.1 million children aged 5 to 17 years are engaged in child labour in domestic work. This includes 4.1 million children between the ages of 5 and 11 years, 1.1 million children between the ages of 12 and 14 years and 2.0 million children between the ages of 15 and 17 years. Compared with adults, a comparatively lower percentage of children and young people in domestic work are girls. Nevertheless, girls still make up the majority: 61 per cent are girls and 39 per cent are boys. The perpetuation of traditional female roles and responsibilities both within and outside the household, as well as the perception of domestic service as part of a woman's "apprenticeship" for adulthood and marriage, contribute to the persistence of child domestic work as a form of child labour. Conditions of informality, such as exclusion from labour protection and social protection, also create the conditions in which child labour can thrive.

Domestic workers, in particular child domestic workers, are highly vulnerable to physical, sexual, psychological or other forms of abuse, harassment and violence because their workplace is shielded from the public and they generally lack co-workers. Live-in workers and migrant domestic workers are particularly affected. Convention No. 189, in line with the ILO Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), requires Member States to take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. In addition to emphasizing the need to eliminate child labour in domestic work, particular attention should be paid to the special needs of child domestic workers, namely children above the legal minimum age for admission to employment or work and below 18 years of age (ILO 2017a).

Source: ILO and UNICEF (2021).

Understanding the nature of and demand for domestic work

The size of the domestic workforce depends on a range of factors on both the supply and the demand side. Research has already substantiated some of the factors that push women and men to seek employment as domestic workers. Some of the most pronounced factors are poverty, a need to generate more income for their families, and a lack of employment opportunities (Anderson 2000; Blofield 2012). In some cases, these same factors push women and men to become domestic workers far from home, in urban centres in their home countries, or in other countries with the promise of earning a higher income (Parreñas 2000; Lutz 2011; Michel and Peng 2017).

What is less well documented is the influence of the size and nature of the demand for domestic work. To date, there exist very few studies that analyse what drives the demand for domestic work. One area in which there has been some research on this question is the care economy. Research has shown that the number of domestic workers in a country is correlated with dependency ratios; the relative presence of different types of care policies within distinct care regimes; and cultural norms with respect to social status and inequality (ILO 2018a). Dependency ratios and care policies influence the size of the workforce largely because of the nature of the services provided by domestic workers to help households to meet their direct and indirect care needs. Indeed, domestic workers form an important share (18 per cent) of care workers (see box 0.1). Their labour has contributed to allowing

millions of their employers, in particular female employers, to participate actively in the labour market. ILO estimates have found that 647 million persons of working age are outside the labour force owing to family responsibilities, the large majority of whom (606 million) are women. In middle-income countries, unpaid care work is the most widely reported reason for women's inactivity in the labour market. In fact, women dedicate on average 3.2 times more hours than men to unpaid care work, and that figure increases significantly with the presence of children in the household (ILO 2018a).

The same research found that the existence and nature of care policies also influences the number of domestic workers employed directly by households. Where countries have extensively invested in care policies, the share of domestic workers employed directly by households is lower. Countries such as Denmark, Finland, the Netherlands, Norway and Sweden, with high levels of mostly public employment in the education and health and social work sectors, typically have lower percentages of domestic workers employed directly by households. Many countries in Europe and North America, which rely more on market mechanisms, with some public assistance for care service delivery, follow a similar pattern. In contrast, domestic workers employed directly by households make up a much larger share of care employment in countries with medium-to-high levels of employment in other segments of the care sector. Such is the case in several countries in South America, as well as a few other countries, such as Kuwait, Saudi Arabia and South Africa. Domestic workers also make up a high proportion of employment in countries with low levels of employment in other segments of the care sector, such as several countries in Africa and Central America, as well as China, Indonesia and Sri Lanka. Finally, domestic workers represent a small proportion of employment in some countries with low-to-medium levels of care employment overall. In several countries in Eastern Europe and Western Asia, the low share of employment in domestic work is due in part to public sector delivery of these services. In some low-income countries of Africa and Asia, on the other hand, employment in the care sector, including domestic work, is low overall (ILO 2018a).

While the hiring of domestic workers has been correlated with enabling female labour participation, in some cases domestic workers are hired primarily to permit members of the household, in particular women, to withdraw from arduous domestic work and drudgery. Such is more likely to be the case in countries where women's withdrawal from the labour market is associated with social status (Rao 2011, 762).

> The share of the domestic work sector is in part a result of income inequality: domestic workers are over-represented in upper-middle-income countries, mostly due to large countries with both a high share of domestic workers and some of the highest Gini coefficients.

Finally, some research suggests that the share of the domestic work sector is in part a result of income inequality. Using the Gini coefficient, research conducted by the ILO found that the higher the level of income inequality, the larger the size of the domestic workforce as a share of total employment (ILO 2018a). These findings are compatible with the distribution of the domestic workforce across country income groups (figure 1.4). Domestic workers are over-represented in upper-middle-income countries: more than half (53.1 per cent) of all domestic workers are in upper-middle-income countries, compared with 46.8 per cent of all employees. The over-representation of domestic workers is mostly due to large countries with both a high share of domestic workers and some of the highest Gini coefficients,[10] such as

10 It is important to note, however, that these results are likely influenced by the strong underestimation of the number of domestic workers in low-income countries.

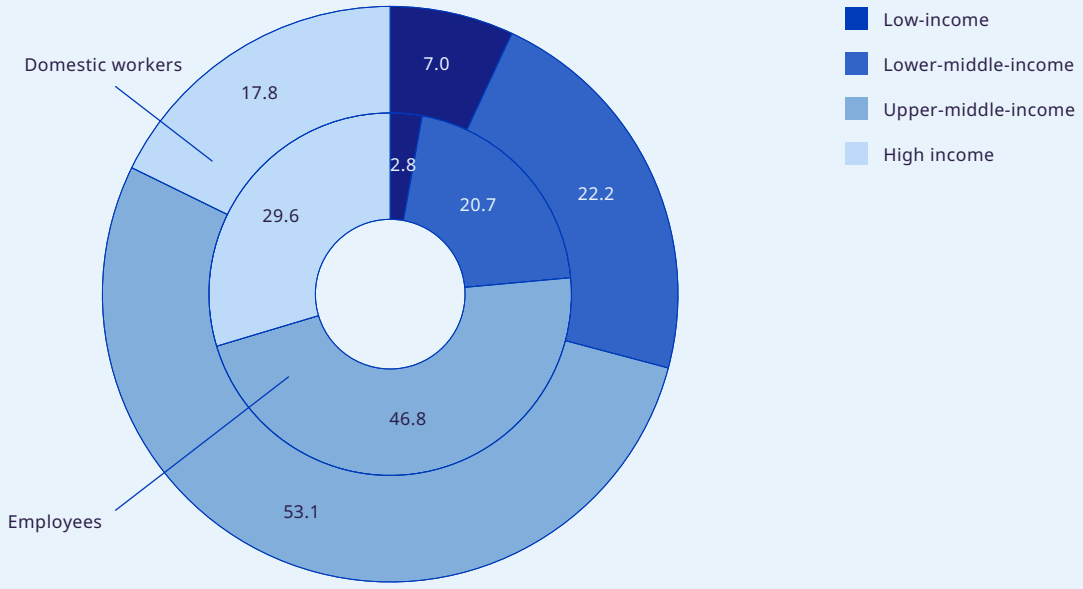
Argentina and Brazil.[11] Such inequalities are also visible between countries, which explains the high share of domestic workers in the Arab States, the majority of whom are migrants from poorer countries who are willing to accept relatively low wages.

Another way of understanding the relationship between income inequality and the demand for domestic work is in terms of a worker's willingness to accept an offer of employment at a given wage and an employer's willingness and capacity to pay for services. In other words, in countries with higher levels of income inequality, the demand for domestic work is driven, at least in part, by the fact that there is a large number of people who are willing to accept relatively low wages, which are paid by a large enough number of households with the capacity to employ domestic workers (ILO 2018a). Higher levels of informality and low levels of compliance with legal responsibilities deriving from the employment relationship also are likely to contribute to the size of the demand for domestic work, by making it more affordable for households to employ domestic workers. Conversely, in more developed economies, where wages and rates of compliance are higher, fewer households are able to afford full-time domestic workers.[12]

11 Argentina and Brazil account for 3.5 and 15.8 per cent, respectively, of the total number of domestic workers in upper-middle-income countries and 1.7 and 7.7 per cent, respectively, of total employees. China makes up the majority in this group of countries, accounting for 56 per cent of domestic workers and 51.3 per cent of total employees, but that is not the primary reason for the over-representation of domestic workers.

12 For further information on the wages of domestic workers and the capacity of households to pay, see Chapter 7.

Figure 1.4 Distribution of domestic workers compared with the distribution of employees by income group of countries, 2019 (percentages)



Note: As for figure 1.1.

Role of service providers

As explained in the introduction to Part I, a new approach was tested to capture not only domestic workers employed directly by households, but also those employed by, or placed through, service providers. Service providers can include public and private employment agencies. When appropriately regulated, they play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. However, concerns have been raised about the growing role of unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework, which prey especially on low-skilled workers. Expanding statistical methods to account more accurately for the number of domestic workers working through service providers can help to develop a more precise understanding and analysis of the situation of these domestic workers. Owing to a lack of data for a substantial number of countries, it was not possible to conduct a full estimate using this method; however, examples from the country level show the potential difference in size of the sector, depending on the two statistical approaches. Examples are provided under each regional section in Chapter 2 below; the full table is provided in Annex 7.

Box 1.3 Estimating the number of domestic workers in China

In China, the use of several sources of information enabled the confirmation of the relevance of the absolute number of domestic workers, estimated on the basis of household survey data from the China Household Income Project of 2014. According to the survey data, there were 22 million domestic workers in China in 2014, which translates to an estimated 21.9 million in 2019 (given the trend in total employment). According to the most recent estimates from secondary sources of data, the number of domestic workers ranges from 20.34 million domestic workers in domestic service enterprises in 2014 (according to the Ministry of Commerce registers), to 24.77 million domestic workers in 2012 (China Home Service Association) and 30–35 million (according to the Report on Employment and Consumption in China's Political Market (58.com, a leading domestic life service platform in China) and the Beijing Hongyan Social Work Service Center.

Concerning composition by sex, all these sources converge to highlight an overwhelming majority of women domestic workers (ranging from 75 to over 90 per cent, depending on the source), which is not the original result obtained from the available survey data. The approach adopted applied the average proportion of women among domestic workers, considering the average proportion observed in Eastern Asia without China (90.5 per cent) and in Asia and the Pacific without China (71.5 per cent).

Sources: in addition to survey data (see Annex 3), Ministry of Commerce registers (see Minghiu (2017); Beijing Hongyan Social Work Service Center, "Post-Coronavirus, China Must Come to the Aid of Its Domestic Workers", 2020; and China, "China National Government Market Employment and Consumption Report", which provides a data reference for the industry to study the "supply side" and "consumption side" of the domestic market.

The many facets of domestic work

Employers

Domestic workers can be employed directly by households, or through or by different service providers.

Service providers can be public or private entities, and include digital platforms and cooperatives, for example.

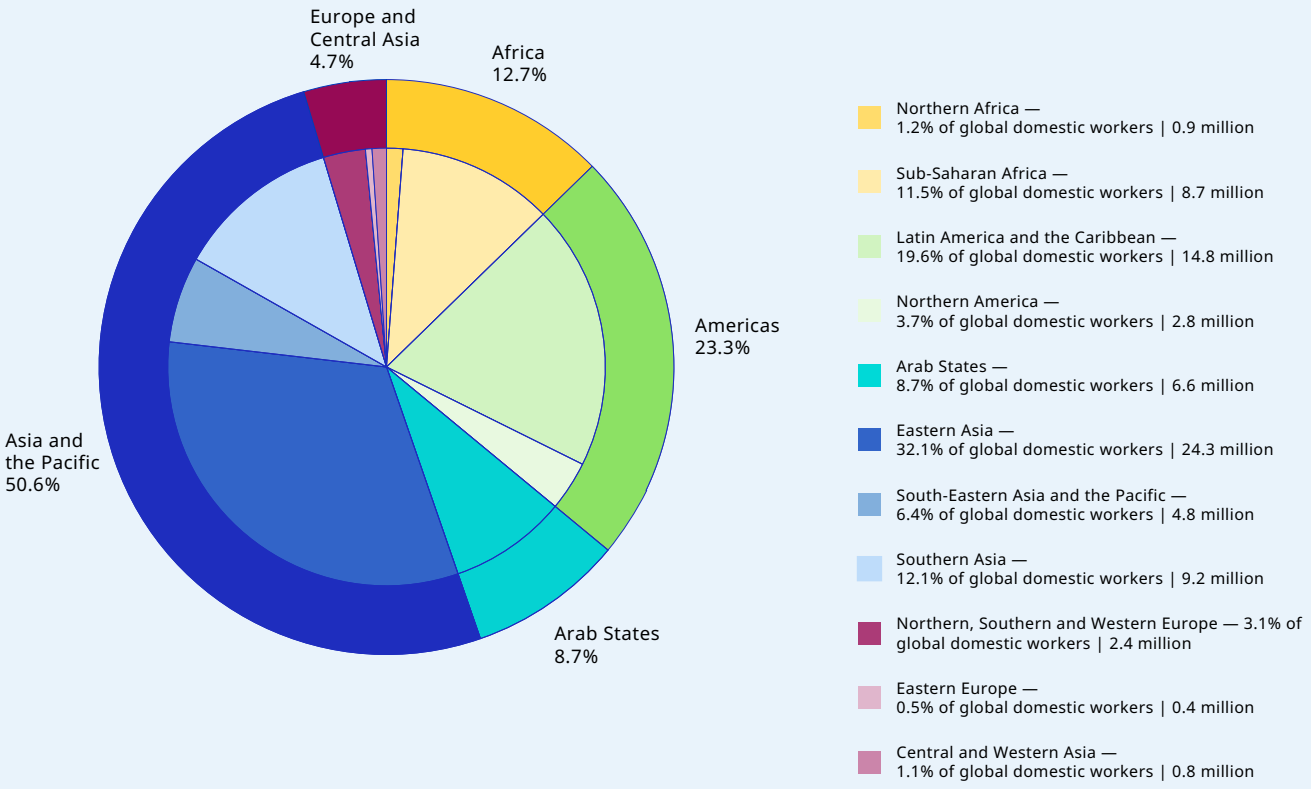
Domestic workers

Chapter 2

Regional estimates of domestic workers

The vast majority of domestic workers are employed in two regions: about half of all domestic workers can be found in Asia and the Pacific, largely on account of China, while another quarter (23 per cent) are in the Americas (figure 2.1). These regions also employ the largest shares of the world's female domestic workers, at 52.1 per cent and 27.2 per cent, respectively. Among male domestic workers, the largest group is found in the Arab States (23.2 per cent), followed by Southern Asia (21.8 per cent), Eastern Asia (19.1 per cent) and sub-Saharan Africa (14.2 per cent). Finally, the Americas and the Arab States are the two regions in which domestic workers are over-represented compared with the distribution of global employment. In contrast, Europe and Central Asia represent the smallest shares of the global population of domestic workers, as well as the lowest shares of domestic work in terms of total employment and wage employment.

▶ Figure 2.1 Distribution of domestic workers across regions, 2019 (percentages)



Note: As for figure 1.1.

Americas

The Americas region is the world's second-largest employer of domestic workers by region, after Asia and the Pacific. Across the continent, 17.6 million men and women aged 15 years old and over work as domestic workers, accounting for 23 per cent of the total worldwide. The region also accounts for some of the largest employers of domestic workers by country, including Brazil (6.4 million) and Mexico (2.4 million), ranking second and fifth, respectively; the United States (1.9 million) ranks seventh. At the regional level, domestic work represents only a small share (3.7 per cent) of total employment and only a slightly higher share of employees (5.1 per cent); however, this figure hides important differences across countries. Domestic work represents the largest share of employment in countries with relatively smaller populations of domestic workers, such as Trinidad and Tobago (8.4 per cent) and Uruguay (7.9 per cent), as well as a comparatively lower share of employment in countries with larger populations of domestic workers, such as Peru (2.4 per cent) and the United States (1.2 per cent). Argentina stands out as a country that combines a large number of domestic workers (980,027) with one of the higher shares of employment (8.1 per cent). See figure 2.2 for details.

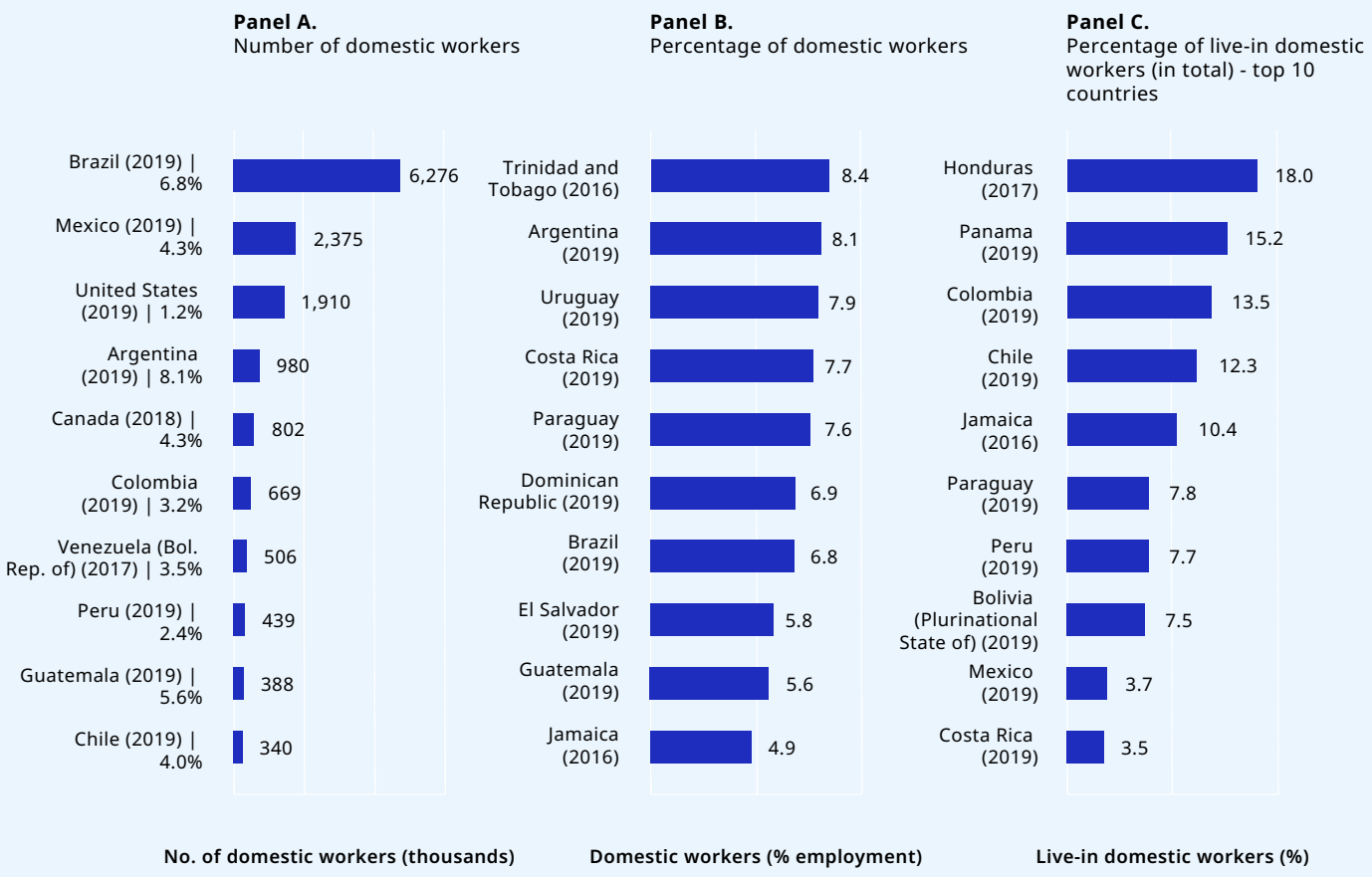
The Americas region is home to the second-largest population of women domestic workers (15.7 million), second only to Asia and the Pacific. It is also the region in which domestic work is the most feminized, 89 per cent of domestic workers in the region being women (table 2.1). Domestic work remains an important source of employment among women, representing 7.7 per cent of female employment (or 10 per cent of female employees). Again, these rates vary significantly from country to country, with domestic work representing from 15 to 17.2 per cent of female employment in Argentina, Costa Rica, the Dominican Republic, Guatemala, Paraguay and Uruguay; and from 2.3 to 5 per cent in the Plurinational State of Bolivia, Canada, Haiti, Peru, Suriname and the United States (see Annex 5 for country data). While there are 1.9 million men performing domestic work, they represent only 11 per cent of domestic workers in the region and less than 1 per cent of total male employment.

About half of all domestic workers can be found in Asia and the Pacific while nearly a quarter are in the Americas. These regions also employ the largest shares of the world's female domestic workers, at 52.1 per cent and 27.2 per cent, respectively, while the Arab States employ 23.2 per cent of male domestic workers.

▶ **Table 2.1 Domestic workers in numbers in the Americas, 2019**

	Number of domestic workers (thousands)			Domestic workers in total employment (percentages)			Domestic workers among employees (percentages)			Share of women in total (percentages)
	Total	Women	Men	**Total**	Women	Men	**Total**	Women	Men	
Americas	**17 612**	**15 677**	**1 935**	**3.7**	**7.7**	**0.7**	**5.1**	**10.0**	**1.0**	**89.0**
Latin America and the Caribbean	14 844	13 524	1 320	5.1	11.3	0.8	8.4	17.8	1.3	91.1
Northern America	2 768	2 153	615	1.5	2.6	0.6	1.7	2.7	0.7	77.8

▶ **Figure 2.2 Domestic workers in numbers in the Americas, 2019**



Note: ILO calculations. See methodology, number of countries and the proportion of employment covered at the regional level in table A4.3 in Annex 4; detailed data sources in Annex 3; country data for the latest available year in Annex 5 and regional estimates in Annex 6. Panel C: The full set of country data is available in Annex 8. Argentina refers to urban areas only.

The vast majority of domestic workers in the region can be found in the subregion of Latin America and the Caribbean. Over 14.8 million people are employed as domestic workers, representing 19.6 per cent of domestic workers in the world. Overall, domestic work represents 5.1 per cent of total employment and 8.4 per cent of employees. Employment rates in domestic work have remained relatively stable over the last ten years, changing by only a fraction of a percentage point from year to year between 2012 and 2018 (ILO 2019a).[13] However, some changes have been noted in the composition of the workforce, particularly in terms of average age (increasing from 34.5 to 42.2 years between 2000 and 2017) (CEPAL 2019). Moreover, while historically domestic workers have tended to live with their employers, there appears to have been a marked reduction of live-in domestic workers, from 22.6 per cent in 2000 to 7.3 per cent in 2019 (CEPAL 2019). National statistics for 2019 show that live-in domestic workers make up about 15.2 per cent of domestic workers in Panama, 3.7 per cent in Mexico and 2.2 per cent in Ecuador (see Annex 8).

In Latin America and the Caribbean, more than anywhere else in the world, domestic work remains a largely female occupation. The subregion alone accounts for nearly one quarter of the world's female domestic workers and 91.1 per cent of domestic workers in the subregion are women. It also remains an important source of employment among women: one in nine employed women and almost two in ten (17.8 per cent) female employees in the subregion are employed in domestic work. Female domestic workers also make up an important share of female employment in the services sector, suggesting the important role they play as part of the care workforce. A recent study has also found that many domestic workers have taken on tasks typically associated with health and education, such as administering medicine, controlling for vital signs and ensuring the health and hygiene of elderly people (CEPAL 2019).

Of the 17.6 million domestic workers working in the region, only a small number (2.8 million) can be found in the subregion of Northern America. Here, domestic workers also represent a smaller share (1.5 per cent) of employment compared with the rest of the region. While domestic work remains a predominantly female occupation (77.8 per cent), more than one in every five domestic workers is male, a substantially higher proportion than in Latin America and the Caribbean. Nevertheless, domestic work remains a more important source of employment among women: female domestic workers represent 2.6 per cent of female employment, while male domestic workers represent 0.6 per cent of male employment.

In Latin America and the Caribbean, more than anywhere else in the world, domestic work remains a largely female occupation: 91.1 per cent of domestic workers are women and 17.8 per cent of female employees in the region are employed in domestic work.

Migrant domestic workers

Domestic work also remains an important source of employment among women migrant workers, particularly in Latin America and the Caribbean, where migrant domestic workers represent 35.3 per cent of women migrant workers. This percentage is significantly lower, however, in Northern America (3.3 per cent) (ILO 2015g). Argentina and Chile are two of the primary countries of destination for migrant domestic workers in the region, in part because of income

13 As compiled in ILO (2019a), based on data available for countries in Latin America only.

inequalities between countries, the opportunities for education in those countries and the labour and social rights to which they have access. In Argentina, domestic work is a common source of employment for 30 per cent of migrant women workers, but it is particularly common for Paraguayan and Peruvian women migrants, 69 per cent and 58 per cent of whom, respectively, are employed in the sector. Chile also attracts large numbers of migrant workers, particularly from Peru, where about 13 per cent of women migrant workers are domestic workers (CEPAL 2019).

In Central America, the primary corridors of migration are from Nicaragua to Costa Rica and from Guatemala to Mexico. Sources dating from 2015 show that 71 per cent of migrants in Costa Rica come from Nicaragua, while some 34 per cent of women migrant workers from Nicaragua find employment as domestic workers, compared with just 16 per cent of their national counterparts (CEPAL 2019). A survey of migrant workers crossing the border between Guatemala and the state of Chiapas in Mexico found that the largest single category (43 per cent) of women surveyed worked in domestic services (ILO 2020g). Another study found that the vast majority of women domestic workers (93.5 per cent) speak indigenous languages as their first language (Mexico 2016).

A key characteristic of the workforce in Northern America is its diversity. Indeed, as far back as 2013, Northern America hosted 24.7 per cent of the world's migrant workers in a broad range of sectors (ILO 2015g). Given the scale and diversity of employment available to migrant workers in Northern America, domestic workers represent only 1.7 per cent of all migrant workers. Migrants are, however, clearly over-represented in the domestic work sector: while migrant workers make up 20.6 per cent of the total workforce (ILO 2018c), they represent 70.8 per cent of domestic workers in the subregion (ILO 2015g). Migrants also tend to be clustered in occupations. For example, in the United States in 2019, about half (50.8 per cent) of house-cleaners were foreign-born non-citizens, compared with only 12.6 per cent of domestic workers in home care. Migrants arrive in North America from a broad range of countries, but the second-largest corridor in 2019 was that leading from Latin America and the Caribbean to Northern America (UNDESA 2019). In the United States, 29.1 per cent of domestic workers self-declared as Hispanic (irrespective of migration status); they were more likely to work as house-cleaners, as opposed to nannies or in-home caregivers, by a significant margin (EPI 2020; Wolfe et al. 2020).

Role of service providers

Domestic workers in the region tend to provide direct care services, often through service providers. For example, according to national data in the United States, home-care aides made up the majority of domestic workers in 2019, numbering about 1.4 million, compared with just over 500,000 housekeepers and nannies. In the home-care sector, 1.3 million domestic workers work through service providers, compared with just 141,000 who are directly employed by households (EPI 2020; Wolfe et al. 2020). This corresponds roughly with our estimates that 57 per cent of domestic workers (1.1 million) do not work directly for private households but work through service providers. In the Dominican Republic and Ecuador, the estimated proportions of domestic workers employed by or through service providers are estimated at 18 per cent and 21 per cent, respectively (Annex 7).[14]

Impact of the COVID-19 pandemic

While employment levels remained high through 2019, recent evidence suggests that the COVID-19 pandemic has had severe and disproportionate impacts on employment in domestic work. As a large part of the care workforce, domestic workers provide essential services to households; yet they are at high risk of losing their jobs on account of their informal status and lack of employment protection and sometimes because of strict confinement measures (ILO 2020a). Job losses in domestic work tend to be among the highest of all sectors: in Costa Rica, between April and June 2020, domestic work was among the top five most-affected sectors, with 46 per cent of jobs lost (ILO 2020h), while 48 per cent of domestic workers lost their jobs in Chile (ILO 2020i). In the Plurinational State of Bolivia, 22 per

14 This estimate was calculated by subtracting the total number of domestic workers hired directly by households (as identified through ISIC-97, or relationship to head of household, or status in employment) from the total estimate, which also includes domestic workers identified through the International Standard Classification of Occupations (ISCO).

cent of jobs in domestic work were lost between February and May, compared with 16 per cent of jobs in urban employment (ILO 2020j). These job losses have also had an impact on women employers, who have had to assume the care duties of their former paid domestic workers (Weller et al. 2020). The drop in employment has also influenced migration policies, for instance, in Costa Rica, where the Government has halted work permits to domestic workers from abroad (Weller et al. 2020). In the United States, in the second quarter of 2020, the number of domestic workers was 36 per cent lower than it was at the same time the previous year (second quarter 2019). Over the same period, their total hours of work decreased by 45.8 per cent. The comparison for the third quarter (2020 compared with 2019) shows a decrease by 17.8 per cent in the number of domestic workers and 24 per cent in terms of their hours of work. Whether or not domestic workers will recover their jobs remains to be seen. A more comprehensive review of the impact of the pandemic on domestic workers is provided in Chapter 11.

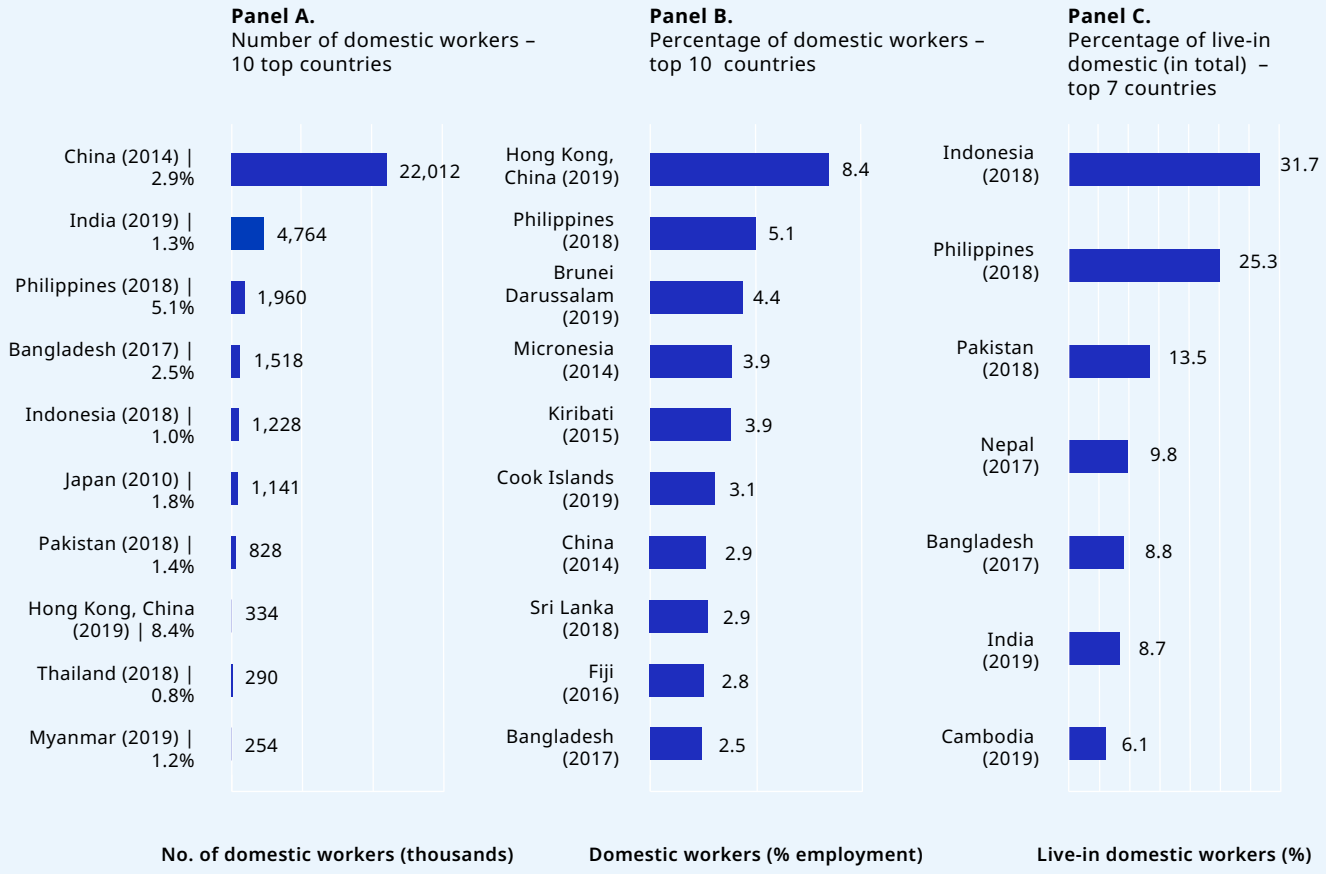
Asia and the Pacific

The Asia and the Pacific region remains the world's largest employer of domestic workers and this holds true even when we exclude China. The region is home to 38.3 million domestic workers or 50.6 per cent of domestic workers worldwide (see table 2.2).. As the world's single largest employer of domestic workers, China accounts for a large portion of the total (22 million). Several other countries also make substantial contributions, including India (4.8 million), the Philippines (2 million), Bangladesh (1.5 million) and Indonesia (1.2 million). When looking at the share of employment as a whole, domestic work may seem to account for only a small share (2 per

Table 2.2 Domestic workers in numbers in Asia and the Pacific, 2019

	Number of domestic workers (thousands)			Domestic workers in total employment (percentages)			Domestic workers among employees (percentages)			Share of women in total (percentages)
	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

Figure 2.3 Domestic workers in numbers in Asia and the Pacific, 2019



Note: ILO calculations. See methodology, number of countries and the proportion of employment covered at the regional level in table A4.3 in Annex 4; detailed data sources in Annex 3; country data for the latest available year in Annex 5 and regional estimates in Annex 6. Panel C: The full set of country data is available in Annex 8.

> Home to 38.3 million domestic workers, Asia and the Pacific is the world's largest employer of domestic workers. It is also the region that employs the largest number of male domestic workers, mostly concentrated in Southern Asia.

cent). Domestic work is a somewhat larger source of employment among employees, however, at 4.6 per cent.

Largely because of China, Eastern Asia accounts for the largest share of domestic workers in the region. In fact, on its own, it remains the subregion with the largest number of domestic workers (24.3 million, or 32.1 per cent of the global domestic workforce). Another 9.2 million are in Southern Asia, followed by South-Eastern Asia and the Pacific, with 4.8 million domestic workers. Of the three subregions, Eastern Asia is also the one in which domestic work makes up the largest share of employment (2.7 per cent) and employees (5.2 per cent). In contrast, domestic workers make up a lower share of employment in South-Eastern Asia and the Pacific and Southern Asia (1.4 per cent).

As in most other regions, domestic work is performed largely by women (78.4 per cent); however, the Asia and the Pacific region is also the largest employer of male domestic workers, accounting for 46.1 per cent of male domestic workers across the world. This amounts to 8.3 million male domestic workers, or 22 per cent of the total number of domestic workers for the region. The proportion of men in domestic work is particularly high in Southern Asia, accounting for

42.6 per cent of the 9.2 million domestic workers in the subregion. In contrast, women make up a larger majority of the sector in South-Eastern Asia and the Pacific (80.5 per cent) and Eastern Asia (85.9 per cent).

Nevertheless, domestic work remains a far more important source of employment for women than for men. While domestic work accounts only for 0.7 per cent of male employment, it contributes 4.4 per cent of female employment. This holds true at the subregional level, regardless of the proportion of men who perform domestic work: only 0.5 per cent of employed men work as domestic workers in South-Eastern Asia and the Pacific and only 0.7 per cent in Eastern Asia and Southern Asia. Domestic workers account for 3.6 per cent of female employment in Southern Asia, 2.6 per cent in South-Eastern Asia and the Pacific and 5.3 per cent in Eastern Asia.

When looking only at female employees, the importance of the domestic work sector at least doubles, owing to the lower number of female employees in these labour markets overall. At the regional level, domestic workers represent a larger share of female employees (10 per cent) than of female employment (4.4 per cent). This holds true in Eastern Asia and in South-Eastern Asia and the Pacific. The most striking difference is in Southern Asia, where domestic work accounts for 3.6 per cent of female employment, but 13.1 per cent of female wage employees.

Migrant domestic workers

One important characteristic of the region is the extent to which migrants find employment in domestic work. Indeed, according to ILO estimates published in 2015, of the 5.4 million migrants in Eastern Asia (reference year 2013), 20.4 per cent were working as domestic workers. This is roughly the same share (19 per cent) of the 11.7 million migrants in South-Eastern Asia and the Pacific. In contrast, migrants in Southern Asia seem less likely to be employed as domestic workers, as they account for only 5 per cent of the 8.7 million migrant workers in the subregion (ILO 2015g).

Interestingly, there is a very low percentage of migrants among domestic workers in the region. The same ILO estimates show that in Eastern Asia, only 7.5 per cent of domestic workers are migrants, while in Southern Asia that figure is only 6.9 per cent. The exception is in South-Eastern Asia and the Pacific, where almost one quarter (24.7 per cent) of domestic workers are international migrants (ILO 2015g). This is likely attributable to the presence of some of the world's most important labour migration corridors, from the Philippines and Indonesia to Malaysia and Hong Kong (China). More commonly than not, however, women tend to migrate to work as domestic workers outside the region. For example, the outbound migration of domestic workers from Viet Nam has increased significantly over the last decade, with new or expanding corridors to Eastern Asia.[15]

Role of service providers

Estimates of the number of domestic workers working through service providers reveal the sizeable role played by these actors in the domestic work market in certain countries. This is the case for 51 per cent of domestic workers in Nepal, 43 per cent in Cambodia, 34 per cent in Thailand, 23 per cent in Sri Lanka and 19 per cent in Viet Nam (see Annex 7). In Sri Lanka, for example, there are many agencies that match domestic workers with employers against a commission for the service provided. These have emerged as a result of a shortage of domestic workers, a growing business class and a lack of traditional informal networks through which domestic workers were historically hired (Vérité Research 2015). In addition to matching supply with demand, these agencies ensure that a contract is signed, and will normally find a replacement if the domestic worker leaves. However, key legislation regulating fee-charging by employment agencies does not contain provisions governing the employment agencies' responsibility towards the employee recruited by the agency.[16] Moreover, employers who have hired domestic workers through these agencies have reported that the workers have often not been provided with a copy of their contract and are sometimes given false information about the terms and conditions of employment (Vérité Research 2015).

In China, domestic workers are either employed directly by households or service providers, or

15 Viet Nam, Department of Overseas Labour.

16 Fee Charging Employment Agencies Act No: 37 of 1956. This act provides only for the licensing and monitoring of the employment agency.

they are placed through service providers in a variety of hybrid models. Estimates suggest that only 10 per cent of domestic workers are employed by enterprises providing domestic services to households; these are the only domestic workers who are considered as employees under the law (Minghui 2017). Some research has shown that there are about 700,000 large and small housekeeping companies that function only as intermediaries.[17] Workers hired through service providers or directly by households, however, remain excluded from labour protections, as we will see in Part II of this report.

Impact of the COVID-19 pandemic

As in other regions, the COVID-19 pandemic has had a substantial impact on domestic workers in the region, including migrant domestic workers. For example, in Viet Nam, there were 17 per cent fewer domestic workers in the second quarter of 2020 as compared with the fourth quarter of 2019. Between the same two quarters, domestic workers in Viet Nam also saw a 24.7 per cent reduction in the total number of hours worked, more than twice the reduction faced by other employees (see Chapter 11).

▶ Europe and Central Asia

Domestic workers in Europe and Central Asia, numbering 3.5 million, account for only a small share (4.7 per cent) of domestic workers worldwide. The region is also the one in which domestic work represents the smallest share of employment (0.8 per cent). It is important to note, however, that these estimates consider only those domestic workers directly employed by households. Owing to limitations in the availability of data, domestic workers working through or for service providers, or as independent workers, are not accounted for (see section below entitled "Role of service providers").

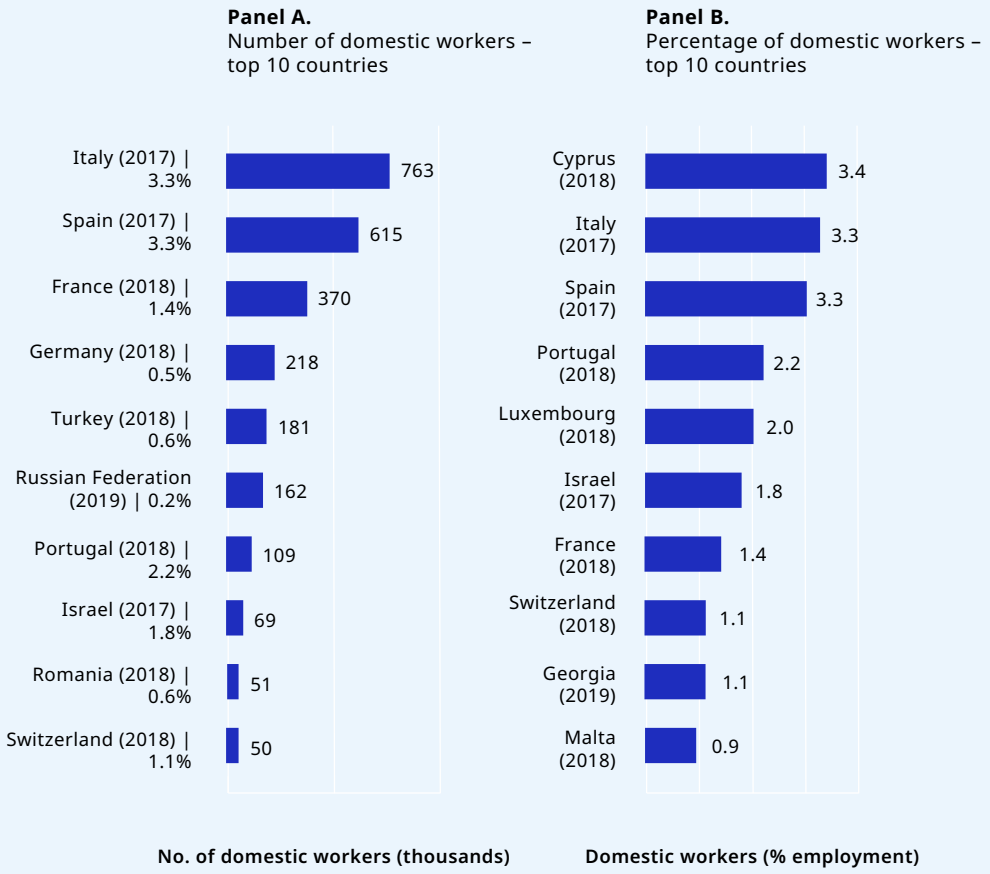
These figures hide some degree of variation between subregions. One can find the majority of domestic workers (2.4 million) concentrated in Northern, Southern and Western Europe, accounting for 1.1 per cent of employment (see table 2.3). Here, the vast majority are found in the

▶ Table 2.3 Domestic workers in numbers in Europe and Central Asia, 2019

	Number of domestic workers (thousands)			Domestic workers in total employment (percentages)			Domestic workers among employees (percentages)			Share of women in total (percentages)
	Total	Women	Men	**Total**	Women	Men	**Total**	Women	Men	
Europe and Central Asia	**3 518**	**2 978**	**540**	**0.8**	**1.6**	**0.2**	**1.0**	**1.9**	**0.3**	**84.6**
Northern, Southern and Western Europe	2 356	2 101	255	1.1	2.2	0.2	1.3	2.5	0.3	89.2
Eastern Europe	363	295	68	0.3	0.5	0.1	0.3	0.5	0.1	81.2
Central and Western Asia	799	582	218	1.1	2.1	0.5	1.6	3.2	0.8	72.8

17 See Reliable A Xing, "Interpretation of the 'Report on Employment and Consumption in China's Political Market'" (Baidu).

Figure 2.4 Domestic workers in numbers in Europe and Central Asia, 2019



Note: As for figure 2.3, panel C: Only two countries in the region collect information about live-in domestic workers. Data are provided in Annex 8.

region's three largest employers, namely Italy (763,434), Spain (615,479) and France (370,362) (see figure 2.4). In contrast, only 362,893 domestic workers are to be found in Eastern Europe, accounting for just 0.3 per cent of employment. Central and Western Asia, for its part, is home to 799,090 domestic workers, representing 1.1 per cent of employment.

In Europe and Central Asia, domestic work is a sector dominated by women, who make up 84.6 per cent of the workforce. The gender composition does vary at the subregional level, however: nine in ten domestic workers are female in Northern, Southern and Western Europe, compared with seven in ten in Central and Western Asia. Domestic work also accounts for roughly the same share of female employment in both subregions (just above 2 per cent). In Eastern Europe, eight in ten domestic workers are female. Here, even fewer women find employment in the sector, which accounts for only 0.5 per cent of female employment.

Migrant domestic workers

Migrant workers often find employment in domestic work, particularly in Northern, Southern and Western Europe, a subregion that continues to attract some of the largest flows of migrant workers in the world. In 2013, the subregion hosted 35.8 million labour migrants, and 6.2 per cent of these were employed as domestic workers. In contrast, only 0.6 per cent of the 13.8 million migrant workers in Eastern Europe find work as domestic workers. Finally, in Central and Western Asia, although the number of migrant workers is much lower (7 million), a comparatively higher share of them are employed as domestic workers (3.6 per cent) (ILO 2015g). While domestic work accounts for only a small share of employment among migrants, migrants are distinctly over-represented in domestic work. According to estimates produced in 2015 (reference year 2013), migrants made up 54.6 per cent of domestic workers in Northern, Southern and Western Europe, 32.1 per cent in Central and Western Asia and 25 per cent in Eastern Europe (ILO 2015g).

Role of service providers

Owing to the limited availability of microdata on occupations (ISCO codes) at the four-digit level, it was not possible to arrive at a reliable estimate of the number of domestic workers who do not work directly for households in most countries in Europe and Central Asia; however, estimates produced by the European Commission on personal and household services (PHS) across the European Union can help to shed light on the share of domestic workers who provide services through such service providers. According to the data published by the European Commission, the PHS sector comprises 8 million domestic workers, or 4 per cent of total employment on average, in the (then) 28 countries of the European Union (EU-28). Of these, 30 per cent are directly employed by households (mostly concentrated in Southern Europe),[18] while 70 per cent are employed by public or private organizations. This proportion of 30 per cent of domestic workers hired directly by households matches the proportion and number (2.4 million) arrived at in the present estimates for Northern, Southern and Western Europe, captured through the European Union Labour Force Survey (International Standard Industrial Classification (ISIC), Rev. 4, division 97) (see table 2.3). The gap of 70 per cent suggests that the number of domestic workers working through service providers in many European Union countries may be significantly larger than the number of domestic workers working directly for households.

Impact of the COVID-19 pandemic

Finally, the COVID-19 pandemic has had a substantial impact on domestic workers, including migrant domestic workers, in the region. For example, between the fourth quarter of 2019 and the second quarter of 2020, available data from national statistics shows a decrease in the number of domestic workers of 59.9 per cent in Serbia, 22.7 per cent in Slovakia, 15 per cent in the United Kingdom of Great Britain and Northern Ireland and 13 per cent in Italy and Portugal. For those who remained in employment, domestic workers faced a significant impact on their working hours, ranging from a reduction of 78 per cent in Slovakia to about 47 per cent in the United Kingdom and Portugal and 21 per cent in Italy.

While domestic workers were seriously affected, so too were employing households and the enterprises that place domestic workers. Research conducted at the regional level found that half of the intermediaries involved in domestic work experienced a complete (26 per cent) or partial (24 per cent) business closure. The majority (76 per cent) also reported that the psychological well-being of their personnel was negatively affected. About one third of employing households surveyed reported a negative impact on their financial resources. These actors also played important roles in response to the pandemic. Both intermediaries (91 per cent) and households (50 per cent) reported that they had provided PPE for their domestic workers and had tried in other ways to address the well-being of domestic workers.[19] These practices point to the importance of a well-organized, regulated and professional system of domestic work as a means of protecting domestic workers from potential shocks.

> Domestic workers in Europe and Central Asia account for only 4.7 per cent of domestic workers worldwide. Domestic work represents the smallest share of employment (0.8 per cent), with women making up 84.6 per cent of the workforce.

18 These 30 per cent correspond to the proportion captured in Europe through the European Union Labour Force survey and used for global estimates.

19 Presentation by Thomas Bignal, European Association of Service Providers for Persons with Disabilities, entitled "COVID-19 and PHS", on the occasion of the final conference of the Advancing Personal and Household Services (Ad-PHS) project, 10 December 2020.

Arab States

In the Arab States, an estimated 6.6 million men and women are employed as domestic workers, making up 8.7 per cent of domestic workers globally (see table 2.4). Domestic workers account for 12.3 per cent of total employment in the region, making it the region with the highest percentage of domestic workers as a share of total employment (see figure 2.5). In fact, six countries in the region rank among the ten countries with the highest proportion of domestic workers among the employed population. The country with the highest share of domestic workers in the world is Saudi Arabia, where domestic work represents about 28 per cent of total employment. It is also the fourth- largest employer in absolute numbers, with 3.7 million domestic workers. Kuwait comes in a close second; domestic workers represent 25.4 per cent of total employment, followed by the United Arab Emirates (12.3 per cent), Bahrain and Jordan (14.5 per cent and 9.5 per cent, respectively).

The high numbers come on the heels of a period of rapid growth in the sector over a ten-year period, averaging an annual growth rate of 8.7 per cent.[20] In Saudi Arabia, between 2007 and 2017, the total number of domestic workers increased from 830,000 to 2.42 million, with an annual average growth rate of 11.3 per cent.[21] In Bahrain, the sector more than doubled, from 50,000 to 111,000, between 2005 and 2016, an average annual growth rate of 7.6 per cent.[22] In Qatar, the number of domestic workers tripled between 2008 and 2018, the majority of new domestic workers being men.[23]

The high increase in demand is frequently attributed to higher female labour participation rates in recent years (Kapiszewski 2006; Rutledge et al. 2011; Malit and Ghafoor 2014); growing dependency ratios (Sibai, Rizk and Kronfoll 2014; Shah, Bard and Shah 2012; Hussein and Ismail 2016); and, typically, large households that traditionally rely on family-based care (Shah, Chowdhury and Menonmet 2002; Shah, Bard and Shah 2012; Hussein and Ismail 2016; Tayah and Hamada 2017). Demographic data show an ageing population and a high number of children aged 0–14 years, despite declining fertility rates (Tayah and Assaf 2018). While care policies have recently been adopted, these have tended to consist of part-time work and long-leave policies that incentivize home-based care (Tayah and Assaf 2018). Thanks to these policies, female labour participation rates have increased steadily across the region, reaching 40 per cent in

Table 2.4 Domestic workers in numbers in the Arab States, 2019

	Number of domestic workers (thousands)			Domestic workers in total employment (percentages)			Domestic workers among employees (percentages)			Share of women in total (percentages)
	Total	Women	Men	**Total**	Women	Men	**Total**	Women	Men	
Arab States	**6 586**	**2412**	**4 175**	**12.3**	**32.4**	**9.0**	**14.8**	**34.6**	**10.6**	**36.6**

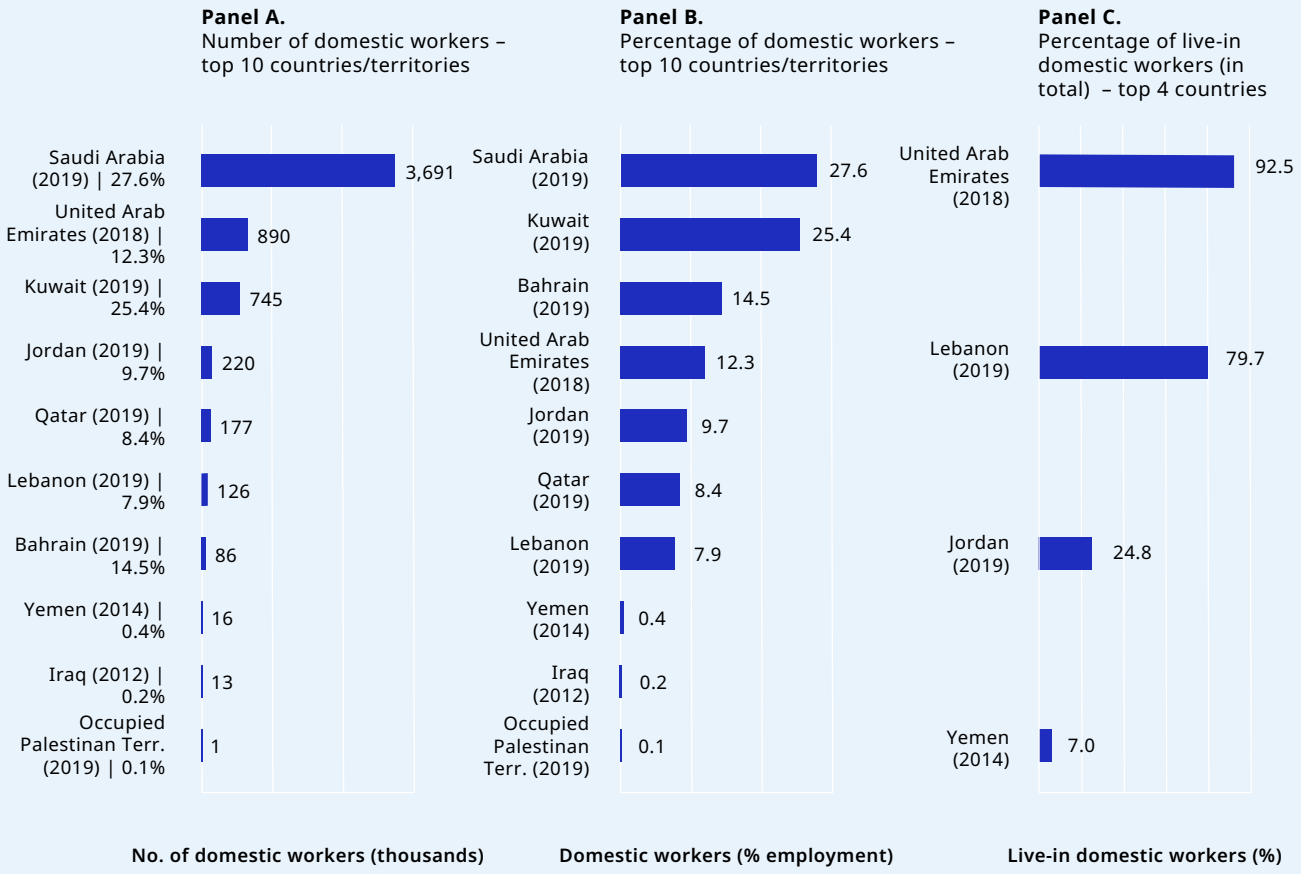
20 Estimates based on data from national statistical offices, as compiled and reported in Tayah and Assaf (2018).

21 Based on data from the General Authority for Statistics, Saudi Arabia, as compiled and reported in Tayah and Assaf (2018).

22 Based on data from Bahrain Labour Market Regulatory Authority, labour market indicators, as compiled and reported in Tayah and Assaf (2018).

23 Based on data from Qatar Ministry of Development Planning and Statistics, as compiled and reported in Tayah and Assaf (2018).

Figure 2.5 Domestic workers in numbers in the Arab States, 2019



Note: As for figure 2.3. The numbers of domestic workers for Jordan and Lebanon are derived from labour force survey data and include both documented and non-documented domestic (migrant) workers. These numbers are higher than official statistics from the Ministry of Labour (in Jordan, for instance, the official number of documented migrant domestic workers for 2019 is 60,803, of whom 55,551 are women).

Kuwait, 18 per cent in Saudi Arabia, 37 per cent in Qatar and 30 per cent in Bahrain;[24] however, the lack of day care for children and residential care for elderly people has encouraged households to hire domestic workers to provide the unpaid care work otherwise performed by women. It is perhaps not surprising, therefore, that domestic work represents 18.7 per cent of employment in services (which itself represents 65 per cent of total employment). Finally, the growth of the sector is also a function of the high rate of growth of the expatriate population. Over the past decade, the total population of the Gulf Cooperation Council (GCC) countries has increased by 51 per cent (by 18 million) or by 4.2 per cent annually, largely driven by expatriates who typically earn significantly higher wages than nationals.[25]

Interestingly, domestic work represents an important source of employment for both men and women in the region. Female domestic workers make up 32.4 per cent of female employment, while male domestic workers make up 9.0 per cent of male employment. The region is also the only one in which male domestic workers outnumber women, representing 63.4 per cent of all domestic workers. In fact, the region is home to 23.2 per cent of the global population of male domestic workers and only 4.2 per cent of all female domestic workers. A closer look at national data provides a good illustration of the gendered division of labour: women, who make up just 36.6 per cent of domestic workers in the region, typically work as child caregivers, cleaners and elder caregivers. Men consequently dominate the

24 Based on data from national statistical offices, as compiled by Tayah and Assaf (2018).

25 Based on data from GCC national statistical offices, as compiled by Tayah and Assaf (2018).

sector by a two-thirds majority, working as drivers, cooks and guards. In Saudi Arabia, for instance, where women have only recently been given legal permission to drive, there is a high demand for male drivers, who consequently make up 70 per cent of domestic workers in the country.[26] This reality does not necessarily hold true across all countries, however: there are significantly more female than male domestic workers in Lebanon, Qatar and the United Arab Emirates, while men outnumber women in domestic work in Saudi Arabia and Yemen. Moreover, even though men outnumber women in some countries, they represent a much smaller share of total employment. In Kuwait, for instance, where there are approximately equal numbers of male and female domestic workers, domestic work accounts for about 49 per cent of female employment and 17 per cent of male employment.

Migrant domestic workers

According to ILO estimates for 2013, 83 per cent of domestic workers in the region were migrants (ILO 2015g); however, more recent estimates show that labour migration grew at a rate of 5.2 per cent between 2013 and 2017, likely resulting in a higher number of migrant domestic workers as well (ILO 2018c). Indeed, the region continues to attract migrants, including migrant domestic workers, from a growing set of countries. In Kuwait, for example, administrative data indicate that 90 per cent of domestic workers are from Bangladesh, India, the Philippines and Sri Lanka. Interestingly, workers from India and Bangladesh tend to be men (in part due to the labour migration policies in those countries), while those from the Philippines and Sri Lanka, as well as Ethiopia, Madagascar and Nepal, tend to be women.[27]

In recent years, however, some countries in the region have started sourcing labour from countries in Africa (Atong, Mayah and Odigie 2018). In Lebanon, for example, despite the unprecedented economic crisis, which affected the recruitment of new migrant domestic workers, the majority of domestic workers continue to come from Ethiopia.[28] The diversification of the workforce is largely attributable to the high demand for domestic work, lack of public investment in care infrastructure and the quest to find cheaper sources of labour (Atong, Mayah and Odigie 2018). In the absence of labour laws covering domestic work, working conditions are often fixed through standard contracts negotiated between the governments of the countries of origin and destination. As such, the rights of these domestic workers tend to vary according to nationality, which lends to discriminatory conditions. As we will see in Part II, however, the last ten years have seen a trend of extending labour coverage to domestic workers generally, helping to reduce this source of discrimination.

Role of service providers

Owing to the way in which domestic workers are captured in national statistics, it was not possible to estimate the percentage of domestic workers employed by or through service providers; however, it is clear that most domestic workers in the region are placed through private recruitment agencies. In some cases, recruitment and employment of domestic workers is only legal when hired through a formal service provider, as in the case of recruitment agencies in GCC countries. In the United Arab Emirates, private recruitment agencies were replaced with 24 "public-private" centres (Tadbeer centres) that exclusively recruit and place migrant domestic workers and issue employment visas to migrant domestic workers. In other GCC countries, it is also legally possible for workers to be employed via a cleaning company but work in individual homes. In other cases, legal employment is mediated by one or more formal service providers, for example job aggregators and recruitment agencies in Saudi Arabia. In the case of Lebanon, migrant domestic workers are recruited either through private agencies or directly by the household. More recently, due to the deterioration of the local currency and the steep decline in recruitment of new migrant domestic workers, recruitment

26 Based on data from the General Authority for Statistics, Saudi Arabia, as compiled and reported in Tayah and Assaf (2018).

27 Estimates based on data from Kuwait Central Statistical Bureau, Labour Market Information System, as compiled and reported in Tayah and Assaf (2018).

28 Data on number of migrant worker work permits, Lebanon Central Administration of Statistics, Ministry of Labour, 2020.

agencies have played an active role in placing migrant domestic workers already in the country, for a fee. Beyond formal service providers, recruitment employment may additionally be mediated by several other informal labour intermediaries, for example, middlemen in the country of origin or destination.

Impact of the COVID-19 pandemic

Domestic workers in the region, the majority of whom are migrants, were disproportionately affected by the COVID-19 pandemic. Live-in domestic workers (who also make up the majority in the region) have often experienced an increase in their workload, as they have been confined with their employers who themselves, with their children, had to remain at home (Begum 2020). While no systematic research has yet been conducted, several media reports have documented cases of violence and harassment against domestic workers during the lockdown, in part driven by increased stressors (Amnesty International 2020a and 2020b; Anti-Racism Movement 2020).

In other cases, household employers were no longer able to afford to pay domestic workers. Indeed, the COVID-19 pandemic created economic challenges in the Arab States that compounded pre-existing challenges, severely affecting jobs and incomes in the region (ILO 2020k). According to ILO estimates, working hours in the Arab States declined in the first quarter of 2020 by an estimated 1.8 per cent (equivalent to approximately 1 million full-time jobs, assuming a 48-hour working week), compared with the pre-crisis situation (fourth quarter of 2019), which resulted in lower levels of income (ILO 2020k). This has resulted in cases of abrupt termination of employment contracts of domestic workers, with no wage or social protection. In other cases, the contract was not terminated, but employers retained, delayed or simply did not pay the wages of domestic workers, either partially or fully (ILO 2020k; Aoun 2020).

While national statistics are not available to assess the impact on jobs, incomes and working time for domestic workers specifically, some have reported that, in Jordan, at least one third of migrant domestic workers have lost their incomes and many their jobs (Connell 2020). In Lebanon, "the sharp depreciation of the Lebanese pound has exacerbated the country's financial crisis, and many female migrant domestic workers have seen their already meagre wages lose value" (Inman 2020). The loss of wages among domestic workers has also prevented them from sending their remittances to their families.

Domestic workers whose contracts are terminated lose their accommodation and often find themselves at risk of being deported. The influx of domestic workers into shelters further increases their risk of exposure to the virus. Should they fall ill, they face significant barriers in accessing healthcare and are unable to self-isolate. Their economic vulnerability also puts them at a higher risk of exploitation and trafficking (Qiblawi 2020).

> Domestic workers account for 12.3 per cent of total employment in Arab States, making it the region with the highest percentage of domestic workers as a share of total employment. 32.4 per cent of women workers and 9 per cent of men workers are employed as domestic workers. The region is also the only one in which male domestic workers outnumber women, representing 63.4 per cent of all domestic workers.

Africa

Africa is the third-largest employer of domestic workers, following Asia and the Pacific and the Americas. The estimates show 9.6 million domestic workers working across the region, representing 2.1 per cent of employment overall (see table 2.5). When agricultural employment, which represents roughly half of all employment, is excluded, the likelihood that someone is employed as a domestic worker doubles. This is particularly true for women, as female domestic workers represent 6.8 per cent of female non-agricultural employment. However, it is important to recall that, while determining the numbers of domestic workers is always a challenge, it is perhaps nowhere more so than in Africa, where the majority of domestic work is performed by young girls and boys who are often members of the extended family. Kinship ties, the low recognition of domestic work as real work and the low level of awareness among domestic workers that they are workers and among employers that they are employers, significantly reduces the chances that households may report being employers of domestic workers in national household surveys of any kind (Mehran 2014). As such, perhaps more so than in other regions, the estimates of the number of domestic workers in Africa is assumed to be far below the reality. However, compared with previous efforts, the present estimates cover a higher number of countries in the region,[29] thus contributing to a somewhat more reliable estimate.

Most domestic workers in the region (8.7 million) are concentrated in sub-Saharan Africa, due in large part to the presence of the two largest employers of domestic workers, South Africa (1,335,343) and Ethiopia (1,168,730), both of which are among the top ten employers globally (figure 2.6). Despite these impressive numbers, however, domestic work is actually a more typical source of employment in other countries of Southern Africa, which employ a smaller number of domestic workers but account for higher proportions of employment. Lesotho appears to be the country in which domestic workers represent the highest percentage of employment in the region (16.7 per cent), followed by Botswana (12.4 per cent) and Namibia (11.3 per cent), all three of which are also in the top ten countries globally in terms of share of employment (see figure 2.6, panel B).

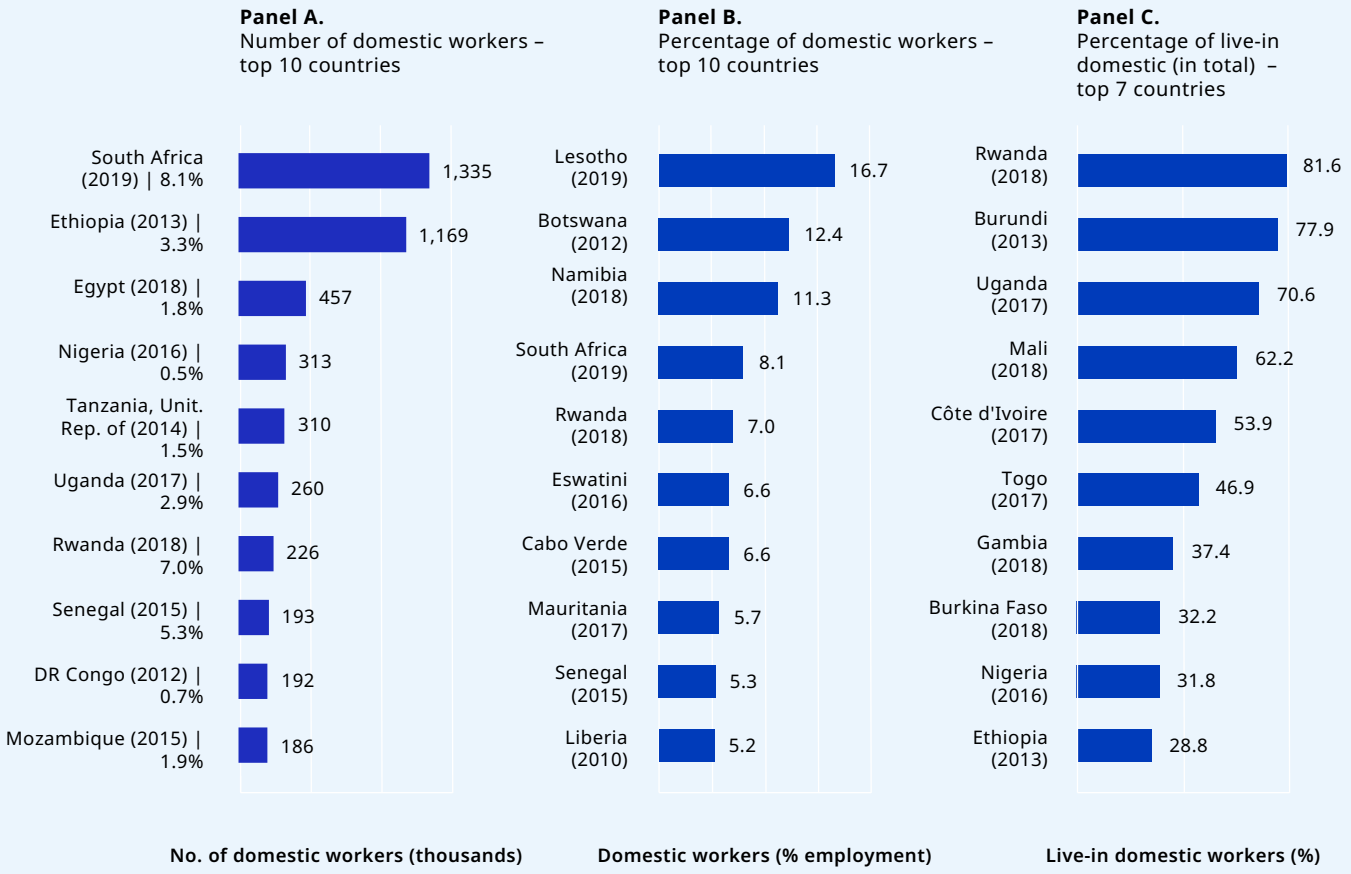
In general, domestic work is somewhat more typical in sub-Saharan Africa than in North

Table 2.5 Domestic workers in numbers in Africa, 2019

	Number of domestic workers (thousands)			Domestic workers in total employment (percentages)			Domestic workers among employees (percentages)			Share of women in total (percentages)
	Total	Women	Men	**Total**	Women	Men	**Total**	Women	Men	
Africa	**9 608**	**6 568**	**3 041**	**2.1**	**3.3**	**1.2**	**7.3**	**15.8**	**3.4**	**68.4**
North Africa	915	433	482	1.4	3.2	0.9	2.1	4.7	1.5	47.3
Sub-Saharan Africa	8 693	6 135	2 558	2.2	3.4	1.2	9.2	18.2	4.2	70.6

29 Estimates published in 2013 covered only 20 countries and 69 per cent of employment (ILO 2013), whereas the current estimates cover 44 countries (80 per cent) and 90 per cent of total employment.

Figure 2.6 Domestic workers in numbers in Africa, 2019



Note: As for figure 2.3.

Africa. In sub-Saharan Africa, domestic workers represent 2.2 per cent of employment, compared with 1.4 of total employment in North Africa.

Women, numbering 6.6 million, make up the majority (68.4 per cent) of domestic workers on the continent, especially in sub-Saharan Africa. In the region as a whole, domestic work represents 3.3 per cent of female employment and 15.8 per cent of female employees. These proportions are significantly influenced by the situation in sub-Saharan Africa, where domestic workers account for 18.2 per cent of female employees.

Nevertheless, men take up a significant share of employment in domestic work, particularly in North Africa. In Africa as a whole, roughly one third (3 million) of all domestic workers are men, making Africa the third-largest employer of male domestic workers globally. In North Africa, where women's labour market participation is particularly low compared with that of men, male domestic workers even outnumber their female counterparts, making up over half (53 per cent) of the sector. While the share of male domestic workers is lower in sub-Saharan Africa, men still represent 29 per cent of all domestic workers. However, domestic work is not a typical form of employment among men, with only one working man in 100 employed in the sector.

Migrant domestic workers

Recent years have seen shifts in international migration for domestic work, both within and between regions. One striking trend is the growing numbers of workers from East, North and West Africa migrating to the Arab States, where they are often employed in low- and medium-skilled occupations in construction, manufacturing, agriculture, food services, retail trade and domestic and care work (Atong, Mayah and Odigie 2018). While comprehensive data from African countries of origin are limited, some indicative information is found in administrative and other sources. For example, according to the Kenyan Ministry of

Foreign Affairs, 3,500 Kenyans migrated to Bahrain in 2019, 90 per cent of them to undertake domestic work. Data provided by the Ministry of Gender, Labour and Social Development of Uganda show that 41,580 migrants (29,359 females) migrated to the region between 2016 and August 2019. Over half (24,141) were employed in Saudi Arabia, although significant numbers were also employed in the United Arab Emirates (4,091), Qatar (2,382) and Bahrain (896). It can be safely assumed that a number of the female migrant workers found employment as domestic workers.

Although migration to other regions is increasing, in sub-Saharan Africa intraregional mobility remains the main form of labour migration. In 2017, the regional economic communities with the highest share of migrants originating from within the communities were the Economic Community of West African States (47.1 per cent) and the Southern African Development Community (45.5 per cent) (UNCTAD 2018). ILO estimates for 2013 show that, of the 7.9 million migrant workers in sub-Saharan Africa, 7.3 per cent are domestic workers and 6.9 per cent of domestic workers are migrants. In North Africa, a slightly higher share of the 800,000 migrant workers in the region (9 per cent) are engaged in domestic work, and a slightly higher proportion of domestic workers are migrants (7.9 per cent) (ILO 2015g). Migration for domestic work, in particular, has been recorded from Zimbabwe to South Africa, Burkina Faso to Côte d'Ivoire and Côte d'Ivoire to Tunisia, to name only a few of the migration corridors. Burkina Faso is the country of origin of a large number of migrant workers, most of whom find work in Côte d'Ivoire, where domestic work has been found to be an important source of employment for migrants (OECD and ILO 2018). In fact, the United Nations Conference on Trade and Development estimates that a little over half of Burkinabe migrants find employment in low-skilled work, including domestic work (UNCTAD 2018).

> In Africa, there are 9.6 million domestic workers, representing 2.1 per cent of employment. More so than in other regions, this is likely to be an underestimate, as domestic work is often performed by girls and boys below the age of 15 who are often members of the extended family. Women make up 68.4 per cent of domestic workers, representing 3.3 per cent of female employment and 15.8 per cent of female employees. Roughly one third of domestic workers in the region are men. In North Africa, men make up 53 per cent of the sector.

Role of service providers

The increase in migration for domestic work is associated with an increase in demand for essential services for households, notably because of a lack of care services for children and elderly people and an increase in female participation in the labour market, which remains a major objective for developing countries. The growth in demand is met in part through a network of recruiters, including informal networks and private employment agencies, some of which recruit from abroad,[30] while other agencies place domestic workers internally. Using the new approach for determining the number of domestic workers who work through service providers, the ILO has noted a significant number in several countries. For example, in Zambia, 25 per cent (23,992) of the 97,104 domestic workers captured in the household survey appear to be employed through service providers, with a similar proportion (24 per cent) in Senegal. In contrast, service providers placed 12 per cent of domestic workers in Namibia and 2 per cent in South Africa (see Annex 7).

Impact of the COVID-19 pandemic

Undoubtedly, the COVID-19 pandemic has had a substantial impact on domestic workers in the region. Although there are currently no regional estimates of the number of domestic workers who lost their jobs due to the pandemic in Africa, national-level statistics from South Africa show a decrease of 21.9 per cent of domestic workers and a 35.8 per cent drop in the number of hours worked between the fourth quarter of 2019 and the second quarter of 2020.

30 A case study conducted by the ILO ((Golman and Rani, forthcoming)) has shown that in Burkina Faso, informal recruiters with deep networks in the community of origin are often involved in the recruitment of young people, especially girls, to work in Côte d'Ivoire, over which few controls exist. In Côte d'Ivoire, private recruitment agencies are flourishing in the cleaning and domestic work sector, which have been found to charge large fees to employers but pay derisory wages to workers.

A look towards the future

Rather than reducing the need and demand for domestic work, the job losses in domestic work resulting from the COVID-19 pandemic may actually have increased – or at least made more visible – the need and demand for domestic work. While the pandemic may have provoked significant job losses, as detailed in Chapter 11 below, these losses were largely due to confinement measures. In the absence of these domestic workers, households found themselves confronted with unmet needs and demands for domestic work, with a disproportionate impact on women. For example, a Eurofound study of the impact of the pandemic found that significantly more women with young children teleworked during the pandemic than men (46 per cent and 39 per cent, respectively). In the survey, women reported more difficulties in combining work and private life than men. Among parents of children under the age of 12, one third of women reported difficulties concentrating on their work during the pandemic, compared with one sixth of men. Over one quarter of the women surveyed (26 per cent) reported that family responsibilities prevented them from working, compared with 7 per cent of men (Eurofound 2020). The study suggests that these impacts were largely influenced by the closure of childcare facilities and schools. The pandemic has therefore accentuated the need for care services, including domestic work.

As indicated in Chapter 2, domestic workers normally play a key role in enabling their female employers, in particular, to participate in the paid labour market. Research covering Latin America has noted the ways in which job losses among domestic workers during the pandemic have had an impact on women employers, who have had to assume the care duties of their former paid domestic workers (Weller et al. 2020).

Growing demand for direct and indirect care services for households

Looking towards the future, it is expected that domestic work will continue to grow as a sector, owing to rising demand and continued supply of the workforce. As one of the main groups providing direct and indirect care for households, domestic workers are likely to continue to be in demand, particularly in the 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. The proportion of older persons (60 years or more) is predicted to rise from 13.5 per cent in 2020 to 21.4 per cent by 2050 and 28.2 per cent by 2100 (UNDESA 2020). Some studies have also documented the continued preference for in-home rather than institutional care services (de Klaver et al. 2013), a preference that is likely to be emphasized in an era in which the COVID-19 pandemic has threatened the lives of elderly persons in retirement and nursing homes (ILO 2020c). Looking beyond elder care, a study conducted by the McKinsey Global Institute projects that demand for occupations like childcare, early-childhood education, cleaning, cooking and gardening will increase, creating 50 million to 90 million jobs globally (McKinsey 2017, 60–61).

Continued income inequality both within and between countries is also likely to continue to provide a sizeable supply of domestic workers. Poverty, gender discrimination and limited access to education are likely to continue, ensuring the availability of women and men who most often work as domestic workers. These same factors also push women and men to migrate from lower- to higher-income countries where the demand for care is high and investment in care services is low (Tayah 2016).

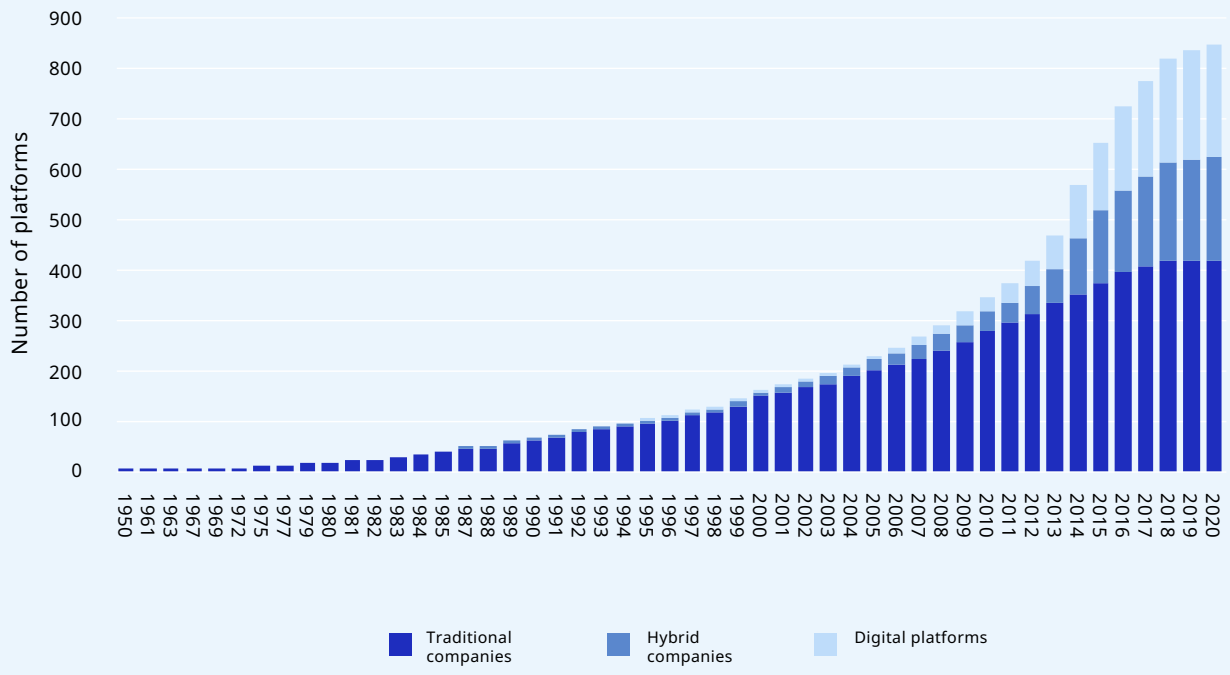
▶ Fair recruitment and the role of service providers

As seen in Chapter 2, service providers play an important role in employing or placing domestic workers in many countries. Service providers in domestic work provide a variety of services for households and domestic workers. They can be private, for profit or not-for-profit, including digital platforms (see below). In some countries, governments operate public agencies or subsidize the provision of domestic services through service providers (Fudge and Hobden 2018). Whether domestic workers are hired by the household or through or by a service provider, decent work for domestic workers must also include fair recruitment. Fair recruitment is generally understood to mean recruitment carried out within the law, in line with international labour standards and with respect for human rights. Achieving decent work and fair recruitment for domestic workers must therefore also include the appropriate regulation of service providers. The regulatory context includes social policy, tax policy and business regulation, including licensing regulation. In the case of migrant domestic workers, this can also include immigration policy (Fudge and Hobden 2018). In order to help establish effective policy, it would be useful in the future to generalize data collection on the percentage of domestic workers employed through or by service providers, their working conditions and the number of service providers that operate in the domestic work sector.

▶ Rise of the on-demand economy in domestic work

The expansion of the internet since in the mid-1990s has led, in recent years, to the expansion of the number of internet-based information and referral services in domestic work (Doty 2017). The earliest online marketplaces that were established were Daily Poppins in the United Kingdom (1997) for cleaning services and Sittercity in the United States (2001) for in-home care services. A recent ILO study of digital labour platforms confirms that they are rapidly increasing in number (ILO 2021a). This is no less true in the domestic work sector. Companies that mediate or place domestic workers can be categorized into three types: traditional companies, which provide domestic and care services from a physical location and operate like a traditional staffing agency; hybrid companies, which provide services from a physical location and also through a website or a platform; and digital platform companies, which provide services only through a website or a platform. The research found that, out of 846 companies identified, 427 were of the traditional type, while 205 were hybrid and 224 were digital (Golman and Rani, forthcoming).

Figure 2.7 Number of active domestic work platforms globally by year of foundation, 1950–2020



Source: Crunchbase database. See ILO (forthcoming).

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Whether domestic workers are hired by the household or through or by a service provider, decent work for domestic workers must also include fair recruitment.

> Digital platform companies are gaining importance in the provision of domestic and care work, growing eightfold in the past decade, from 28 platforms in 2010 to 224 platforms in 2020.

Although the proportion of digital platform companies is much smaller than that of traditional and hybrid companies, they are gaining importance in the provision of domestic and care work. After a period of slow growth in the first decade of the twenty-first century, the number of digital labour platforms in the domestic work sector globally has risen eightfold, from 28 platforms in 2010 to 224 platforms in 2020 (figure 2.7). Venture capital has played an important role in driving this growth over the past decade (Golman and Rani, forthcoming). The information on investment or funding is available for 50 per cent of the digital platform companies (109 platforms), and together they have received total funding of at least US$2.2 billion (as of November 2020). Digital labour platforms in the domestic and care services sector are growing much more rapidly in developed countries than in developing countries. Of the total amount of investments or funding, 74 per cent was invested in ten platform companies, eight of which are located in the United States (followed by platforms based in Germany and France) and operate in a number of countries. The rise of digital labour platforms suggests that they are meeting an incipient market need.

Digital labour platforms offer two types of work arrangement: workers directly hired by platforms and those whose work is mediated through the platforms. Based on information available on 32 digital platforms, the number of workers whose work is mediated by these platforms ranges from 150 to 1 million workers per platform. Often assimilated as self-employed, even in cases where their work is supervised and under a dependency relationship, workers engaged in digital labour platforms tend to lack labour and social protection (Behrendt, Nguyen and Rani 2019; Behrendt and Nguyen 2018; Mateescu and Ticona 2021). The employment classification of these workers, which has strong implications for their protection, is the subject of an increasing amount of litigation around the world (De Stefano et al. 2021). A scoping study by the Overseas Development Institute of SweepSouth and Domestly in South Africa found that the domestic workers interviewed for the study were classified as "independent contractors" and could not access labour and social protection. Moreover, workers in the study in general earned low and insecure incomes and faced discrimination (Hunt and Machingura 2016). On the other hand, the study also found that the platforms benefit the households, as they are able to access cheap, convenient and reliable domestic services. Some workers also report that platforms offer them some choice over when they work and that they can track the hours worked and the income earned.

▶ Domestic work as a source of employment in a COVID-19 pandemic recovery plan

The gender impacts of the COVID-19 pandemic on both domestic workers and their female household employers have led some to argue for a gender-responsive pandemic recovery plan that focuses on the care economy (de Henau and Himmelweit 2021). While most pandemic recovery plans have focused on construction, one study found that in order to achieve full and quality employment in the care sector (meaning child day care and adult long-term care, provided both in residential settings and at home), the EU-28 on average would have to invest only 1.6 per cent of gross domestic product (GDP), compared with 4.3 per cent to achieve the same

result in construction. The study also found that such an investment would significantly reduce the gender employment gap in these countries, although in some more than others (de Henau and Himmelweit 2021). Creating jobs in the care sector can also have a significant impact on female labour participation overall, as well as on health and education outcomes for children. Some projections show that investing 2 per cent of GDP in the care industry in the countries of the Organisation for Economic Co-operation and Development would generate a 2.4–6.1 per cent increase in overall employment and a 3.3–8.2 per cent increase in female employment (ITUC 2016). While the sectors included in this study only partially include domestic workers, the results are an indication of what can be achieved through a care-led recovery strategy.

As an especially job-intensive sector that meets essential household needs, domestic work certainly shows some promise as a sector worth developing, particularly given the growing demands outlined above. What remains in question are the conditions under which such jobs would be created. There are many sources of vulnerability that would need to be addressed, particularly with respect to the proximity of domestic workers to clients and the fact that they often work for multiple households, with high levels of informality and labour market institutions that are ill-adapted to the sector. A large share of vulnerable groups working in the sector also means that these groups would be disproportionately affected by a lack of protections. Part II of this report reviews the percentage of domestic workers who are covered by key labour and social security laws, as one source of vulnerability that must be addressed on the road to achieving decent work for domestic workers.

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Part II

Extent of coverage of domestic workers by labour and social security laws and regulations

Historically, domestic workers have been mostly excluded from the scope of national labour laws. The exclusions represent a lack of recognition of domestic work as real work, both in law and in the eyes of society at large. For this reason, the legal recognition of domestic work has been one of the primary demands of domestic workers across the globe. Indeed, Convention No. 189 represented the first time that the ILO formulated international labour standards that were dedicated to domestic workers. The Convention is a strong recognition of the economic and social value of domestic work and a call for action to address the existing exclusions of domestic workers from labour and social protection. Through its adoption, the International Labour Conference sent a clear message that domestic workers, like other workers, have the right to decent working and living conditions. Concretely, Article 18 of the Convention calls upon Member States to "implement the provisions of this Convention, in consultation with the most representative employers and workers organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate".

A key indicator of progress is therefore the inclusion of domestic workers in national labour laws, in other words the extension of legal coverage to them. Part II of this report will confine itself to measuring the extent to which domestic workers enjoy 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). 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 just a few. The existence of employers' and workers' organizations, in particular organizations of domestic workers and of their employers, also helps to improve effective coverage. The extent to which domestic workers enjoy effective coverage will be addressed in Part III of this report.

It is also important to note that inclusion in the scope of labour laws does not necessarily indicate the level of legal coverage that workers enjoy. For instance, a country may recognize domestic workers as workers under the general labour code but exclude them from specific provisions on working time, wages, social protection or other provisions, thus lowering their level of coverage. When the ILO prepared the law and practice report on domestic work for the 99th Session of the International Labour Conference in June 2010, the evidence gathered showed that gaps were particularly frequent with regard to the legal coverage of domestic workers in terms of minimum wages, limitation of working hours, inclusion in social security schemes and measures to ensure OSH (ILO 2010c). Even when they are included in specific provisions, they may enjoy rights that are less favourable than those afforded to other workers, or levels of protection that are insufficient to ensure decent work. For instance, limits on normal weekly hours tend to be longer for domestic workers than for other workers. Excluding domestic workers from specific provisions or affording them lower levels of coverage than those enjoyed by other workers represents an important departure from the spirit of Convention No. 189.

Historically, domestic workers have been mostly excluded from the scope of national labour laws. The exclusions represent a lack of recognition of domestic work as real work, both in law and in the eyes of society at large. For this reason, the legal recognition of domestic work has been one of the primary demands of domestic workers across the globe.

> A key objective of this report is to estimate progress made in the extent of labour law coverage since 2010. To estimate progress, the ILO sought to answer the question: what percentage of domestic workers would be protected in 2020, had the sector grown but the laws stayed the same as in 2010?

Therefore, to establish the extent to which domestic workers enjoy legal coverage, a closer look at the extent to which they are covered by specific provisions in comparison with other workers is required. To do so, Part II of this report provides a statistical picture of the extent to which domestic workers were included in labour laws in 2020. It provides detailed estimates of the percentage of domestic workers included in:

- the general scope of labour laws;
- limitations on normal weekly hours;
- weekly rest;
- paid annual leave;
- minimum wage;
- limitations on payment in kind;
- social security;
- maternity leave;
- maternity cash benefits.

By way of indicating the progress made, Chapters 3 to 6 seek to compare the situation of domestic workers today with what their situation would have been like had there been no extension of labour rights to domestic workers since 2010.

Methodology

The estimates of the extent to which domestic workers are covered by national laws are based on two sources: first, statistical data on the number of domestic workers in a given country, which are available from the database compiled for the global and regional estimates on domestic workers (see Part I and Annex 5); and second, legal information on the coverage of domestic workers by labour and social security legislation.

Legal information was compiled by the ILO progressively over the course of ten years following the adoption of Convention No. 189. This law and policy database was reviewed, completed and analysed to document specific changes that had been made since the adoption of Convention No. 189. The legal review was conducted on the basis of national laws and regulations[1] and government responses to the supervisory machinery, in consultation with ILO specialists across the globe. In order to use the legal review for the coverage estimates, a coding scheme was developed to record the extent to which domestic workers were covered by the legal provisions of

1 Legal sources consulted include the primary laws at national level, making use of the ILO's NORMLEX database at http://www.ilo.org/normlex and starting from general labour laws, usually the labour code or act, depending on the legal system. Where available, we focused on specific laws, decrees and regulations regarding domestic workers: some of them are published as independent laws, while some descend from clear references and statements made in the general labour laws. We included laws, regulations, decrees, acts, etc. in related areas, such as social security, migration and contract law, in order to capture norms applying to domestic workers as well. In cases where the official text seemed to be missing, unavailable on an official website or difficult to understand, we also consulted secondary sources, such as compendiums, journals, law firms and recognized institutions' websites, in order to get a broader picture of the legal system. In some cases, government responses to the General Survey concerning decent work for care economy workers in a changing economy were also consulted.

interest. The coding also documented whether the provisions relevant to domestic workers were identical to, more favourable than or less favourable than those applicable to other workers. Annex 9 provides these data for the countries on which the legal coverage estimates are based.

For the estimates of the extent of labour law coverage, statistical data were available for 100 countries and territories of the 108 countries and territories for which legal data were available. For each policy area, two estimates were produced:

1. an estimate of the percentage of countries in 2020 that afforded legal coverage to domestic workers (using the sample of 108 countries); and

2. an estimate of the percentage of domestic workers who were covered by labour laws (calculated on the basis of the 100 countries and territories for which both statistical and legal data were available, representing 88.6 per cent of global employment, and extrapolated).[2] This second estimate gives greater weight to countries with large numbers of domestic workers. (In this sense, it is particularly noteworthy that China has 22 million domestic workers.) Where legal provisions differed for live-in and live-out domestic workers, both were given equal weight.

The ILO also sought to estimate progress made in the extent of labour law coverage since 2010. To compare the extent to which domestic workers enjoyed legal coverage in 2010 and in 2020,[3] two approaches were used. First, we took the 75 countries for which we had legal information in 2010 and identified those in which laws had been modified with regard to domestic workers in the last ten years. Second, we estimated the percentage change in the numbers of domestic workers covered by labour laws between 2010 and 2020. To make this assessment, we sought to answer the question: what percentage of domestic workers would be protected in 2020, had the sector grown but the laws stayed the same as in 2010? To answer this question, we took our global estimate of domestic workers for 2019 and estimated the percentage who would have been covered if no laws had changed. By applying laws from 2010 and from 2020 to the same number of domestic workers from 2019, we can see the effect of legal changes, while keeping the number and composition of domestic workers constant.[4]

For the estimates of the extent of coverage by social security laws, statistical data were available for 135 countries and territories of the 168 for which legal data were available.[5] As estimates of social security legal coverage had not been produced for 2010, no comparison could be made between 2010 and 2020.

> The inclusion of domestic workers in the scope of national labour laws is a foundational step towards decent work, and an important indicator of progress in the implementation of the principles of Convention No. 189.

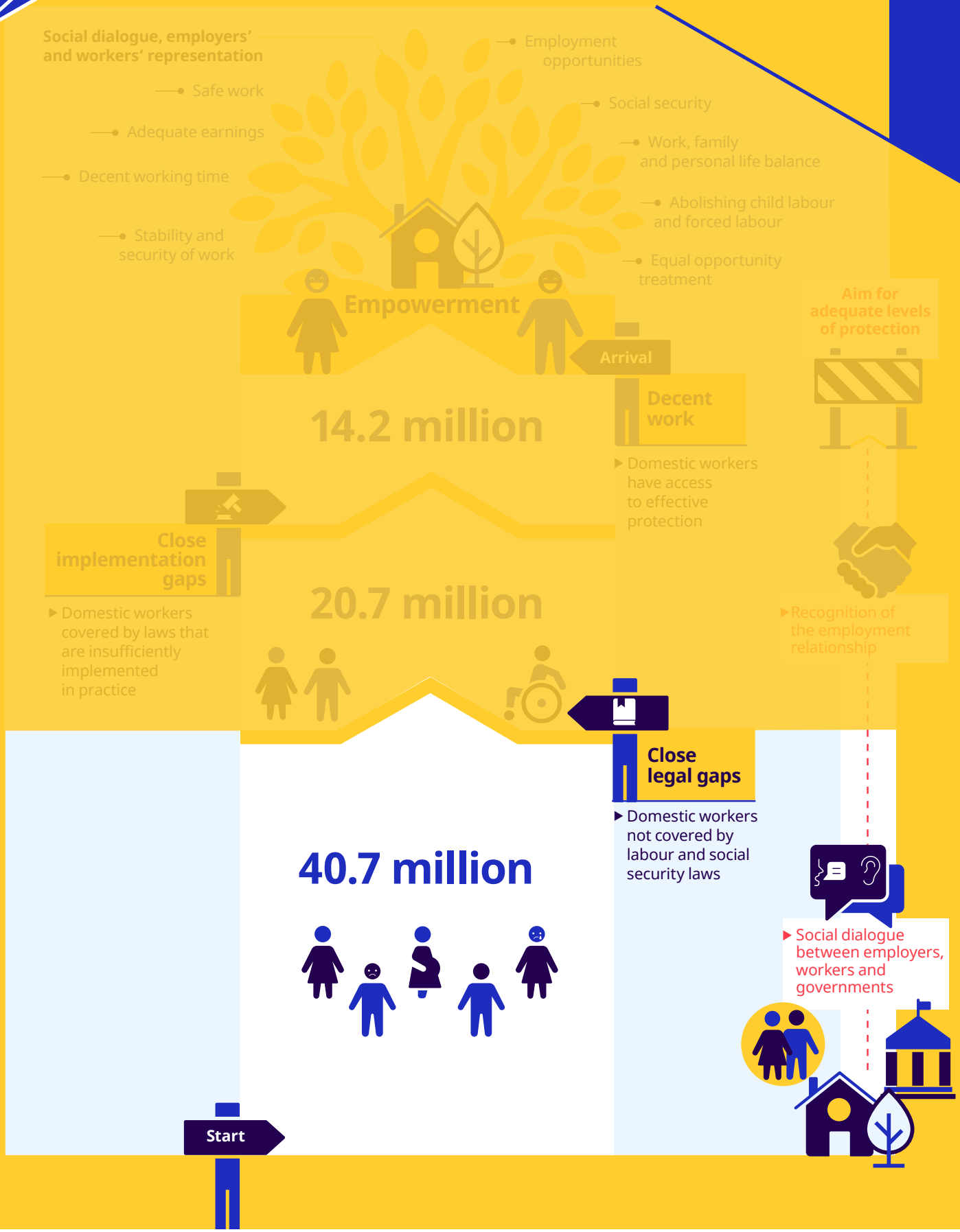
2 A note on sample sizes: the sample size for the estimates in Part II varied depending on the number of countries for which we had statistical data, legal data or both. The estimate of the percentage of countries that afforded labour protection to domestic workers in 2010 was calculated on the basis of legal data from 75 countries. The estimate of the percentage of countries that afforded labour protection to domestic workers in 2020 was calculated on the basis of legal data from 108 countries.

3 For the sake of simplicity, this report will henceforth refer to the year 2020 as the main reference year for the estimates of legal coverage. It is important to recall, however, that the legal coverage estimates were produced using statistical data from 2019 (or most recent year available) and legal data from 2020.

4 The estimate of the percentage of domestic workers in 2019 covered by laws as they stood in 2010 was calculated on the basis of statistical and legal data from 71 countries. The estimate of the percentage of domestic workers covered by laws in 2020 was calculated on the basis statistical and legal data from 100 countries. The same exercise was also undertaken looking only at the 71 countries included in the 2010 sample. As the results of the two comparisons were largely the same, it was decided to use the larger sample size of 100 countries in an effort to achieve greater representativity.

5 Representing 97 per cent of global employment.

First step to decent work: closing legal gaps



Chapter 3

Scope of national labour legislation

Since the adoption of Convention No. 189, governments, often in consultation with workers and employers, have made pronounced efforts to include domestic workers within the scope of national labour laws. To do so, governments have used a range of legal instruments: in some cases, they have included domestic workers within the scope of general labour laws; in others, they have adopted specific labour laws or subordinate regulations; and in others still, governments have opted for both the general and the specific approach.

The various approaches do not necessarily mean that domestic workers enjoy labour law coverage to the same extent as other workers. Regardless of the approach used, inclusion in labour law is simply an indicator of the extent to which the law is beginning to provide domestic workers with rights and protection; it is not an indicator of the level of coverage enjoyed. Domestic workers may be included in the general labour laws but excluded from specific provisions or afforded levels of protection that are insufficient to ensure decent work. Furthermore, labour laws that apply to domestic workers may still not be effective, meaning that workers cannot actually realize their rights and protection.

Nonetheless, legal recognition is often considered the first and most foundational step towards ensuring decent work for domestic workers. Their inclusion in the scope of national labour laws remains an important indicator of progress in the implementation of the principles of Convention No. 189. Therefore, the results presented below indicate, first, whether countries recognize domestic workers as workers, regardless of the instrument used and level of protection afforded. These figures are then disaggregated to see more precisely the type of instruments used to grant this legal recognition. Whether the coverage is effective or not, as well as the extent to which decent work has become a reality for domestic workers, will be covered in Part III.

> Of the countries reviewed in 2020, 88 per cent cover domestic workers at least partly, and there has been a growing tendency to cover domestic workers through both the general labour laws and specific labour laws or subordinate regulations. This translates to 53.4 per cent of domestic workers being recognized wholly or partially by labour laws or regulations.

Global extent of legal coverage in 2020

Based on analysis of the data collected in 2020, 88 per cent of the 108 countries reviewed cover domestic workers wholly or partly, whether through general or specific labour laws or subordinate regulations only. This leaves 8.3 per cent of countries that wholly exclude domestic workers (see table 3.1).

Table 3.1 Extent of inclusion in the scope of national labour laws in 2010 and 2020: Number and percentage of countries providing coverage for domestic workers

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020lLaws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Domestic workers are covered fully or in part by labour laws:	60	80.0	63	84.0	95	88.0
by the general labour laws	*27*	*36.0*	*21*	*28.0*	*27*	*25.0*
in part by the general labour laws and in part by subordinate regulations or specific labour laws	*23*	*30.7*	*35*	*46.7*	*56*	*51.9*
by subordinate regulations or specific labour laws	*10*	*13.3*	*7*	*9.3*	*12*	*11.1*
Domestic workers are excluded from the scope of the country's labour laws	13	17.3	9	12.0	9	8.3
Federal country with provisions that differ between states	2	2.7	3	4.0	4	3.7
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

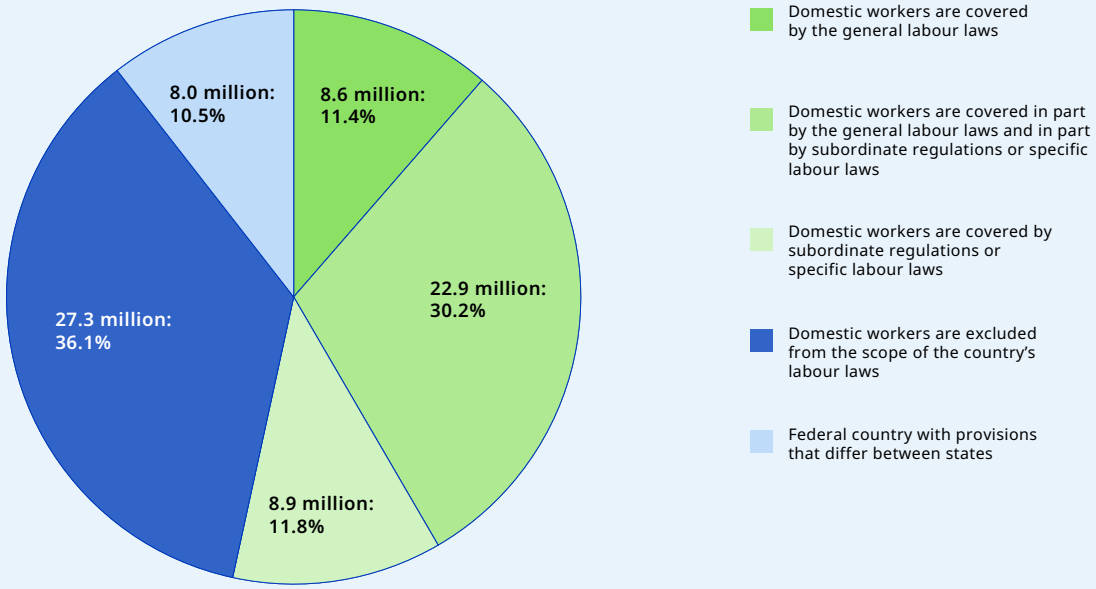
Note: See Methodology section above.

While the overall picture shows that a significant percentage of countries provide coverage, it is worth examining more closely the various approaches that countries have taken to ensure such coverage. Indeed, while 25 per cent of countries provide coverage by general laws only, 51.9 per cent provide coverage through a combined approach and 11 per cent provide coverage through subordinate regulation or specific labour laws only. Looking only at the sample of countries from 2010, 4 of the 12 countries that excluded domestic workers in 2010 now afford domestic workers some form of labour coverage. There has been a growing tendency to cover domestic workers through both the general labour law and specific labour laws or subordinate regulations. The number of countries that cover domestic workers through this combined approach has increased from 23 to 35. As a result, the number of countries that cover domestic workers solely through general labour laws has decreased from 27 to 21, while the number of countries covering domestic workers solely with subordinate regulations or specific labour laws has decreased from 10 to 7.

This translates to 53.4 per cent of domestic workers being recognized by labour laws or regulations, whether through general, specific or subordinate instruments. More precisely, 11.4 per cent of domestic workers are covered by the general labour laws; 30.2 per cent are covered in part by the general labour laws and in part by specific labour laws or subordinate regulations; and 11.8 per cent are covered only by subordinate regulations or specific labour laws. However, 36.1 per cent of domestic workers remain wholly excluded from labour laws (see figure 3.1).[6]

6 As a reminder, these estimates are based on a sample of 100 countries for which both legal and statistical data were available. The same calculations were made on the basis of either of the two sample sizes. When we correct for the number of countries, the change is approximately the same.

▶ Figure 3.1 Coverage of domestic workers by national labour legislation across the world, 2020 (percentages)



Note: See methodology section above. Detailed country sources and years are provided in Annex 3; the number of domestic workers in Annex 5; and information on coverage of domestic workers under national legislation in Annexes 9 to 11.

Regional extent of legal coverage in 2020

The level of coverage across regions varies significantly (see figure 3.2 and Annex 10).

In the Americas, 95 per cent of domestic workers are covered by labour laws.[7] The majority (70 per cent) are covered through the combined approach. A relatively small share (15 per cent) are covered only through general labour laws and 10 per cent are covered exclusively through subordinate regulations or specific labour laws. Focusing on Latin America and the Caribbean, domestic workers are all covered by legislation, the majority (83 per cent) through the combined approach and a smaller share (12 per cent) exclusively through subordinate regulations or specific labour laws.

The high level of coverage in the region is due, at least in part, to the revision or adoption of laws and policies in countries that employ a significant number of domestic workers. One significant change in this regard has been a reform in the United States in 2015,[8] extending certain provisions of working time and wages to specific categories of domestic workers (see Chapters 4 and 5 for details). In a concerted effort to adapt protections to the specificities of the sector with the aim of achieving equality between domestic workers and workers generally, specific labour laws were adopted in Argentina (2013),[9] Chile (2014),[10] Mexico (2019),[11] and Peru (2020),[12] which in some cases supplemented coverage by the general labour code.

It is important to note, however, that there is no clear link between the type of legal coverage (general or specific) and the extent to which domestic workers enjoy equal treatment with workers generally. Argentina and Uruguay are two cases in which domestic workers are covered solely by specific legislation, yet the level of protection is relatively comprehensive. This is in part thanks to strong social dialogue mechanisms that are in place to ensure an effective level of labour protection, equivalent to that enjoyed by workers generally (ILO 2015d, 2018d). In many countries in the region, however, particularly in Central America, domestic workers remain excluded from certain protections, or enjoy a lower level of protection compared with other workers, despite being covered by both the general labour code and specific labour laws or subordinate regulations. This will be observed in more detail in the following sections on working time, wages and social security protection, including maternity leave and cash benefits.

7 The remaining 5 per cent are not excluded but are in countries where provisions differ between states.

8 Fair Labor Standards Act (FLSA). The Department of Labor recently revised its regulations defining companionship services so that many direct care workers, such as certified nursing assistants, home health aides, personal care aides and other caregivers, are protected by the FLSA. The Department also revised the regulations concerning live-in domestic service workers. The new regulations became effective on 1 January2015.

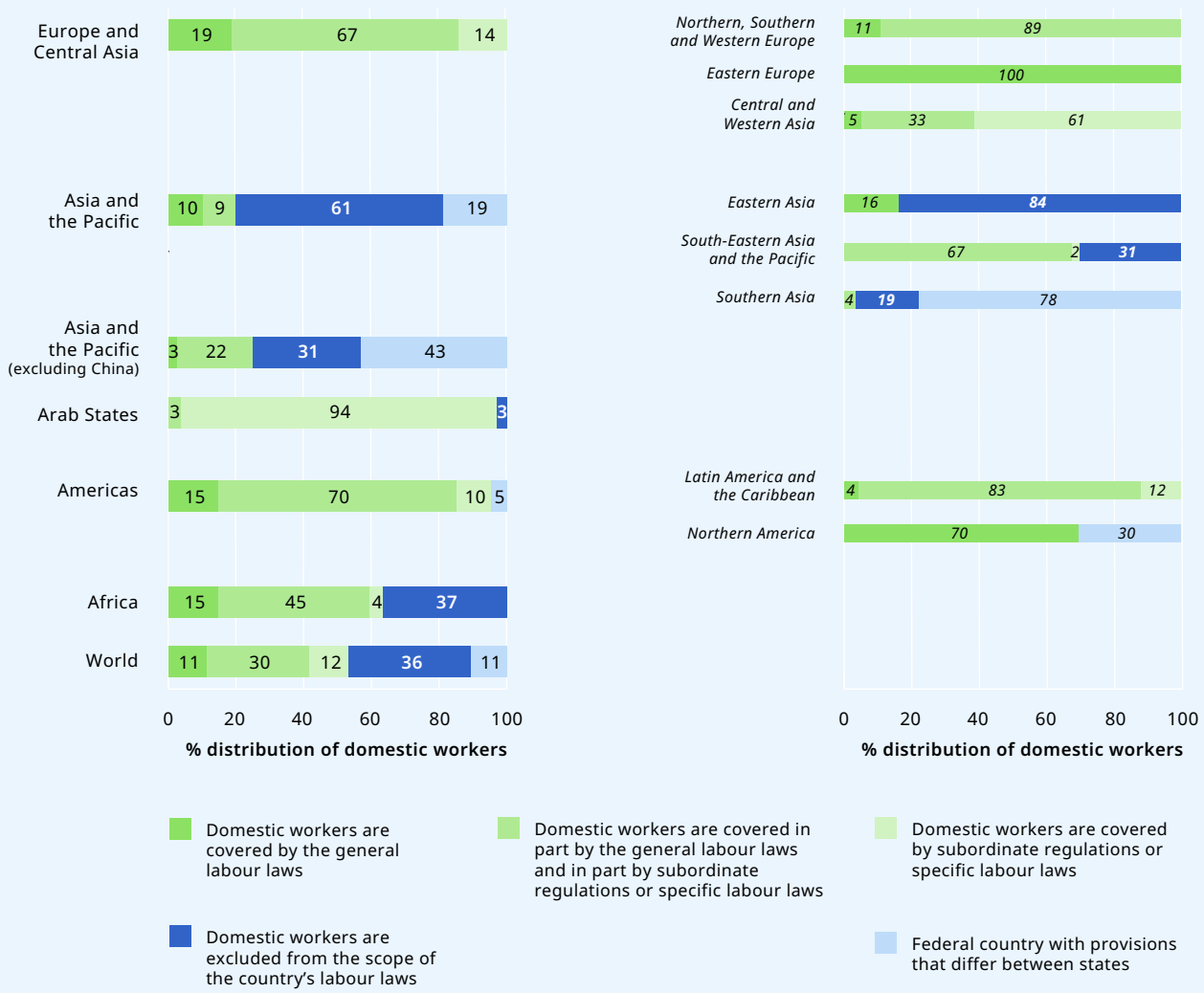
9 Law on Workers in Private Households (Act 26844, 2013).

10 Law No. 20786 of 27 October 2014.

11 Decree reforming, adding and repealing various provisions of the Federal Labour Act and the Social Security Act relating to domestic workers, 2019.

12 Law No. 31047/2020 on Domestic Workers.

Figure 3.2 Coverage of domestic workers by national labour legislation by region, 2020 (percentages)

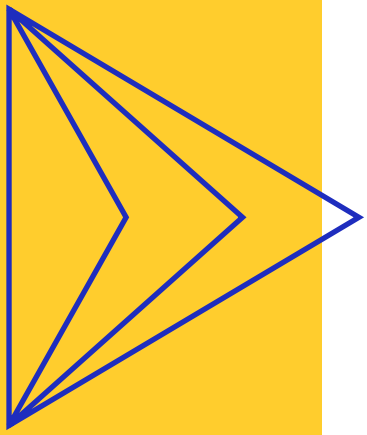


Note: As for figure 3.1.

Virtually all domestic workers in Europe and Central Asia are covered by some form of labour law. It is important to note, however, that in many cases this means simply that domestic workers are not explicitly excluded from the labour laws. General labour laws in this region are broad in scope, applying to most employees; however, they rarely make explicit mention of domestic workers. For the purposes of this report, where the general labour law is broad in scope, covering most employees without specifically providing

> Over 95 per cent of domestic workers in the Americas and in Europe and Central Asia are covered by some form of labour law.

for domestic work, domestic workers are interpreted as being covered. However, when the general labour code is drafted such that it can be interpreted to include domestic workers but without explicit reference to the situation of domestic workers, this can lead to difficulties in application. In Eastern Europe, domestic workers are theoretically covered exclusively through the general labour laws. By contrast, in Northern, Southern and Western Europe, only 11 per cent of domestic workers are covered exclusively by the general labour code, while the remaining 89 per cent are covered by a combination of the general labour code and specific labour laws or subordinate regulations. Belgium[13] and Spain,[14] both of which cover domestic workers through the combined approach, have adopted or revised laws to extend specific protections to domestic workers. In 2015, Finland abrogated its Act on the Employment of Household Workers to pave the way for the inclusion of domestic workers in the Working Hours Act and Employment Contracts Act on an equal footing with other workers.[15] A particular characteristic of countries in the subregion of Northern, Southern and Western Europe is the existence of collective bargaining agreements, which have served to establish working conditions for domestic workers above and beyond what is foreseen in the labour code. Such agreements are made possible by the existence of organizations of domestic workers and of their employers in countries such as Belgium, France and Italy (see Chapter 10 for details of these examples) (ILO 2015d). In Central and Western Asia, a significant majority (61 per cent) are covered only by specific laws or subordinate regulations, while a small minority (5 per cent) are covered only by the general labour code, leaving 33 per cent covered by a combination of instruments.



In Africa, 63.3 per cent of domestic workers now enjoy legal recognition of some kind, the vast majority of whom are covered in part by the general labour laws and in part by specific labour laws or subordinate regulations.

13 Royal Decree of 13 July 2014, extending social security to domestic workers, equal to other workers, which entered into force on 1 October 2014. he National Social Security Office; and Act of 15 May 2014, amending Act on the Welfare of Workers in the Workplace of 4 August 1996 (not yet in force).

14 Royal Decree 1620/2011, 14 November 2011.

15 The Act repealing the Domestic Worker Employment Act of 2014 entered into force in 2015. Finland's Act on the Employment of Household Workers was abrogated in 2014 (with the abrogation in force since 1 January 2015). Currently, the Working Hours Act and Employment Contracts Act are applicable to domestic workers.

> In the Arab States, 94 per cent of domestic workers are excluded from the scope of national labour laws and covered only by subordinate regulations.

In Africa, 63.3 per cent of domestic workers now enjoy legal recognition of some kind, with the vast majority (45 per cent) recognized in part by the general labour laws and in part by specific labour laws or subordinate regulations. Here too, several countries have revised or adopted laws on domestic work, contributing to the high percentage of coverage In Guinea,[16] the Labour Code was revised to extend its coverage to domestic workers, who are now explicitly included in its scope. In 2014, Namibia[17] extended coverage of the 2007 Labour Code to domestic workers. In 2017, a presidential decree was adopted in Angola[18] establishing a new legal and social protection framework for domestic workers. In Morocco,[19] a new law on domestic workers entered into force in 2018.

On the opposite side of the spectrum are regions in which domestic workers remain mostly excluded. In the Arab States, 94 per cent of domestic workers are excluded from the scope of national labour laws and covered only by subordinate regulations. Only 3 per cent are covered by a combination of the general labour laws and subordinate regulations or specific labour laws, while the remaining 3 per cent are wholly excluded. Progress has been made in the last few years, however, in introducing some basic labour law coverage for domestic workers. For instance, Bahrain[20] adopted a new Labour Code in 2012, which partially incorporated domestic workers into the legislation by recognizing some rights, such as paid annual leave. Other countries in the region, such as Saudi Arabia (2013),[21] Kuwait (2015)[22] and Qatar (2017),[23] have adopted specific subordinate regulations on domestic work, extending certain legal protections to domestic workers. Despite this progress, as will be seen in Chapters 4, 5 and 6, domestic workers remain excluded from several specific provisions.

In Asia and the Pacific, 61.5 per cent of domestic workers remain fully excluded from labour law. This proportion, however, is twice as low when China is excluded. The majority of covered domestic workers in the region are to be found in South-Eastern Asia and the Pacific and are covered through a combination of the general labour code and specific laws or subordinate regulations. The rate of coverage may be partly attributed to relatively recent legal reforms. Most well known was the adoption of comprehensive

> In Asia and the Pacific, 61.5 per cent of domestic workers remain fully excluded from labour laws.

16 Labour Code of the Republic of Guinea 2014, article 1, para. 4.

17 Government Gazette of the Republic of Namibia 2014.

18 Presidential Decree No. 155/16.

19 Legalization of Domestic Work in Morocco.

20 Law No 36 of 2012.

21 Ministerial Decision No. 310 of 1434 regulating the employment of domestic workers.

22 Law No. 68 on Domestic Workers, which was followed by the adoption of Ministerial Order No. 2194 of 2016, Concerning the Executive Rules for Law No. 68 of 2015 on Domestic Workers, and Ministerial Order No. 2302 of 2016, On the Rules and Procedures of Enforcement of the Provisions of Kuwait Law No 68/2015 Concerning Domestic Workers.

23 Law No. 15 of 2017 on domestic workers.

> As a result of countries extending their legal coverage, the number of domestic workers included under the scope of additional labour laws has increased by 15 percentage points since 2010.

legislation on domestic work in the Philippines[24] in 2013. As in other regions, the recognition of domestic workers in labour law does not always mean that they have the same labour rights as other workers. In 2012, a ministerial regulation was adopted in Thailand[25] that makes most of the Labour Protection Act applicable to domestic workers, except for the minimum wage rules and maximum working hours per day. More recently, in 2018, Cambodia[26] adopted regulations setting the minimum age at 18, requiring written contracts and providing for 24 consecutive hours of weekly rest, paid holidays, overtime for work during public holidays and some social security coverage. In contrast, a dramatic 84 per cent of domestic workers remain excluded from labour law in Eastern Asia. A large source of these exclusions is China, which employs some 22 million domestic workers, almost all of whom are excluded from labour laws.

Progress in legal coverage since 2010

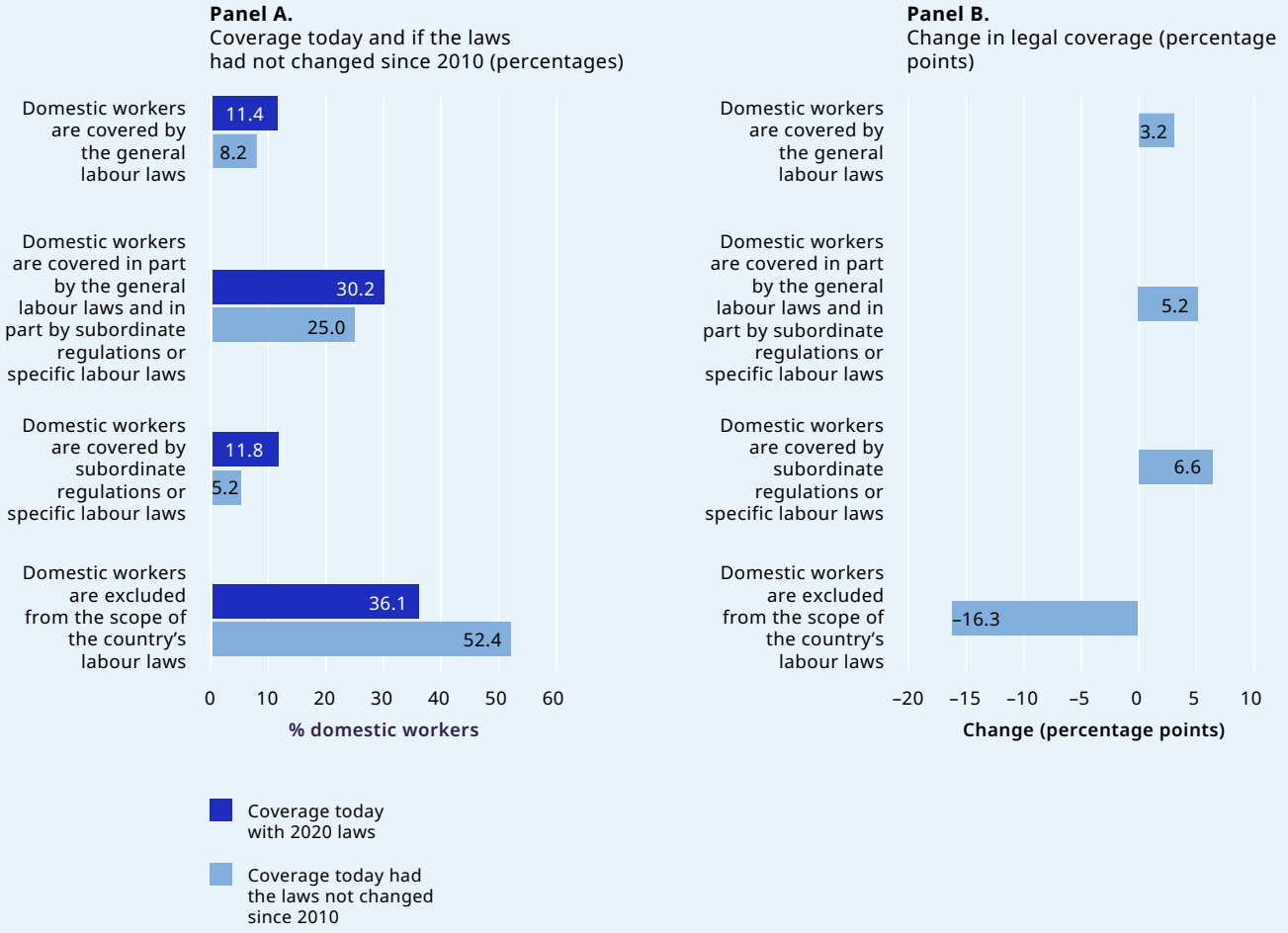
After ten years of efforts on behalf of governments, employers' and workers' organizations, it can be said with certainty that more laws and policies cover domestic workers now than in 2010. As a result of countries extending their legal coverage, the ILO estimates that the number of domestic workers included under the scope of additional labour laws has increased by 15 percentage points since 2010 (figure 3.3). Had there been no extension of labour laws to domestic workers, then today only 8.2 per cent of domestic workers would be covered by the general labour laws, 25 per cent would be covered by a combined approach and 5.2 per cent would be covered only by subordinate regulations or specific labour laws – a total of 38.4 per cent benefiting from some kind of legal recognition. Moreover, more than half of all domestic workers (52.4 per cent) would remain fully excluded from labour protections, a regression of some 16.3 percentage points compared with their actual status today.

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

25 Ministerial Regulation No. 14, B.E. 2555 under the Thai Labour Protection Act.

26 Prakas No. 235 on Work Conditions for House Workers.

Figure 3.3 Progress in coverage of domestic workers by national labour legislation since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not displayed on the graph.

Summary

Efforts to extend labour laws to domestic workers have yielded important gains: significant progress has been made in the number of countries that have recognized domestic workers as workers under the law for the first time, irrespective of the instrument used. There has also been a trend whereby countries have tended to adopt specific labour laws to complement existing labour codes. 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 objectives of Convention No. 189. Nonetheless, laws and regulations, whether general or specific, still do not always afford domestic workers the same rights and protection as other workers.

On the other hand, equal treatment is more frequently afforded by the legal framework when it is established through social dialogue, particularly when it includes the participation of both employers' and workers' organizations, as well as organizations of domestic workers and of their employers, where they exist. This result is most visible in Argentina, Chile, Peru and Uruguay in Latin America, as well as Belgium, France and Italy in Europe. Chapter 10 of this report provides more detailed information on the role of these organizations in making decent work a reality for domestic workers.

However, significant exclusions remain, particularly in Asia and the Pacific and the Arab States. The question of legal protection also includes an important concern regarding the extent of implementation of and compliance with these laws, a concern that is addressed in full in Part III. Moreover, the inclusion of domestic workers in labour law, whether general or specific, does not provide a full picture of the level of protection they enjoy, because they may nonetheless be excluded from many of its specific provisions or afforded less favourable entitlements. Chapters 4 to 6 will look more closely at the extent of protection of domestic workers, as compared with other workers, in terms of working time, wages, social security and maternity leave and cash benefits.

Equal treatment is more frequently afforded by the legal framework when it is established through social dialogue, particularly when it includes the participation of both employers' and workers' organizations, as well as organizations of domestic workers and of their employers, where they exist.

Chapter 4

Laws and regulations governing working time

Working time is a fundamental issue for all workers, including domestic workers. Ensuring that regulations on working time are applicable to domestic workers is an important first step to limiting their working hours. The lack of limits on working hours has well-documented effects on both the physical and the mental well-being of workers, with a resulting impact on their work performance (ILO 2011b; ILO 2013b). Scheduled rest periods are also vital. Yet, owing to the specific circumstances of domestic work, in addition to long hours, domestic workers, especially those who live in, often face challenges relating to unpredictable working hours and rest breaks, which can pose severe problems for their well-being.

In recognition of the detrimental impact of long working hours on quality of life, the right to rest and leisure, including the reasonable limitation of working hours and periodic holidays with pay, is even enshrined in Article 24 of the Universal Declaration of Human Rights. The very first Convention adopted by the ILO was the Hours of Work (Industry) Convention, 1919 (No. 1), which famously set 48 hours as the limit for normal weekly working hours. Normal weekly hours were limited even further to 40 hours a week in 1935 with the adoption of the Forty-Hour Week Convention, 1935 (No. 47), which became the globally accepted benchmark of a reasonable workweek.

Despite this long-standing recognition of the right to rest and have reasonable hours of work, domestic workers have long been excluded from both national and international laws regulating working time. The adoption of 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 box 4.1 for the text of Article 10 of the Convention). It is through the adoption and implementation of such measures that domestic workers should be able to enjoy improved working conditions and the recognized human right to rest and leisure.

▶ Box 4.1 Article 10 of Convention No. 189

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.

2. Weekly rest shall be at least 24 consecutive hours.

3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements or any other means consistent with national practice.

Importantly, Article 10 of the Convention also recognized that achieving equality of treatment might require that measures would have to take into account the particular characteristics of domestic work. For example, common reference is made to the difficulties in distinguishing between working hours, periods of rest and standby time, particularly for live-in domestic workers. Such difficulties are not unique to the sector, but beg the question of how best to regulate working time to address those potential vulnerabilities. As will be seen in this chapter, while many countries have adopted a regulatory approach by limiting normal weekly hours, defining standby periods and establishing overtime pay, some have chosen to regulate the working time of live-in domestic workers through rest periods (ILO 2015a). While this approach can be seen as a simpler way of limiting working time by establishing blocks of daily, nightly and weekly rest periods, it can at times result in inequalities among domestic workers (for example, live-in versus live-out domestic workers) and between domestic workers and other workers. It is therefore important, when such an approach is taken, to ensure equality of treatment with other workers.

The issue of distinguishing between working time, rest periods and standby time is also closely linked to the difficulties of measuring working time. Indeed, ensuring that domestic workers have an effective right to limited working hours requires a shared understanding and method of how to record and measure those hours – an issue that is addressed in Chapter 7. It was already clear, however, in line with Convention No. 189, that periods of standby must be regulated. To that end, Article 10 of the Convention includes a specific paragraph noting that periods during which workers are not free to dispose of their time as they please and are available to respond to possible calls should be considered as working time.

Given the historic regulatory exclusion of domestic workers from labour law broadly and from working time and rest periods rights specifically, new approaches needed to be considered to address these historic legal gaps. The ultimate aim of these regulatory efforts was to achieve equal treatment between domestic workers and other workers in the labour market regarding regulation, enforcement and compliance of working time and rest periods. The imperative of equal treatment notwithstanding, it is important to underline that the Convention went a step further to ensure a minimum period of weekly rest of 24 consecutive hours. By adopting this minimum benchmark, the ILO constituents recognized that limits below this minimum would not be sufficient to meet the human right to rest.

This chapter focuses on the extent to which domestic workers currently enjoy labour law coverage with respect to working time, as compared with other workers. Specifically, it looks at legal provisions limiting normal weekly hours of work, establishing periods of weekly rest and setting periods of paid annual leave. Countries that have regulated working time by other means (for example through periods of daily rest) may therefore not be fully represented in the results. To account for these exceptions, some examples of these alternative approaches are provided, noting any resulting differences in the level of coverage achieved.

Finally, it is important to recall that effectively limiting working time and ensuring adequate rest periods are two of the hardest areas for which to determine compliance and ensure enforcement. While this chapter focuses on regulatory approaches to working time, a further section in Chapter 7 addresses the actual working time of domestic workers and the concrete measures that have been taken to establish adequate working time.

▶ Normal hours of work

Global extent of legal coverage in 2020

While there is still much room for improvement, there is a tendency for countries to limit the normal weekly hours of domestic workers and to do so on an equal footing with other workers. Half of the 108 countries reviewed have set limits on normal weekly hours that are at least equal to those applicable to other workers. Among these, a few have even fixed normal weekly hours that are more favourable for domestic workers than for other workers. In Belgium,[1] for instance, a collective bargaining agreement fixes 38 normal weekly hours for domestic workers, as compared with the 40 hours set out in the general labour law. In another 19 per cent of countries, normal weekly hours for domestic workers are longer than those applicable to other workers. This leaves 28 per cent of countries that do not impose such limits.

▶ Table 4.1 Limitation of normal weekly hours of work, selected countries, 2010 and 2020

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Limitation of normal weekly hours same as or lower than for other workers	38	50.7	41	54.7	54	50.0
Limitation of normal weekly hours higher than for other workers	6	8.0	7	9.3	21	19.4
No limitation of normal weekly hours for domestic workers	30	40.0	24	32.0	30	27.8
Information not available / federal countries with provisions that differ between states	1	1.3	3	4.0	3	2.8
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

Note: As for figure 3.1.

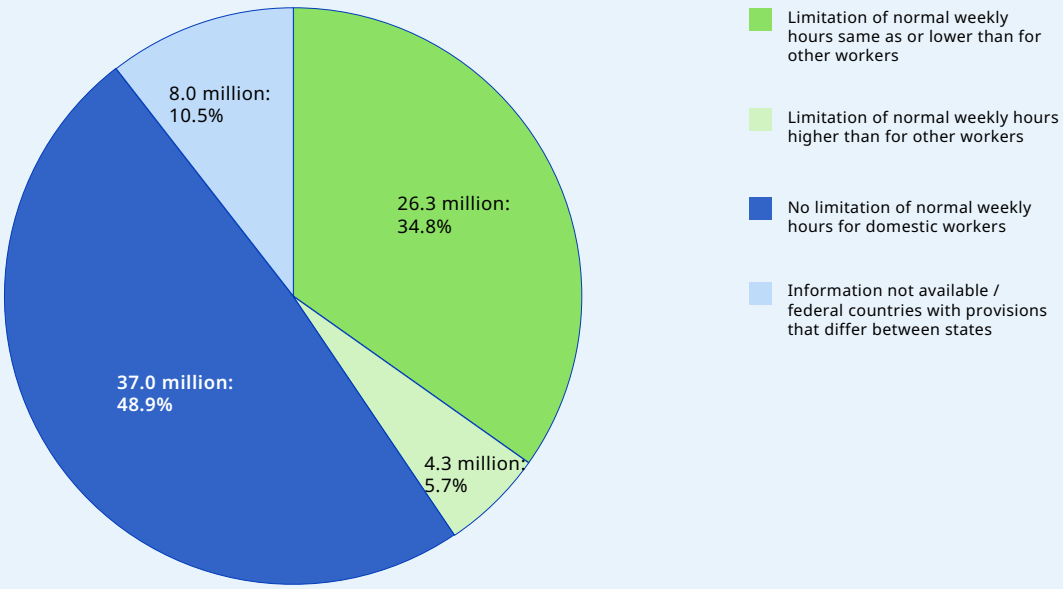
1 See sectoral collective agreement of 3 June 2004, made compulsory by the Royal Decree of 23 September 2005.

Despite the number of countries that provide equal rights for domestic workers with respect to normal hours of work, almost half (48.9 per cent) of all domestic workers have no legal limit on their normal hours of work (figure 4.1). These domestic workers are clustered in 30 countries that afford no such limits.[2] This distribution is the result of the presence of a group of countries with a large number of domestic workers, including Bangladesh, Indonesia and Japan. Conversely, the 34.8 per cent of domestic workers who are entitled to the same limitation of their normal weekly hours as other workers are spread across 54 countries. Finally, there are 4.3 million (5.7 per cent) of domestic workers in 21 countries whose allowable normal weekly hours exceed those of other workers (see figure 4.1).

> There is a tendency among countries to ensure equal protections for domestic workers with respect to normal hours of work. However, these countries are only home to 34.8 per cent of all domestic workers, while 48.9 per cent of all domestic workers have no legal limit on their normal hours of work.

2 As a reminder, these estimates are based on a sample of 100 countries for which both legal and statistical data were available. The same calculations were made on the basis of either of the two sample sizes. When we correct for the number of countries, the change is approximately the same.

Figure 4.1 Limitation of normal weekly hours of work for domestic workers, 2020



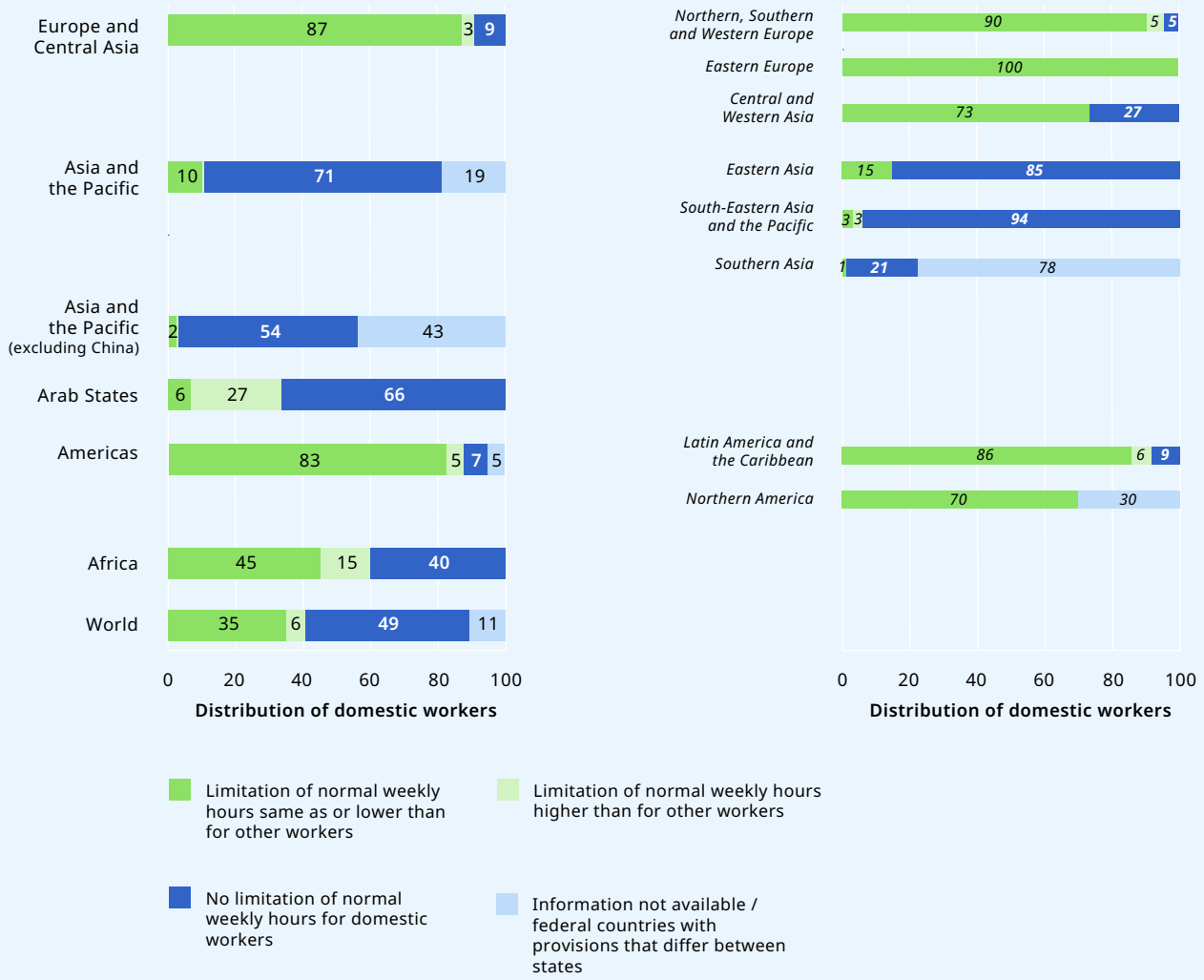
Note: As for figure 3.1.

Regional extent of legal coverage in 2020

A look at the extent of coverage at the regional level can shed light on the places where domestic workers tend to enjoy rights equal to those of other workers, with respect to normal hours of work. Overall, the highest rates of coverage appear to be in the Americas, Europe and, to a lesser extent, in Africa. In comparison, domestic workers in Arab States and in Asia and the Pacific remain largely excluded (figure 4.2).

> The highest rates of coverage appear to be in the Americas, in Europe and, to a lesser extent, in Africa. In comparison, domestic workers in the Arab States and in Asia and the Pacific remain largely excluded.

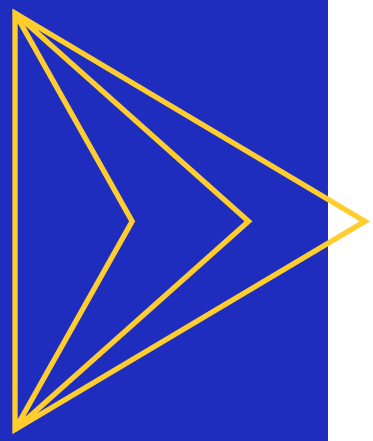
Figure 4.2 Limitation of normal weekly hours of work for domestic workers by region, 2020 (percentages)



Note: As for figure 3.1.

In the Americas, 83 per cent of domestic workers enjoy limits on normal weekly hours that are at least equal to those enjoyed by other workers, while only 7 per cent, mostly dispersed across seven countries,[3] are excluded wholly from such limits . The high rate of legal coverage in the region is linked to a number of countries that have recently revised their laws to limit working hours for domestic workers. In Argentina,[4] Brazil,[5] Peru[6] and the Bolivarian Republic of Venezuela,[7] measures were taken to ensure that limits on normal weekly hours were the same for domestic workers as for workers generally. In other cases, the maximum number of weekly hours was set higher for domestic workers than for other workers. For instance, in Guyana,[8] the normal weekly hours of domestic workers are limited to 48 hours, compared with the 40 hours a week established for other workers under the Labour (National Minimum Wage) Order, 2016. In Jamaica,[9] following amendments to the Minimum Wage Act of 1975 in 2011, domestic workers can work up to 44 hours a week, four hours more than the maximum established for other workers.

Live-in domestic workers, in particular, face discriminatory limits on their normal weekly hours. For instance, while important amendments were made to extend provisions of the Fair Labor Standards Act (FLSA) to domestic workers in the United States, including the maximum working week of 40 hours,[10] some live-in domestic workers are excluded from overtime pay, effectively permitting longer normal hours of work.[11] In Colombia, live-in domestic workers can work up to ten hours per day, as opposed to live-out domestic workers, whose working time is limited to eight hours per day and 48 hours per week, as for other workers.[12] In Chile, the Labour Code, as amended in 2014, excludes live-in domestic workers from the 45-hour maximum weekly hours applicable to live-out domestic workers and other workers. Instead, they have a right to at least 12 hours of



In the Americas, 83 per cent of domestic workers enjoy limits on normal weekly hours that are at least equal to those enjoyed by other workers.

10 FLSA, section 207(L).

11 FLSA, section 213(b) excludes live-in workers from overtime pay; however, third-party employers, such as home care agencies, may not claim the overtime exemption for live-in domestic service workers and must pay such workers at least the federal minimum wage for all hours worked and overtime pay at one and a half times the regular rate of pay for all hours worked in excess of 40 hours in a workweek, even if the worker is jointly employed by the household. See United States Department of Labor, "Domestic Service Final Rule Frequently Asked Questions (FAQs)"; Fact Sheet: Application of the Fair Labor Standards Act to Domestic Service, Final Rule".

12 Constitutional Court Decision C-372 of 1998.

rest every day, as well as Saturday and Sunday, resulting in a 60-hour workweek.[13] (For more information on regulating working time through the right to rest, see box 4.2.)

> Live-in domestic workers, in particular, face discriminatory limits on their normal weekly hours.

▶ Box 4.2 Ensuring equality of treatment for live-in and live-out domestic workers

Live-in domestic workers notoriously work some of the longest hours, often without rest. It is frequently said that they remain at the disposal of the household members at any time, day or night. Difficulties in distinguishing between working time and periods of rest for live-in domestic workers have led some governments to regulate working time through periods of rest. While this approach can simplify implementation for workers and employers, it is important that it is designed so as to ensure equality of treatment between live-in domestic workers and other workers. An example of this can be found in Argentina,[14] which has taken two approaches to regulating working time for live-in and live-out domestic workers that result in similar outcomes: live-out domestic workers are guaranteed nine hours of daily rest plus three consecutive hours for lunch, which is equal to the 12 consecutive hours of rest guaranteed for live-in domestic workers. Both also have the right to 35 hours of weekly rest, which must include Sunday. It should also be noted that domestic workers are included in provisions for normal weekly hours.

13 Labour Code, as amended in 2014, art. 149.2.

14 Act 26.844, art. 14.1(b).

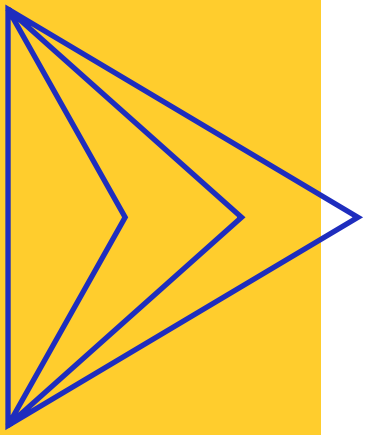
The vast majority of domestic workers (87 per cent) in Europe and Central Asia also enjoy limits on their working time equal to, or more favourable than, those of other workers. The inclusion of domestic workers under certain legal regimes has to be interpreted with caution. In Eastern Europe, for example, where 100 per cent of domestic workers appear to be subject to the same or more favourable limits on normal weekly hours, it is likely because they are implicitly included within the scope of general labour laws. Whether these laws are applied to domestic workers remains a question that would require further research into national jurisprudence. In some cases, explicit regulations were adopted for domestic workers. For example, measures have also been taken to protect domestic workers from very short hours. In Belgium,[15] the regulation of domestic workers employed through the service voucher system sets a weekly minimum of 13 working hours and a maximum of 38 working hours, to be distributed across households in which the service providers place the domestic workers. Where countries have adopted provisions specific to domestic workers, these sometimes lead to less favourable conditions. For instance, in Portugal[16] domestic workers can work four hours more per week than workers generally, for a total of 44 hours. A total of 3 per cent of domestic workers in the region are subject to such provisions.

Trends in Africa at first glance may be misleading: while 40 per cent of domestic workers are excluded from limits on normal hours of work, these are concentrated in just three countries where a large number of domestic workers are employed.[17] It is far more typical for legal provisions on normal hours of work to include domestic workers. As many as 45 per cent of domestic workers, mostly found in 13 countries, have rights equal to, or more favourable than, other workers with respect to normal hours of work, while another 15 per cent in just eight countries have limits that are less favourable than other workers (see Annex 9).

15 See Ministry of Labour, "Contrat de travail titres services - la durée minimale hebdomadaire de travail et la durée minimale des prestations".

16 Article 13 of the Domestic Workers Decree-Law provides that domestic workers cannot work more than 44 hours per week (normally), which is higher than the limit of 40 hours per week in the Labour Code, article 203. It should also be noted that article13(2) of the Domestic Workers Decree-Law provides that, in the case of live-in domestic workers, only effective working time will be taken into account in the 44 hours per week.

17 Egypt (490,000), Ethiopia (1.7 million) and Ghana (96,000).



In Europe and Central Asia, 87 per cent of domestic workers enjoy limits on their working time equal to, or more favourable than, those of other workers.

A number of legal developments in the region suggest a trend towards inclusion. For instance, in Cabo Verde,[18] amendments to the Labour Code in 2016 prescribed a limit of 48 hours a week for domestic workers, in line with that afforded to other workers. More often than not, however, recent changes have established discriminatory provisions. For instance, starting in 2010, Mauritius[19] set a limit of 48 hours for normal weekly hours for domestic workers, compared with 45 for other workers. In Morocco,[20] since 2018 domestic work has been limited to 48 hours per week, or four hours longer than the weekly limit for workers generally. In Mauritania,[21] the normal weekly hours of domestic workers are limited to 260 hours per month or 60 hours per week, compared with the 40 hours per week established in the labour code.

In the Arab States, as well as in Asia and the Pacific, the vast majority of domestic workers remain without limits on normal weekly hours. In the Arab States, 66 per cent of domestic workers do not have any limits on their working time (most of them in Saudi Arabia), while only 6 per cent enjoy normal weekly hours equal to, or more favourable than, those afforded to other workers. Only one country in the region, Jordan, has limited the normal hours of work of domestic workers to eight hours per day, which is equivalent to that afforded to workers under the Labour Code.[22] Meanwhile, 27 per cent of domestic workers have some limits on their normal working hours. For example, while measures were taken in Kuwait to limit normal hours for domestic workers to 12 hours per day, these are much longer than the eight hours per day or 48 hours per week fixed for other workers.[23] Since 2017, domestic workers in Qatar[24] have gained the right to a working day of ten hours (excluding breaks for rest, food and worship), compared with eight hours per day or 48 hours per week for workers generally. Finally, the United Arab Emirates has limited normal hours of work by regulating rest periods. Here too, however, the limits set for domestic workers (12 hours daily rest, resulting in a 72-hour workweek)[25] far exceed those set for other workers (48 hours).

> In Africa, countries typically provide domestic workers with rights equal to, or more favourable than, other workers with respect to normal hours of work.

Finally, in Asia and the Pacific, most domestic workers (71 per cent), and when China is excluded still more than half (54 per cent), remain without any limits on their normal weekly hours. Only 10 per cent enjoy limits on normal weekly hours equal to, or more favourable than, those enjoyed by other workers. These 10 per cent primarily represent domestic workers working

18 Labour Code, 2016, art. 149.

19 Domestic Workers (Remuneration) Regulations, 2010, and Workers' Rights Act 2019, section 20.

20 Law No. 19-12, art. 13, and Labour Code, art. 184.

21 Ministerial Decree 797 of 2011 and Labour Code, art. 170.

22 Section 2 of Regulation No. 11 of 2013 amends section 6, paragraph (a) of Regulation No. 11 of 2009 concerning Domestic Workers, Cooks, Gardeners and Similar Categories, as follows: "The total actual hours of domestic work shall be 8 hours per day, excluding idle time and rest or meal breaks".

23 According to the Domestic Workers Law of 2015, working hours of domestic workers cannot exceed 12 hours per day including breaks, for a total of 72 hours a week. Domestic workers are entitled to one hour of rest after five hours of work per day. See also Ministerial Order No. 2194 of 2016 Concerning the Executive Rules for Law No. 68 of 2015. Workers in general have a limit of eight hours per day or 48 hours per week, shortened during Ramadan (Labour Law of Private Sector, art. 64).

24 Law No. 15 of 22 August 2017 on Domestic Workers, section 12, and Labour Law, section 73. In addition, in 2021, Qatar adopted a new standard employment contract for domestic workers, specifying that the daily regular hours are of 8 hours with a possible 2 hours maximum of overtime.

25 United Arab Emirates, Federal Law No. 10/2017 on Domestic Workers (section 12 also mentions that the implementing by-laws will set working and rest hours; therefore, clarifications are expected in future Executive Regulations) and Federal Labour Law, art. 60.

for enterprises to deliver services to households in China, who have the same rights as other employees. Another notable country in this group is Viet Nam,[26] where a decree extended provisions of the Labour Code, which, while allowing for overtime with the worker's consent, limits the regular workweek to 48 hours for domestic workers. The working time of domestic workers, however, has also been limited through a required period of eight hours of daily rest, making it possible that domestic workers are legally able to work up to 16 hours per day. Hidden in the data on federal countries, it is also worth highlighting a notable change in the state of Punjab in Pakistan[27] (where there is no legislation on domestic work at the national level), which limits the working time of domestic workers to eight hours a day or 48 hours a week.

> Since 2010, there has been an increase of 7.2 percentage points in the number of domestic workers who enjoy limits on their normal weekly hours equal to, or more favourable than, those of other workers. But large gaps in protection remain.

> In the Arab States, as well as in Asia and the Pacific, the vast majority of domestic workers remain without limits on normal weekly hours.

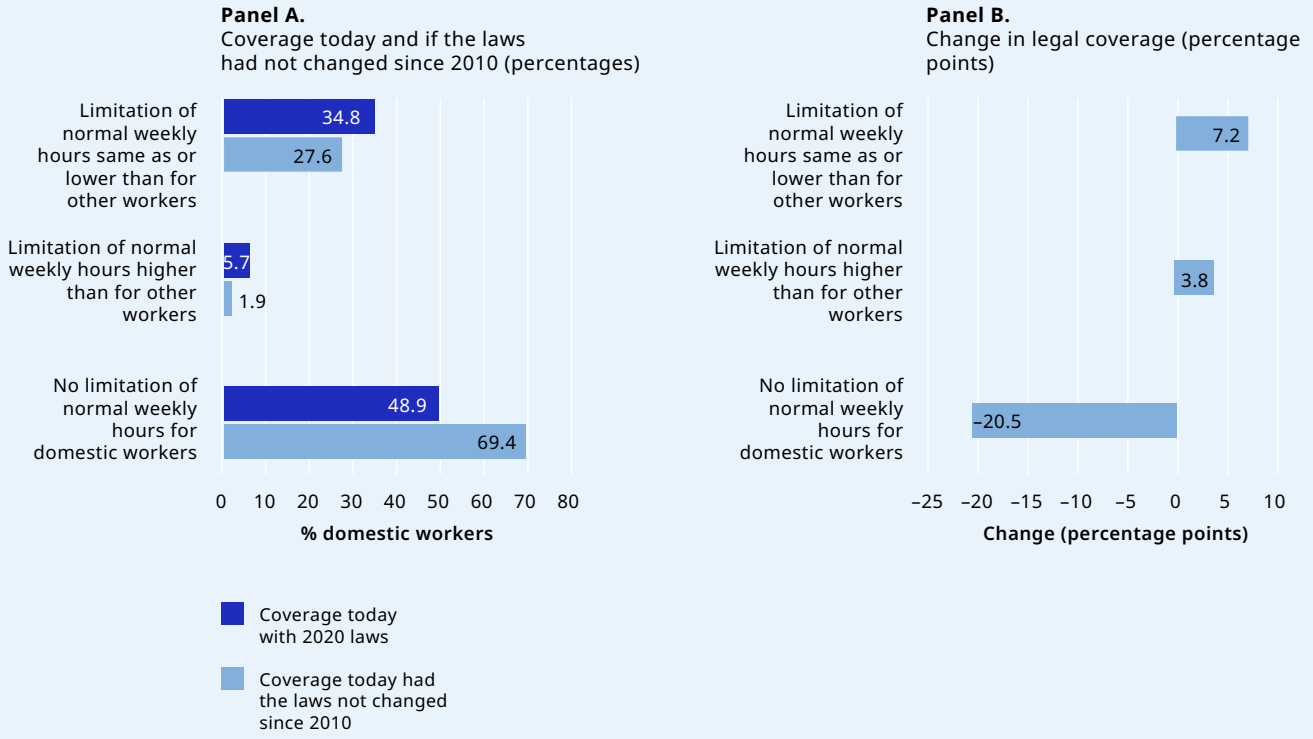
Progress in legal coverage since 2010

Compared with some of the other policy areas covered, there remain some large gaps in the extent of normal weekly hours coverage for domestic workers. Yet, when compared with 2010, some progress has been made. The estimates show that, as of 2020, there was an increase of 7.2 percentage points in the number of domestic workers who enjoy limits on their normal weekly hours equal to, or more favourable than, those of other workers, as compared with 2010. There was also an increase of 3.8 percentage points among domestic workers who now have some limitation of their normal weekly hours, although on less favourable terms than other workers. Had there been no new or revised laws to limit the normal weekly hours of domestic workers, only 29.5 per cent would benefit from some kind of limits on normal weekly hours. Moreover, more than two thirds of domestic workers (69.4 per cent) would remain fully excluded from labour protections, a regression of some 20.5 percentage points compared with their actual status today (figure 4.3).

26 Article 89 (Clause 3) of Decree No. 145/2020/ND-CP, Chapter X – Special provisions for domestic workers affirms that working hours and rest periods shall comply with Chapter VII of the Labour Code and Chapter VII of said Decree. The Labour Code at Article 105 on Normal Working Hours sets a limit of 48 hours for general workers, although it also provides that the State encourages employers to implement a 40-hour working week for workers. Article 89 of Decree No. 145/2020/ND-CP, Chapter X – Special provisions for domestic workers states 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 that, 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 workday of 12 hours (with overtime), but it remains untested, given that Decree No. 145 only came into effect on 1 February 2021.

27 The Punjab, Pakistan, Domestic Workers Act, 2019, section 5, provides that no domestic worker shall be required to work for more than eight hours in a day; however, a domestic worker may work, of their own free will, for such duration and for such remuneration as may be prescribed. Any work by a domestic worker in excess of 48 hours per week shall incur overtime rates, as may be prescribed, and weekly working time shall not exceed 56 hours.

Figure 4.3 Progress in limitation of normal weekly hours of work for domestic workers since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not displayed on the graph.

Weekly rest

Global extent of legal coverage in 2020

There is a clear tendency for countries to afford a right to weekly rest to domestic workers and to do so on an equal footing with other workers (see table 4.2). Based on analysis of the data collected in 2020, 77.8 per cent of the 108 countries reviewed provide entitlements to weekly rest that are at least equal to those applicable to other workers, while only four countries (3.7 per cent) have established periods of weekly rest that are less favourable for domestic workers than for other workers. With few exceptions, the period of weekly rest does not drop below 24 hours, although some reach as high as 48 hours. There nonetheless remains a group of 15 countries (13.9 per cent) in which domestic workers have no legal right to weekly rest.

> There is a clear tendency for countries to afford a right to weekly rest to domestic workers and to do so on an equal footing with other workers. Of the countries reviewed in 2020, 77.8 per cent provide entitlements to weekly rest that are at least equal to those applicable to other workers.

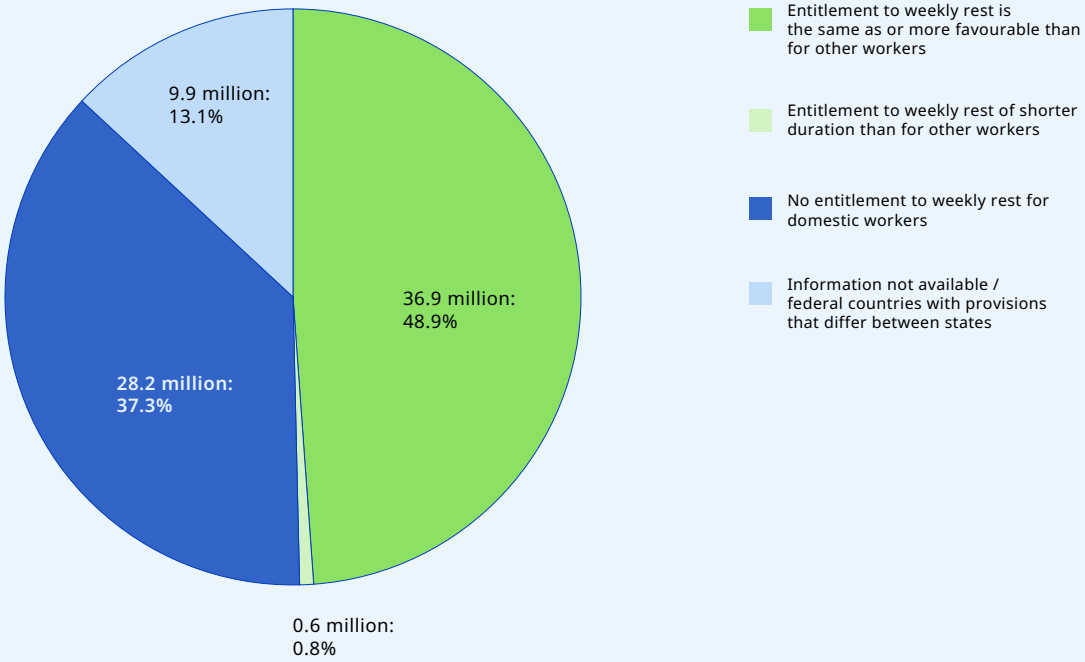
Table 4.2 Weekly rest for domestic workers, selected countries, 2010 and 2020

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Entitlement to weekly rest is the same as or more favourable than for other workers	45	60.0	55	73.3	84	77.8
Entitlement to weekly rest is of shorter duration than for other workers	3	4.0	2	2.7	4	3.7
No entitlement to weekly rest for domestic workers	23	30.7	13	17.3	15	13.9
Information not available / federal countries with provisions that differ between states	4	5.3	5	6.7	5	4.6
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

Note: As for figure 3.1.

Although a clear majority of countries do afford equal rights to domestic workers with respect to weekly rest, these countries employed only 48.9 per cent of domestic workers globally (figure 4.4). In contrast, 37.3 per cent of domestic workers are clustered in 15 countries in which they are excluded from provisions for weekly rest. As is the case for several areas of policy covered in this section, this distribution is because countries in which domestic workers are excluded are those that have the largest number of domestic workers.

Figure 4.4 Entitlement to weekly rest for domestic workers, 2020



Note: As for figure 3.1.

Regional extent of legal coverage in 2020

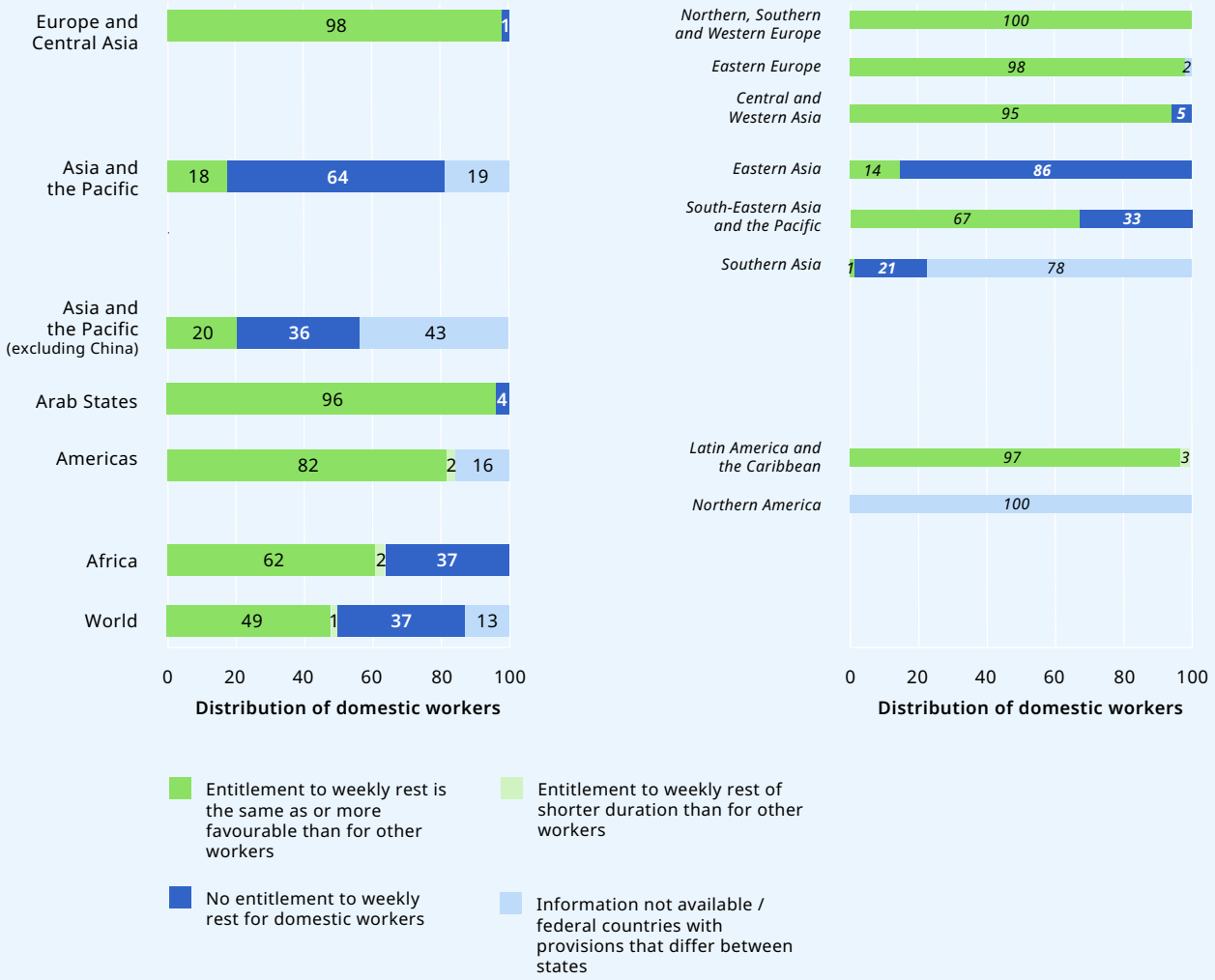
Again, coverage rates vary significantly across regions (figure 4.5 and Annex 10). With few exceptions, domestic workers in Latin America and the Caribbean have the right to periods of weekly rest that are equal to, or more favourable than, those afforded to other workers. While most domestic workers already enjoyed such coverage prior to 2010, there are some noteworthy legislative changes. In Argentina,[28] a special regulation adopted in 2013 established a right to 35 consecutive hours of rest per week for all domestic workers, which is equal to the entitlements of workers generally. In some cases, countries have taken different measures for live-in and live-out domestic workers. For instance, a reform in 2014 in Chile[29] established a weekly rest period of 48 consecutive hours for live-in domestic workers and 24 consecutive hours for live-out domestic workers. Such approaches are sometimes taken in conjunction with other measures to ensure equivalent rights for live-in and live-out domestic workers, taking into account the specificities of their working

> With few exceptions, domestic workers in Latin America and the Caribbean and in Europe and Central Asia have the right to periods of weekly rest that are equal to, or more favourable than, those afforded to other workers.

28 Law on Workers in Private Households (Act 26844, 2013) art. 14.1(b), and Act 20.744 on Labour Contracts, art. 204.

29 The Labour Code, as amended in 2014, sets a weekly rest period of 48 hours for live-in domestic workers on Saturday and Sunday; however, by mutual agreement, the entitlement to rest on Saturdays may be accumulated, divided or exchanged for other days of the week. In case of accumulation, the above-mentioned days must be granted by the employer within the respective calendar month. These breaks cannot be compensated for in money while the employment relationship is in force (art. 150). Weekly rest for live-out domestic workers is set at 24 hours (art. 35).

Figure 4.5 Entitlement to weekly rest for domestic workers by region, 2020 (percentages)



Note: As for figure 3.1.

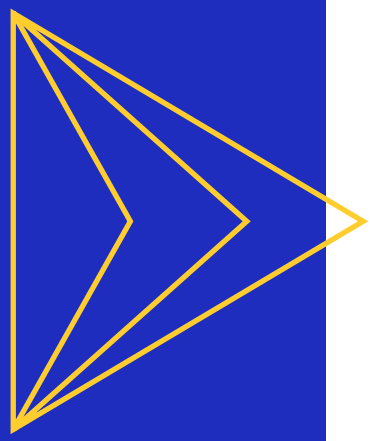
arrangements (see box 4.2). In most cases, however, such as in Mexico[30] and the Bolivarian Republic of Venezuela,[31] weekly rest is the same for all domestic workers. Very few (3 per cent) of domestic workers are entitled only to periods of weekly rest that are shorter than those provided for other workers. For example, since 2016, domestic workers in Guyana[32] have had a right to 24 consecutive hours of rest per week, whereas other workers have a right to 48 consecutive hours of weekly rest. In Guatemala,[33] domestic workers enjoy a weekly rest period of six consecutive hours, significantly less than the 24 hours to which other workers are entitled.

30 Article 336 of the Federal Labour Law provides that domestic workers have the right to a weekly rest of one and a half days, uninterrupted and preferably on Saturday and Sunday. This applies to both live-in and live-out domestic workers. Article 69 of the same Federal Labour Law provides that for every six days of work, the worker will enjoy at least one full day of rest.

31 Article 173 of the Organic Law of Labour, Workers and Women Workers of 2012 provides a two-day period of weekly rest for domestic workers.

32 Household Service Workers (Hours of Work) Act, Ch. 99:07, section 5, and Labour (National Minimum Wage) Order of 2016, section 6.

33 Labour Code, arts 164 LC and 126 LC.



In Europe and Central Asia, too, weekly rest entitlements are almost universally applicable to domestic workers.

In Europe and Central Asia, too, weekly rest entitlements are almost universally applicable to domestic workers. Virtually all domestic workers (over 99 per cent) in Europe have the same, or better, entitlements to weekly rest as other workers, with only a small minority in Northern, Southern and Western Europe (0.4 per cent) whose weekly periods of rest are shorter than those of other workers. Domestic workers in the region generally already enjoyed these rights prior to 2010; however, some changes have occurred that contribute to the high rate of coverage. In Turkey,[34] for example, domestic workers were afforded a right to weekly rest equal to other workers by the adoption of a law in 2011. In Finland,[35] domestic workers gained equal treatment with respect to weekly rest when a special regulation governing domestic work was abolished to include them in the labour code. As such, they are now also covered by the Working Time Act, which has been in force since 1 January 2020.

One region where significant advances have been made is the Arab States. In the last few years, a number of countries have extended measures granting domestic workers the right to weekly rest. In Kuwait,[36] since 2015 domestic workers have been entitled to one day of rest per week, which is the same as established for workers in the private sector. In Qatar,[37] in 2017 domestic workers gained the right to a period of 24 consecutive hours of weekly rest, equal to that enjoyed by other workers. In Saudi Arabia,[38] domestic workers have the right to one day of rest per week, in accordance with that established for workers generally. Finally, the United Arab Emirates[39] also adopted a law in 2017 establishing a domestic worker's right to one day of weekly

34 The Law on Obligations No. 6098/2011, arts 421-425, provides that the employer has to give one full day of rest to the worker. The same provision is established in article 46 of the Labour Law for general workers.

35 See Finland, Finlex, "The Government's proposal to Parliament for working hours and some related laws".

36 Domestic Workers Law of 2015 and Labour Law for the Private Sector (art. 66).

37 Law No. 15 of 22 August 2017 on Domestic Workers (it should be noted, however, that the domestic worker may request to work on the weekly rest day and have the overall number of weekly rest days on which they have worked added to their annual holidays) and Labour Law, section 75.

38 Decision 310 of Law No. 1434, art. 8, and Labour Law, art. 104.

39 Federal Law No. 10/2017 on Domestic Workers, art. 12.

> Significant advances have been made is the Arab States, where 96 per cent of domestic workers now have the same rights as other workers in respect of weekly rest.

> In Africa, 62 per cent of domestic workers have the same, or more favourable, entitlements to weekly rest as other workers.

rest, thanks to which 96 per cent of domestic workers have the same rights as other workers in respect of weekly rest. The remaining 4 per cent have no clearly established legal right to weekly rest at all.

In Africa, 62 per cent of domestic workers have the same, or more favourable, entitlements to weekly rest as other workers. These domestic workers are distributed across the majority of countries in the region. In contrast, 2 per cent of domestic workers have a right only to shorter periods of weekly rest. Over the last ten years, very few changes have been made to provisions in the law on weekly rest in the region. In Morocco,[40] since 2016 domestic workers have had the same entitlement to weekly rest as that provided for workers generally. More recently, in Ghana,[41] new regulations applicable to domestic workers provide for a weekly rest period of at least 24 consecutive hours; however, this falls short of the 48 hours afforded to workers generally. While such cases ensure the 24-hour minimum called for in Article 10 of Convention No. 189, they do not afford protections equal to those enjoyed by other workers. Moreover, another 37 per cent of domestic workers remain completely excluded from legal coverage.

Finally, the vast majority (64 per cent) of domestic workers remain excluded from the right to weekly rest in Asia and the Pacific – although this figure drops to 36 per cent when China is excluded. Two thirds (67 per cent) of those who enjoy coverage equal to that enjoyed by other workers can be found in South-Eastern Asia and the Pacific. The comparatively higher rate of coverage is partly attributable to several countries in the subregion having recently revised or adopted legislation ensuring equal periods of weekly rest for domestic workers. Such is the case in Cambodia,[42] the Philippines,[43] Thailand[44] and Viet Nam,[45] all of which provide the right to one full day or 24 consecutive hours of rest per week. Conversely, in Eastern Asia, 86 per cent of domestic workers remain fully excluded from the right to weekly rest.

40 Law No. 19–12 fixing the work conditions of domestic workers, article 14, provides that domestic workers must benefit from a weekly rest of at least 24 hours. This is the same as established for workers in general in article 205 LC.

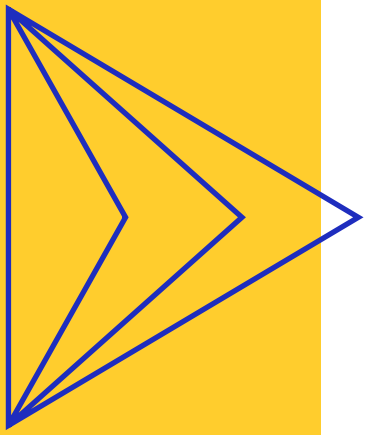
41 Regulation 9.2 (c) of the new domestic work regulations (2020), and Labour Act, section 42.

42 Arakas 235/2018, article 9, provides that weekly rest shall be, at a minimum, 24 consecutive hours. This is the same as established in article 147 of the Labour Code for workers generally.

43 According to the Republic Act 10361, article IV, section 21, and Rule IV, section 6 of its regulations, domestic workers are entitled to at least 24 consecutive hours of rest in a week. The Labour Code, applicable to workers in general, provides a right to weekly rest of no less than 24 consecutive hours after every 6 days of work.

44 Ministerial Regulation No. 14, B.E. 2555 provides that section 28 of the Labour Protection Act is applicable to domestic workers. This provision provides for weekly rest of one day per week.

45 Article 89(3)(b) of Decree No. 145/2020/ND-CP provides that domestic workers are entitled to 24 consecutive hours off weekly, as 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".



Ensuring equal rights for domestic workers with respect to periods of weekly rest has become the rule rather than the exception. Legal changes in the last ten years have resulted in an increase of 21 percentage points among domestic workers who are entitled to weekly rest of at least the same length as that enjoyed by other workers.

64 per cent of domestic workers remain excluded from the right to weekly rest in Asia and the Pacific – although this figure drops to 36 per cent when China is excluded.

Most of these domestic workers can be found in Japan,[46] the Republic of Korea[47] and China, where only the small percentage of domestic workers who provide services to private households via their employment by private enterprises are included among those with a weekly right to rest.[48] In Southern Asia, the vast majority of domestic workers are employed in federal countries with provisions that differ between states. It is therefore worth noting that there may be certain provisions at provincial or state levels that do not appear in these estimates. For instance, in Pakistan, while there appears to be no national legislation available currently, the state of Punjab[49] adopted a Domestic Workers Act in 2019, which affords domestic workers the right to a day of weekly rest per week.

46 Domestic workers employed directly by households are explicitly excluded under section 116(2) and implicitly excluded under section 9 of the Labour Standards Act.

47 Employment Act 2019, Article 11 (Scope of Application): "(1) This Act shall apply to all businesses or workplaces in which not less than five employees are regularly employed: Provided, that this Act shall neither apply to any business or workplace in which only the employer's blood relatives living together are engaged, nor to servants hired for the employer's domestic works".

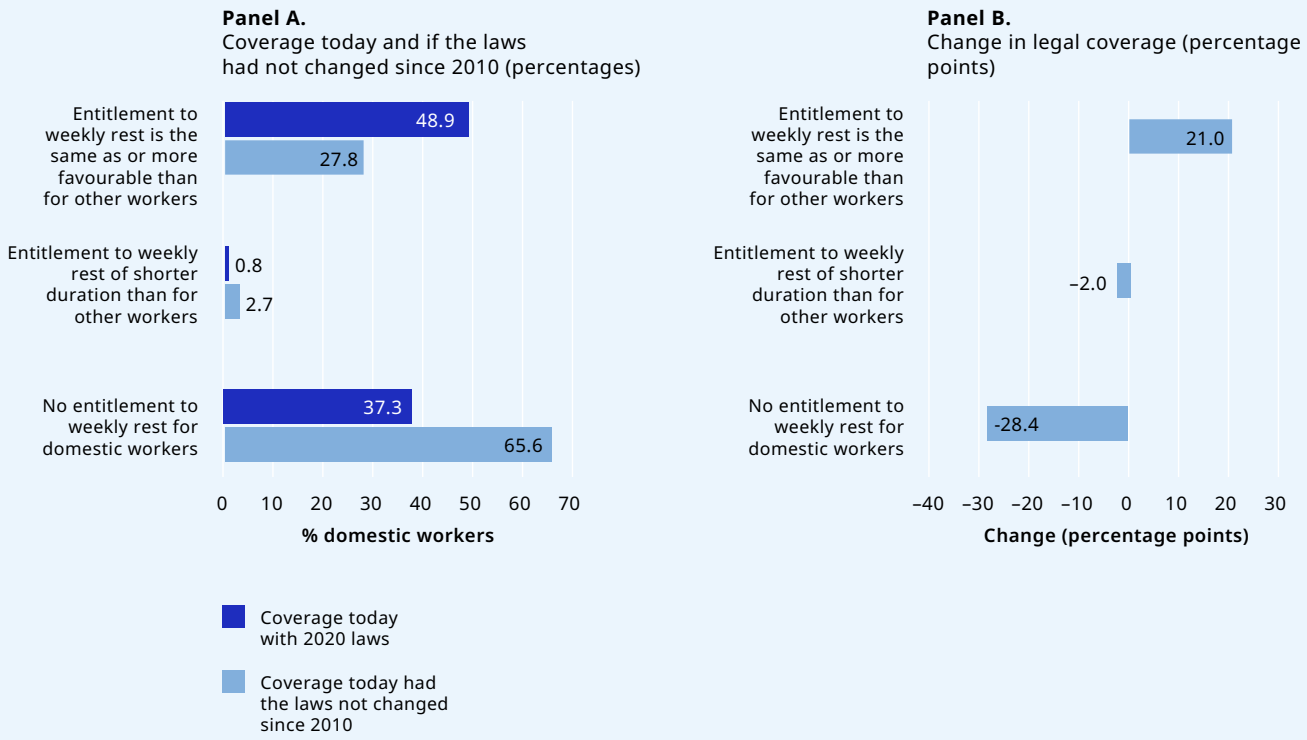
48 Article 38 of the Labour Law stipulates, "the employing unit shall guarantee that its staff and workers have at least one day off in a week". See Minghui (2017).

49 Punjab Domestic Workers Act, 2019, section 6.

Progress in legal coverage since 2010

While more progress still remains to be made, ensuring equal rights for domestic workers with respect to periods of weekly rest has become the rule rather than the exception. Most countries reviewed provide a right to weekly rest for domestic workers, more often than not on an equal basis with other workers. Over the last ten years, several countries have revised or adopted laws in this regard, which has resulted in an increase of 21 percentage points among domestic workers who are entitled to weekly rest of at least the same length as that enjoyed by other workers (figure 4.6). There has also been a small decrease (2 percentage points) among domestic workers whose weekly rest entitlements are less favourable than those enjoyed by other workers. Had the laws not changed, about 49.6 million (65.6 per cent) of domestic workers would have no entitlements to weekly rest and only 21 million (27.8 per cent) would be entitled to at least the same amount of weekly rest as that enjoyed by other workers.

Figure 4.6 Progress in weekly rest entitlements of domestic workers since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not displayed on the graph.

▶ Paid annual leave

Global extent of legal coverage in 2020

The vast majority of countries reviewed (77.8 per cent) have set entitlements to paid annual leave that are at least equal to those applicable to other workers. In most of these countries, periods of paid annual leave range between two and four weeks, with variations in the way such leave is calculated. In another 6.5 per cent of countries, domestic workers have a right to paid annual leave, although for shorter periods than for other employees. Excluding federal states and countries for which there was insufficient information, this leaves 11.1 per cent of countries in which domestic workers have no clear legal right to paid annual leave (table 4.3).

The trend of countries affording equal rights to domestic workers compared with other workers with respect to paid annual leave is also evident in the percentage of domestic workers who enjoy such coverage. Indeed, 42.9 per cent of domestic workers, across the vast majority of countries, have equal rights with respect to paid annual leave. Meanwhile, more than one third (36.4 per cent) of domestic workers are clustered in a relatively small group of countries in which they have no entitlement to paid annual leave. A further 7.4 per cent have the right to a shorter period of annual leave than other workers (see figure 4.7).50

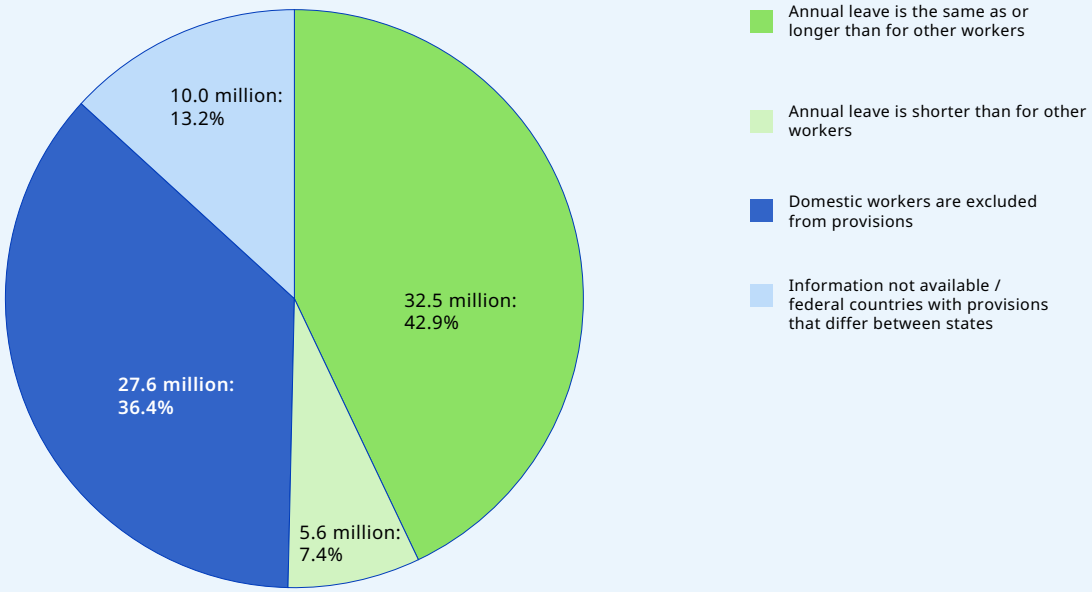
▶ Table 4.3 Paid annual leave for domestic workers, selected countries, 2010 and 2020

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Annual leave is the same as or longer than for other workers	50	66.7	56	74.7	84	77.8
Annual leave is shorter than for other workers	4	5.3	4	5.3	7	6.5
Domestic workers are excluded from provisions	19	25.3	11	14.7	12	11.1
Information not available / federal countries with provisions that differ between states	2	2.7	4	5.3	5	4.6
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

Note: As for figure 3.1.

50 As a reminder, these estimates are based on a sample of 100 countries for which both legal and statistical data were available. The same calculations were made on the basis of either of the two sample sizes. When we correct for the number of countries, the change is approximately the same.

Figure 4.7 Paid annual leave for domestic workers, 2020



Note: As for figure 3.1.

> 77.8 per cent of the countries reviewed have set entitlements to paid annual leave that are at least equal to those applicable to other workers, to the benefit of 42.9 per cent of domestic workers.

Regional extent of legal coverage in 2020

Rates of coverage vary significantly across regions (see figure 4.8 and Annex 10). In Latin America and the Caribbean, all domestic workers (100 per cent) have the right to periods of annual leave that are equal to or more favourable than those afforded to other employees. While the rate of coverage in the region was already very high, there have been some legislative developments that contribute to these high rates of coverage. For instance, in Argentina,[51] the 2013 special regulation on domestic work (Act 26844) established a period of 14 days of annual leave, starting after at least six months of service. The entitlement increases to 21 days after five years, 28 days after ten years and 35 days after 20 years of service. These rights are equal to those enjoyed by other workers under the labour code. Since the

adoption of Law 150 of 2015 in Brazil,[52] domestic workers working over 25 hours a week are entitled to 30 days of annual leave, as for other workers. Domestic workers working under that threshold are entitled to a rough equivalent of paid annual leave on a pro rata basis.

In Africa, 60 per cent of domestic workers have the right to the same, or longer, periods of paid annual leave as other workers. This figure can be partially attributed to relatively recent changes in labour law. For instance, domestic workers now enjoy at least the same entitlement to paid annual leave as other workers in Angola,[53] Morocco[54] and the Seychelles.[55] In other cases, domestic workers gained paid leave entitlements that were less favourable than for other workers. For instance, in Mauritius,[56] domestic workers are entitled to 14 days annual leave compared with 20 days provided for other workers. Such is the case, however, for only 3 per cent of domestic workers in the region, whose entitlements to paid annual leave fall below those enjoyed by other workers. Finally, more than one third (36 per cent) appear to be excluded from the right to paid annual leave altogether.

In Europe and Central Asia, practically all domestic workers have a legal right to paid annual leave. Indeed, all domestic workers in Eastern Europe and 99 per cent of domestic workers in Northern, Southern and Western Europe have a right to periods of annual leave equal to or longer than those enjoyed by other workers. As mentioned in previous sections, domestic workers in many of these countries, particularly in Eastern Europe, are covered by provisions of the general labour code, without a particular reference to domestic workers. A noteworthy exception is Bosnia and Herzegovina,[57] where domestic workers

> Domestic workers are nearly universally covered by the right to paid annual leave on the same footing as other workers in Latin America and the Caribbean, and in Europe and Central Asia. In Africa, 60 per cent of domestic workers have the right to the same, or longer, periods of paid annual leave as other workers. In the Arab States, 27 per cent of domestic workers enjoy such equal entitlements to paid annual leave and 19 per cent do so in Asia and the Pacific.

52 Law 150 of 2015, art. 17 (this annual leave is the same as that established in article 67 of the Codification of Labour Acts for workers in general) and art. 3§3.

53 Decree 155/16, article 5, provides that the worker has the right to 22 days of annual rest, as established by article 23 of the Labour Code.

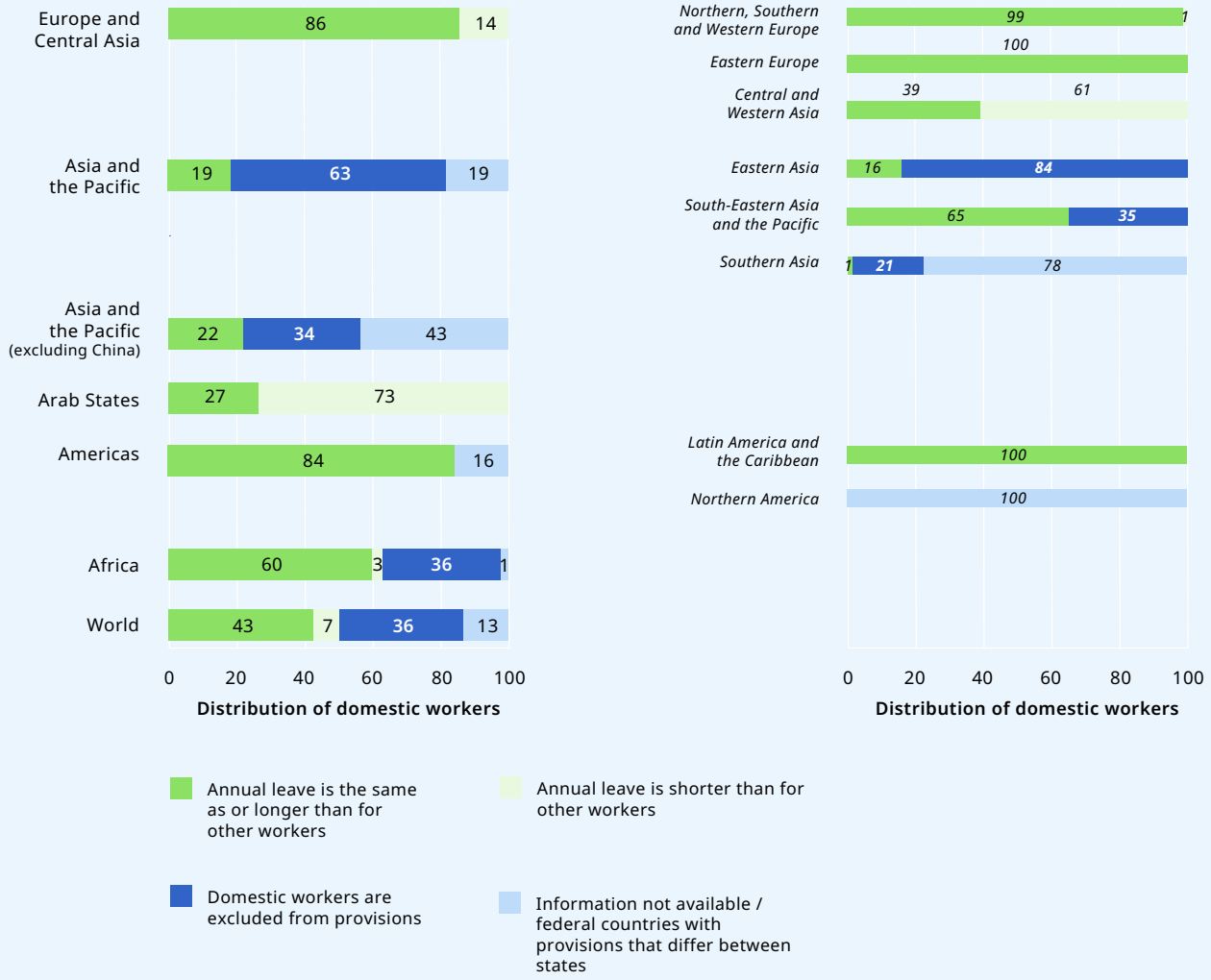
54 Law No. 19-12 Fixing Work Conditions of Domestic Workers provides that domestic workers have a right to 1.5 days annual leave per month as of six months of service (art. 16), which is in line with the figure established in the Labour Code.

55 The (Domestic Workers) Regulations provide that domestic workers enjoy two days of annual leave per month, if employment is for less than one year. Workers generally are entitled to 1.75 days per month, as per Subsidiary Legislation: Section 40: Employment (Conditions of Employment) Regulations of the Employment Act, Section 6.

56 The Second Schedule of the Domestic Workers (Remuneration) Regulations 2010 provides that when domestic workers are required to work not less than six days per week and have been in continuous employment with the same employer for 12 consecutive months, they shall be entitled to 14 days annual leave. If they work less than six days per week, they are entitled to leave computed with a provided formula. Note that section 13 of the Schedule also foresees "vacation leave", namely a period of vacation leave of at least two months after the domestic worker has remained in continuous employment with the same employer for at least ten years. See also Mauritius, Section 45 of the Workers' Rights Act.

57 Labour Law, article 47.

Figure 4.8 Paid annual leave for domestic workers by region, 2020 (percentages)



Note: As for figure 3.1.

specifically enjoy between 22 and 30 days of annual leave, under the same conditions as all workers.

In the Arab States,[58] most domestic workers (73 per cent) have a right to a period of paid annual leave, albeit shorter than for other workers, while the remaining 27 per cent have the same entitlements as other workers. The unprecedented level of coverage in the region is the result of recent changes in law and policy in Bahrain,[59] Qatar[60] and the United Arab Emirates,[61] which have adopted

58 Although domestic workers have no right to paid annual leave in Yemen, this represents only 0.4 per cent of domestic workers in the region.

59 Article 8 of the Model Contract provides that domestic workers are entitled to paid annual leave of 30 days after completing a year of service. If the domestic worker's period of service is less than one year, they shall be entitled to leave in proportion to their period of service. The domestic worker may waive their right to the leave against financial compensation. This is the same as is established in article 58 of the Labour Code.

60 Section 14 of Law No. 15 of 22 August 2017 on Domestic Workers provides that domestic workers shall be entitled to three weeks of paid annual leave for every year of service. Article 79 of the Labour Law establishes that general workers are entitled to a three weeks of annual leave if they have worked for less than 5 years; and four weeks of annual leave if they have worked for 5 years or more.

61 Article 13 of the Federal Law No. 10/2017 on Domestic Workers states that domestic workers must enjoy 30 days paid vacation per year. The Labour Law provides in article 75 that workers generally are entitled to (a) two days for each month starting after six months of service; and (b) 30 days for each year, after one year of service.

> Since 2010, there has been an increase of 12.6 percentage points in the number of domestic workers who are entitled to a period of annual leave that is the same as or longer than for other workers.

measures to ensure periods of paid annual leave equivalent to those enjoyed by workers generally. In some cases, while the final entitlements may be equivalent, the regulatory approach differs. For instance, in Kuwait,[62] a standard contract for domestic workers provides for a period of two months of paid leave following two years of service, while the general labour law provides 30 days of paid annual leave after a single year of service. In other cases, domestic workers enjoy a shorter period of annual leave, such as in Saudi Arabia,[63] where domestic workers have a right to one month of paid leave after two years of service (pending renewal of their contract), whereas workers generally have the right to 21 days of annual leave.

The extent of coverage in Asia and the Pacific is dramatically lower than in other regions. Here, only 19 per cent of domestic workers have the same entitlements to paid annual leave as other workers. Most of these domestic workers are found in South-Eastern Asia and the Pacific, where recent legislative changes contribute to the rate of coverage. In the Philippines,[64] domestic workers are entitled to five days of annual leave after one year of service, which is the same entitlement afforded to workers under the Labour Code. In Thailand,[65] domestic workers are entitled to annual holidays of at least six working days per year after having worked continuously for one full year, as provided to workers under the Labour Code. In Viet Nam,[66] domestic workers are entitled to 12 days of leave following one year of service, which is consistent with the entitlements afforded to other workers. The vast majority (63 per cent), however, still have no right to paid annual leave, particularly in Eastern Asia.

Progress in legal coverage since 2010

As can be seen above, many countries have revised or adopted laws extending the right to paid annual leave to domestic workers since 2010, most of which have granted domestic workers rights that are equal to those of other workers. As a result, the ILO estimates that there has been an increase of 12.6 percentage points in the number of domestic workers who are entitled to a period of annual leave that is the same as or longer than for other workers. An additional 4.9 million (a 6.4 percentage point increase) now have a right to a period of annual leave that is shorter than for other workers. Had no laws changed, only 30.3 per cent of domestic workers would enjoy rights equal to those enjoyed by other workers, and 49.2 million (65.0 per cent) would be left with no such entitlements (see figure 4.9).

62 Labour Law of the Private Sector, art. 70.

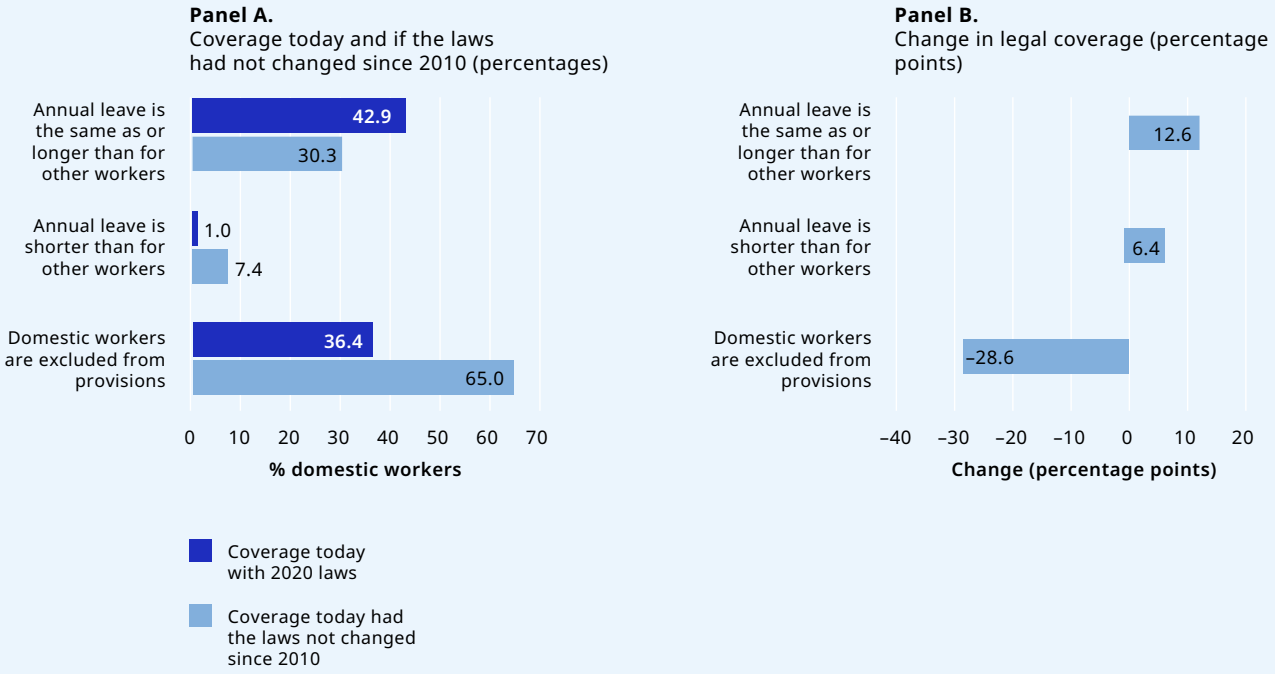
63 Decision 310 of 1434, art. 10, and Labour Law, art. 109.

64 RA 10361, art. IV, section 29, and Book III, section 95.

65 Ministerial Regulation No. 14, B.E. 2555, provides that section 30 of the Labour Protection Act is applicable to domestic workers.

66 Article 113 of the 2019 Labour Code.

Figure 4.9 Progress in paid annual leave entitlements of domestic workers since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not displayed on the graph.

Summary

Thanks to new or revised laws on working time instituted since 2010, more domestic workers enjoy limits on normal weekly hours, as well as guarantees with respect to weekly rest and paid annual leave. In many cases, these rights are afforded on an equal footing with other workers and, with few exceptions, appear to reflect the minimum benchmarks set by ILO standards. It also remains clear, however, that much more remains to be done. A high percentage of domestic workers either do not have the same rights as other workers or are entirely excluded from these rights. 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 may indeed call for different approaches to limiting working time, such as through periods of daily rest or by regulating overtime pay, it is important that such measures are taken in light of the principle of equal treatment referred to in Article 10 of Convention No. 189. Moreover, the effectiveness of working time regulations is particularly dependent on implementation measures and measures to monitor compliance and ensure enforcement, which are addressed in Chapter 7.

Chapter 5

Laws and regulations governing minimum wages and payment in kind

Like all workers, domestic workers go to work in order to earn an income and secure a livelihood for themselves and their families. Yet, despite their enormous contributions to supporting households and societies, domestic workers typically earn some of the lowest wages (ILO 2011a). The low pay earned by domestic workers has frequently been associated with the undervaluation of domestic work. Convention No. 189 recognizes this persistent undervaluation of domestic work in its Preamble, associating it with women's unpaid work in the home, as well as discriminatory attitudes towards the groups that typically perform domestic work – women, girls, migrants, ethnic minorities and people living in conditions of poverty.

Minimum wages are a common tool for protecting workers against unduly low pay and correcting asymmetries in bargaining power. Indeed, domestic workers are a group with limited power to negotiate their wages, whether individually at the household level or through collective bargaining agreements (ILO 2015c; ILO 2015d). Consequently, fixing a minimum wage for domestic workers can be essential to prevent them from falling into poverty and to help domestic workers and their families to meet their needs. Fixing such a minimum wage is also consistent with the ILO Centenary Declaration for the Future of Work, which calls for all workers to enjoy an adequate minimum wage, whether statutory or negotiated (section III(B)(ii)). A minimum wage also provides much-needed guidance for household employers and domestic workers in determining what wage to set.

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.

> Despite their enormous contributions to supporting households and societies, domestic workers typically earn some of the lowest wages.

Many countries already use minimum wage legislation to set a wage floor for domestic workers. They use one of two systems to do so, often based on the existing minimum wage system in the country in question: (1) including domestic workers in the coverage of a generally applicable national minimum wage; or (2) fixing specific minimum wage rates for domestic workers. In very few instances, specific minimum wages for domestic workers are set through collective bargaining. 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.

Many countries operate a system of sectoral minimum wages: such systems pave the way for the possibility of adapting the wage level to the specific needs of workers and employers in the sector. These systems are used because having a single minimum wage to cover all workers generates concerns about the capacity of employers to pay the same minimum wage in all sectors, given the economic differences between them. 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 2014c).

Although rare, collective bargaining can help to ensure the adoption of a minimum wage rate that respects the principles of equal pay; meets the needs of workers and their families; and takes into consideration economic factors, including the capacity of employers to pay. In the absence of collective bargaining, tripartite social dialogue to adopt a minimum wage has also helped to secure a wage rate that is agreeable to all parties.

Regardless of the level set, domestic workers face several other vulnerabilities when it comes to the payment of wages. One customary practice is for domestic workers to receive a portion of their wage as payment in kind (see box 5.1). Domestic workers who live in the homes of their employers, in particular, tend to receive cash wages below the average because they receive accommodation. Employers of domestic workers may also provide meals as a form of in-kind payment for domestic workers, whether or not they live with them. While receiving food and accommodation from the employer can be of benefit to the domestic worker and an expense for the employer, 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 to savings. Indeed, during the COVID-19 pandemic, domestic workers were particularly vulnerable to falling into poverty because their low wages were insufficient to put money aside for emergencies (ILO 2020a; ILO 2020b). Low cash wages also make it more difficult to leave an employer, as leaving may require 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 the case for migrant domestic workers who are required by law to live with their employer.

To prevent such vulnerabilities, Convention No. 189 states explicitly that domestic workers should be paid in cash, like workers generally. It allows for payment in kind under specific circumstances and under conditions no less favourable than those enjoyed by workers generally. When payments in kind are permissible, they cannot be less favourable than those generally applicable to other categories of workers; the worker must agree to the payments in kind; the payments in kind must be for the personal use and benefit of the worker; and the monetary value attributed to such payments in kind must be fair and reasonable (Art. 12(2)). Paragraph 14 of the Domestic Workers Recommendation, 2011 (No. 201), adds that, if domestic workers are required to live in, no deductions from the remuneration for accommodation should be allowed, unless agreed to by the worker. This provision is particularly pertinent for domestic workers who are required by law to reside with their employer, whose wages are often assessed with the understanding that accommodation is provided in kind, as is often the case for migrant domestic workers. Overall, such payments in kind should not unduly diminish the remuneration necessary for the needs of domestic workers and their families.

> Domestic workers who live in the homes of their employers, in particular, tend to receive cash wages below the average.

▶ Box 5.1 Opinion of the CEACR on the use of payment in kind

"Paying remuneration in the form of allowances in kind, that is to say providing goods and services instead of freely exchangeable legal tender, tends to limit the financial income of workers and is therefore a questionable practice. Even in those industries or occupations in which such a method of payment is long-established and well-received by the workers concerned, there is still a need for safeguards and legislative protection against the risk of abuse."

(General Survey concerning the reports concerning the Protection of Wages Convention, 1949 (No. 95), and the Protection of Wages Recommendation, 1949 (No. 85)).

Chapter 5 looks closely at the extent of minimum wage protection and the permissibility of in-kind payments for domestic workers. As for the other areas of policy covered in this report, estimates were made of the percentage of countries that provide, and the percentage of domestic workers who are entitled to, the same rights as other workers with respect to minimum wage and payments in kind. In some countries, there is no single minimum wage that provides a clear benchmark against which to compare the minimum wage for domestic workers. In these cases, if the minimum wage of domestic workers was lower than all minimum wages, the law was categorized as providing a lower minimum wage. If the comparison was more difficult, the law was categorized as providing domestic workers with a minimum wage that was equivalent to that of other workers. In some countries, there is at least one collective bargaining agreement fixing wages for domestic workers. In these cases, whether or not there was a statutory minimum wage that covered domestic workers, these were classified as providing domestic workers with a minimum wage at least equivalent to that of other workers, taking into account the collectively bargained wages in force at the time of preparation of this report. Countries in which wages are set exclusively through collective bargaining and in which no collective agreements apply to domestic workers were considered as not having a minimum wage.

Producing the estimates on the permissibility of payment in kind relied on an analysis of laws that are sometimes silent on whether or not payment in kind is allowed as part of the wage or as part of the minimum wage. When in doubt, the more conservative interpretation was made. For example, if a law noted that a portion of the wage could be paid in kind without reference to whether cash payments could go below the minimum wage, it was assumed that they could indeed go below the minimum. The review highlighted the importance of ensuring clarity within the law, when such provisions for payment in kind are made.

Minimum wages

Global extent of legal coverage in 2020

The majority (64.8 per cent) of countries reviewed provide a statutory minimum wage for domestic workers that is at least equivalent to that of other workers (table 5.1). While this trend is promising, it still means that, in one third of the countries reviewed, domestic workers do not benefit from equal rights with respect to minimum wage (9.3 per cent) or do not enjoy any minimum wage coverage (22.2 per cent), either because they exclude domestic workers from such provisions or because no minimum wages exist in the country at all.

Table 5.1 Extent of minimum wage coverage of domestic workers, selected countries, 2010 and 2020

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Statutory minimum wage for domestic workers is the same as or higher than for other workers*	46	61.3	49	65.3	70	64.8
Statutory minimum wage for domestic workers is lower than for other workers	4	5.3	4	5.3	10	9.3
Domestic workers are excluded from minimum wage coverage in countries where minimum wage exists	15	20.0	15	20.0	17	15.7
No minimum wage in the country	8	10.7	4	5.3	7	6.5
Information not available / federal countries with provisions that differ between states	2	2.7	3	4.0	4	3.7
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

* This category includes cases for which comparison with a benchmark minimum wage is not possible.

Note: As for figure 3.1.

The countries in which the statutory minimum wage for domestic workers is the same as or higher than for other workers tend to employ fewer domestic workers. As a result, just over 26.5 million domestic workers (35 per cent) are entitled to a minimum wage rate that is at least equal to that fixed for other workers (figure 5.1). Meanwhile, nearly half of all domestic workers (45.8 per cent) are clustered in the smaller number of countries in which no statutory minimum wage is applicable to domestic workers: 34.2 per cent are excluded from coverage by the minimum wage in countries in which a minimum wage exists and 11.6 per cent live in countries in which there are no minimum wages. This leaves a minority of 6.5 million domestic workers (8.6 per cent) whose minimum wage level is lower (and sometimes significantly so) than that of other workers.[1,2]

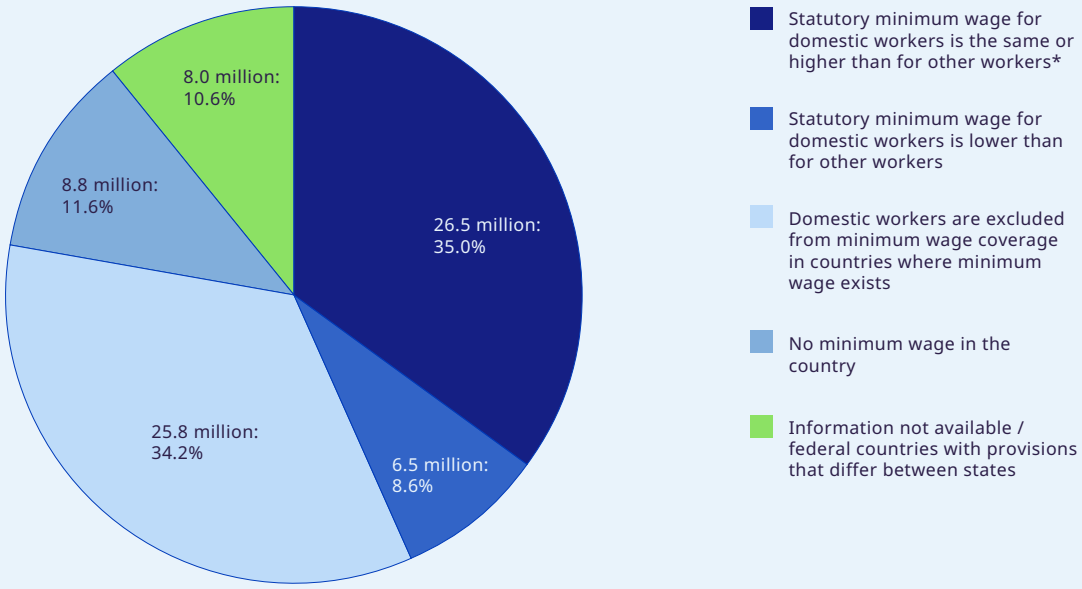
Several other legal considerations can have an impact on the effectiveness of minimum wage coverage. In some cases, where domestic workers are covered by a minimum wage that is set per month on an apparently equal footing with other workers, their wage may nonetheless be effectively lower if they are subject to less favourable limits placed on their normal hours of work, resulting in a lower hourly minimum wage. When taken together with low levels of compliance (which is often a reality), and the allowance for sometimes large portions of the wage to be paid in kind, it can be said that a high percentage of domestic workers still face an important risk of receiving unduly low pay.

> 64.8 per cent of countries reviewed provide a statutory minimum wage for domestic workers that is at least equivalent to that of other workers. These countries, however, employ only 35 per cent of all domestic workers. The majority of domestic workers are in the one third of countries where they either do not benefit from equal rights with respect to minimum wage or do not enjoy any minimum wage coverage.

1 As a reminder, these estimates are based on a sample of 100 countries for which both legal and statistical data were available. The same calculations were made on the basis of either of the two sample sizes. When we correct for the number of countries, the change is approximately the same.

2 In 2013, the ILO published the finding that 51.3 per cent of domestic workers (26.9 million) enjoyed a statutory minimum wage that was the same as, or higher than, that for other workers. This would suggest an important decrease in coverage in the last ten years. The two estimates, however, are not comparable for several reasons. First, a further analysis of the legal provisions in certain countries has led to a new and more precise interpretation of the coverage provided. This more conservative read has resulted in a number of countries being reclassified as having established a minimum wage rate that is lower than for other workers. Such is the case for Jordan, Mozambique and the United Kingdom, all of which are now classified as excluding domestic workers from minimum wage coverage, and for Costa Rica and Kenya, where the minimum wage for domestic workers is substantially lower than that of other workers, regardless of the benchmark used. Peru was also incorrectly classified in the earlier estimates. In South Africa, a new single minimum wage was adopted, but a separate, lower minimum wage was set for domestic workers, thus legitimately calling for a reclassification of the status of domestic workers in the country. The second reason why the two estimates are not comparable is that the sample of countries for which we had data in 2020 included countries that had not been part of the sample available in 2010. These include several countries with large populations of domestic workers that do not provide a statutory right to minimum wage for domestic workers.

Figure 5.1 Extent of minimum wage coverage of domestic workers, 2020



* This category includes cases for which comparison with a benchmark minimum wage is not possible.

Note: As for figure 3.1.

Regional extent of legal coverage in 2020

The extent of minimum wage coverage varies significantly across regions. Almost all domestic workers in the Americas (90 per cent) and Europe and Central Asia (98 per cent) have a right to a minimum wage that is at least equal to that enjoyed by other workers. Countries in the Americas have often extended the existing minimum wage to domestic workers, as opposed to setting a separate minimum wage (see figure 5.2). In recent years, for example, an existing minimum wage was extended to domestic workers in Guyana (2016).[3] After much trade union advocacy, the governments of Paraguay[4] and Peru[5] also brought the minimum wage of domestic workers into line with the national minimum wage. In some cases, a minimum wage was extended to specific categories of domestic workers. For example, in the United States,[6] the Department of Labor revised regulations to extend minimum wage coverage to live-out home-care workers, as well as live-in home-care workers who are employed by agencies and funded by government programmes.

Other countries in the Americas have taken a sector-specific approach. Fixing a specific minimum wage for the sector can help to ensure that the specific needs of the sector are met, particularly when negotiated with the social partners; however, they can also lead to discriminatory wages (see box 5.2). There are two cases in which the wages of domestic workers are negotiated through tripartite social dialogue, notably in Argentina[7]

3 Labour (National Minimum Wage) Order of 2016.

4 Law No. 6338/2019 amending the Law on Domestic Workers No. 5407/2015 states that domestic workers are covered by the general minimum wage rates.

5 Law No. 31047/2020 on Domestic Workers, art. 6.

6 In 1974, an amendment to the FLSA included most domestic workers under federal wages and hours provisions; however, domestic workers providing "companionship services" were excluded. Workers providing "companionship services" included domestic workers who provided personal care and household services for elderly and disabled people, namely, home healthcare and personal care aides and domestic workers who were employed by service providers. In 2013, the Department of Labor revised the regulations to include live-out home-care workers and all live-in home-care workers who are employed by agencies and funded by government programmes. See Home Health Care and the Companionship Services Exemption Under the FLSA.

7 The Law on Workers in Private Households (Act 26844, 2013) provides in article 18 that minimum salary must be established by the National Commission on Minimum Wage, unless the collective agreement provides better conditions.

and Uruguay.[8] These systems have permitted the implementation of a wage scale for years of service, skill sets or services provided. Although it was not negotiated, Jamaica[9] also took a specific approach to fixing the minimum wage for domestic workers, ensuring that it nonetheless matched that of other workers. In each of these cases, domestic workers enjoy a minimum wage that is the same as or higher than for other workers. In some cases, however, the approach results in lower wages. For instance, in Panama,[10] domestic workers are entitled to a monthly minimum wage rate but may work up to 15 hours per day, as compared with other workers, who earn an hourly minimum wage for up to 8 hours per day. The example demonstrates the importance of aligning regulations on working time and wages to ensure fair remuneration (see box 5.3). Still, only 2 per cent of domestic workers in Latin America and the Caribbean are in countries that have fixed lower minimum wages for the sector, and only 4 per cent remain excluded, in the Dominican Republic,[11] El Salvador[12] and Honduras.[13]

> 90 per cent of domestic workers in the Americas and 98 per cent in Europe and Central Asia have a right to a minimum wage that is at least equal to that enjoyed by other workers.

8 Domestic workers enjoy the protection of a minimum salary, in particular under article 10 of the Decree on Domestic Workers of 25 June 2007, which modified art 1 of Decree 139/005 on the Classification of Activities. As of January 2020, the Government-fixed minimum salary is 16,300 Uruguayan pesos. However, for the 24 categories of workers recognized in Decree 139/005, salaries are further negotiated by a tripartite commission. Domestic workers belong to Group 21, created in 2008. As of July 2019, the minimum wage for domestic workers was fixed at 19.012 pesos.

9 The Minimum Wage Act provides a minimum wage applicable to all professions and a specific minimum wage for domestic workers which, in practice, corresponds to the same amount. According to the Minimum Wage Act (as amended by Employment (Flexible Work Arrangements) Miscellaneous Provisions Act of 2014), the national minimum wage for workers, other than household workers, is (a) 140.00 Jamaican dollars per hour for work done in the ordinary working time, (b) 187.50 dollars per hour done in excess of 40 hours in any week, or (c) 250.00 dollars per hour for work done on a rest day or public holiday. For household workers, the minimum wage is fixed weekly at 5,600 dollars per week for work done during the first 40 hours of their normal working week and 210 dollars per hour for work done during any period in excess of such 40 hours in any week. This weekly minimum wage corresponds to the same hourly rate as the general minimum wage (140 dollars per hour for work done on any day other than public holidays). For household workers paid hourly, the minimum wage is the same as for other employees.

10 Executive Decree No. 75 of 26 December 2017 provides that domestic workers are entitled to a minimum salary of 250,000 balboas or 225,000 balboas (monthly), depending on the region where they work. The establishment of a monthly salary is detrimental to domestic workers, who are allowed to work up to 15 hours per day, while all other workers can only work up to 8 hours per day. Moreover, even comparing the minimum wages defined monthly, the minimum wage of domestic workers is much lower than that of other professions.

11 "Article 62 of the Constitution provides that all workers shall be entitled to a fair and adequate wage which permits them to live in dignity and covers the basic material, social and intellectual needs of themselves and their families. Similarly, section 193(2) of the Labour Code provides that wages 'may not in any event be lower than the minimum legally established wage'. However, the National Wage Board, in Decision No. 05/2017 of 4 May 2017, which fixes the national minimum wage for workers in the private sector for all sectors, does not make any reference to domestic workers. The Committee notes the indication by the workers' organizations that the minimum wage is not applicable to domestic workers. In this respect, the Government indicates that it is currently in the process of adopting measures on this point." (ILO, Direct Request (CEACR) – adopted 2018, published 108th session of the International Labour Conference (ILC) (2019): Domestic Workers Convention, 2011 (No. 189) – Dominican Republic (Ratification: 2015), Article 11, Minimum wage)

12 Although the Labour Code does not explicitly exclude domestic workers, Article 78 only states that domestic work must be paid the amount agreed, without reference to the minimum wage.

13 Article 48 of the Act on Minimum Wage provides that domestic workers are excluded from the law and subject to a special regime; however, no such regime has been identified.

Box 5.2 Sector-specific wages

Of the total sample of countries reviewed, many have opted to fix wages at the sectoral level, resulting in mixed outcomes for domestic workers. In some cases, they have resulted in minimum wage levels that are lower than for other workers, sometimes significantly so. When South Africa introduced a national minimum wage of 20 South African rand per hour (3,500 rand per month) in 2019, a lower transitional minimum wage of 15 rand per hour was fixed for domestic workers and workers in agriculture, reflecting their much lower starting minimum wages in the previous system of sectoral determinations. In Costa Rica, the minimum wage of domestic workers amounts to 190,377.39 Costa Rican colones per month, which is substantially lower than the minimum wage of 309,143.36 colones per month that is applicable to non-skilled workers. Both countries have announced a commitment to progressively increasing the minimum wages of domestic workers in an effort to achieve equality of treatment. In the Philippines, also, the CEACR has observed that "domestic workers receive the lowest minimum wage among employees in the private sector".[14]

In other cases, however, a sectoral approach to minimum wage-setting has led to the adoption of minimum wages that more adequately meet the needs of workers and employers alike. Such outcomes are particularly clear when wages are fixed through tripartite wage boards or collective bargaining. Collective bargaining agreements exist in Belgium, France and Italy, while wages are set through tripartite boards in Argentina and Uruguay (ILO 2015d). In all of these countries, the negotiated minimum wage does not fall below national minimum wages, where these exist.[15] The agreements also often go beyond fixing a single minimum wage and establish wage scales in recognition of years of experience, skills acquisition or the nature of the tasks performed.

These patterns are roughly the same in Europe and Central Asia, where domestic workers tend to be included under existing minimum wage provisions. The high rate of coverage (98 per cent) in the region can also be attributed to a few recent changes in minimum wage laws. For instance, in 2015, Germany[16] adopted a national minimum wage that included domestic workers, while Finland[17] and Turkey[18] also adopted measures that included domestic workers within the scope of the national minimum wage. As in Latin America, there are a few countries in which domestic workers also have a collectively bargained minimum wage, notably in Belgium,[19] France[20] and Italy.[21]

14 ILO, Direct Request (CEACR) - adopted 2015, published 105th session of the International Labour Conference (ILC) (2016) Domestic Workers Convention, 2011 (No. 189) – Philippines (Ratification: 2012), Article 11, Minimum Wage.

15 In some countries, such as in Argentina, however, the wage mechanism may allow for the collectively bargained wage to fall below the minimum wage for a period until it is corrected through social dialogue.

16 Minimum Wage Act, 2015.

17 Employment Contracts Act.

18 The Law on Obligations No. 6098/2011 (arts 401–4026) provides that the employer is obliged to pay their employee the wage specified in the contract or collective agreement. In cases where there is no provision in the contract, the employer is obliged to pay a "precedent fee" not less than the minimum wage.

19 The minimum wage in Belgium is agreed by committees in different sectors. Domestic workers come under the collective labour agreement of 1 December 2015, agreements concluded within Joint Committee No. 323, for the management of buildings, real estate agents and domestic workers (made compulsory by the Royal Decree of 1 December 2016, MB 27 Dec. 2016). The collective labour agreement determining the applicable "baremic" wage for domestic workers has been in force since 24 September 2019 and will remain in force as long as it is not replaced by a new collective labour agreement. The guaranteed minimum monthly income of the National Labour Council is used to determine minimum remuneration and it is prohibited to pay less than that minimum. According to the Foreign Workers (Employment) Act of 30 April 1999 and the Royal Decree of 9 June 1999, these rates also apply to foreign workers.

20 In France, three collective agreements cover the domestic work sector: (1) the National Collective Agreement for Employees of the Individual Employer, which covers domestic workers employed directly by households; (2) the collective agreement for services to individuals, which regulates employment relationships of domestic workers employed by (private) enterprises; and (3) the collective agreement that covers workers who work in private households for whom non-profit organizations act as intermediaries in placing the domestic workers in households.

21 Italy does not have a government-fixed guaranteed minimum wage for all professions; remuneration is fixed by the respective collective agreement. The National Collective Agreement (CCNL) for Domestic Workers was most recently concluded on 28 September 2020.

▶ Box 5.3 Relationship between wages and hours

Minimum wages are typically fixed per hour, per day or per month. They are also frequently fixed on the basis of legal limits on normal hours of work. Since domestic workers are sometimes subject to longer normal weekly hours than those applicable to other workers, wages that are fixed by week or by month can lead to a kind of wage penalty, even though domestic workers have the right to the same minimum wage level. In several of the countries reviewed, domestic workers have an equal right to the minimum wage, but are subject to longer normal hours of work. For example, in Guatemala, domestic workers are covered by the minimum wage for non-agricultural workers, but excluded from limits on normal daily and weekly hours. In Botswana,[22] when one divides the monthly minimum wage set for domestic workers by the limits placed on their normal hours of work, domestic workers working full-time would earn 3.84 pula per hour, compared with the hourly minimum wage of 6.77 pula for workers in most industries.

Live-in domestic workers are particularly affected, since their average working hours tend to be much longer than other workers' hours (see Chapter 7 for data on the real working time of domestic workers). In Chile,[23] for instance, by law live-in domestic workers must be paid the same minimum monthly salary as other workers, but for up to 12 hours of work per day (or 60 hours per week), compared with 45 hours a week for other workers. In Colombia,[24] live-in domestic workers have a right to the national minimum wage, but for a maximum of 10 hours per day, 2 hours more than other workers.

These examples, however, are the exception rather than the rule. Of the countries reviewed, the majority (41) of those in which domestic workers are entitled to the same minimum wage as other workers also fix equal limits on normal hours. Another good way to avoid this problem is to fix minimum wages per month and per hour. For example, in Namibia[25] minimum wages for domestic workers have been set per month, week, day and hour, through a tripartite wage board. Argentina[26] provides a minimum wage fixed by hour when the domestic worker works less than 24 hours per week for a single employing household, and by month when above this threshold.

22 Most industries are paid 6.77 pula per hour, while domestic service sector and agricultural sector workers are paid monthly at a rate of 1,000 pula per month. Domestic workers can work up to 60 hours per week, compared with 48 hours for other workers. This means that workers in general can be paid up to 1,408.16 pula per month (for eight hours per day, six days per week), while domestic workers can only be paid 1,000 pula. Considering that domestic workers can work up to 240 hours every four weeks, a full-time worker could effectively be paid as little as 3.84 pula per hour. See CRS, "CRS News Flash 8 August 2019 – BOTSWANA – Minimum Wage", 15 August 2019.

23 Labour Code, arts 22, 42 and 44; art. 149(2); and art. 22.

24 Labour Code, Constitutional Court Decision C-372 of 1998, arts 161 and 162.

25 Wage Order of 15 September 2017 for Setting Minimum Wage and Supplemental Minimum Conditions of Employment for Domestic Workers: Labour Act, 2007.

26 Resolution 1/2020, National Commission for Work in Private Households, art. 2.

In Africa, it may appear at first glance that there has been a tendency to fix a lower minimum wage rate for domestic workers; however, this is merely a distortion due to the uneven distribution of domestic workers across countries in the sample. A total of 28 per cent of domestic workers, mostly in 18 countries, now have a right to a minimum wage at the same or higher rate as other workers. The explanation for the low percentage of domestic workers in this group is simply that these countries do not employ a high number of domestic workers compared with others in the region.[27] In contrast, the figure of 31.5 per cent of domestic workers whose minimum wage is fixed at a lower rate than that of other workers is largely due to the presence in this group of South Africa,[28] with a total population of 1,350,000 domestic workers. The same is true for the 40.8 per cent of domestic workers for whom no statutory minimum wage is applicable, including 4.1 per cent who are excluded from existing minimum wages and 36.7 per cent who live in countries with no minimum wage. There is, however, a tendency to fix wages at the sectoral level and to fix wages of domestic workers on a monthly rather than hourly basis, which has at times led to significantly lower statutory minimum wage rates in several countries. This is particularly the case when taking into account the longer normal weekly hours to which many domestic workers are subject in the region (see box 5.3).

Of the countries reviewed, the majority of those in which domestic workers are entitled to the same minimum wage as other workers also fix equal limits on normal hours.

27 As explained in Part I, the number of domestic workers in Africa is particularly likely to be underestimated.

28 National Minimum Wage Act 9 of 2018.

> In Africa, 28 per cent of domestic workers now have a right to a minimum wage at the same or higher rate as other workers.

Most domestic workers in the Arab States, as well as Asia and the Pacific, remain outside the scope of minimum wage coverage. In the Arab States, for 84 per cent of domestic workers, no statutory minimum wage is applicable. The majority of these domestic workers (80 per cent) are in countries in which there is no statutory minimum wage at all, while the remainder are excluded from existing statutory minimum wages. There are some important exceptions to this rule. In 2020, Qatar[29] adopted for the first time a single national minimum basic wage of 1,000 Qatari riyals (US$275); the new law went into force in March 2021 and applies to all workers regardless of their nationality and the sector in which they work, including domestic work. Kuwait[30] also adopted a minimum wage for domestic workers in 2016, although it was fixed at 60 Kuwaiti dinars, while the minimum wage applicable to workers in the private sector and the oil sector is 75 dinars. As a result, 6 per cent of domestic workers now have the right to a minimum wage equal to that of other workers, while another 10 per cent are covered by a lower minimum wage.

The rate of minimum wage coverage in Asia and the Pacific is also very low. Only 11 per cent of domestic workers enjoy the minimum wage to the same extent as other workers. These can largely be found in Eastern Asia and South-Eastern Asia and the Pacific and consist primarily of those domestic workers who work as employees of domestic service companies in China.[31] Aside from the 7 per cent of domestic workers who are covered by a lower minimum wage rate, the vast majority (64 per cent) do not have any minimum wage coverage.[32] Very few changes have taken place in the region in recent years; however, it is worth noting the recent inclusion of domestic workers under the unified minimum wage in Viet Nam,[33] as well as the inclusion of domestic workers in the minimum wage at the state level in Pakistan (Punjab)[34] and the notification of minimum wages in several states of India.[35]

> Most domestic workers in the Arab States, as well as in Asia and the Pacific, remain outside the scope of minimum wage coverage.

29 Additional legislation, Law No. 17 of 2020. The law further states that if the employer does not provide decent accommodation and food then the domestic worker is entitled to an additional accommodation allowance no less than 500 Qatari riyals and food allowance of no less than 300 Qatari riyals.

30 Public Authority for Manpower Ministerial Decision 14/17.

31 See Minghui (2017).

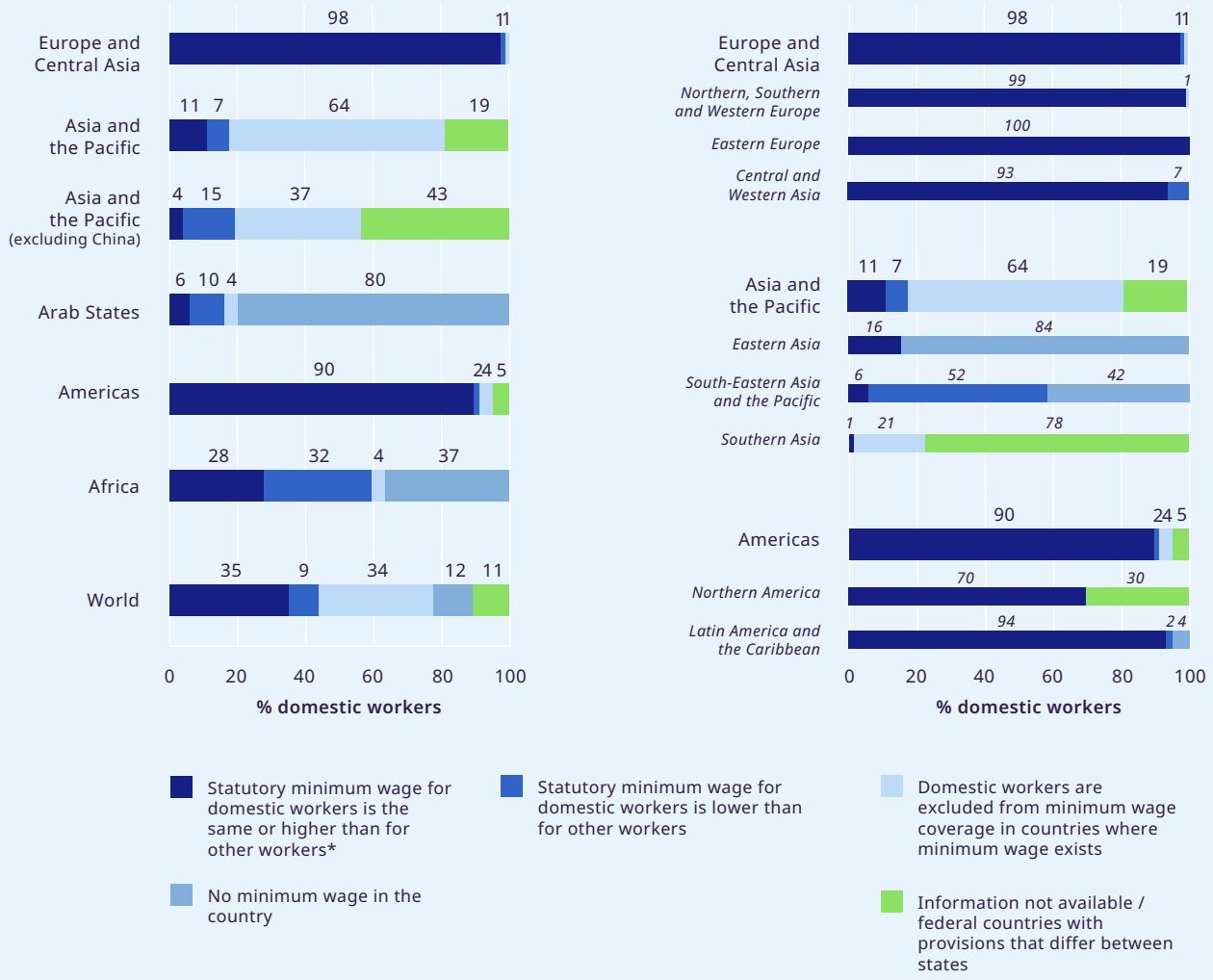
32 Of the countries included in Asia and the Pacific to produce these estimates, none had no statutory minimum wage at all. This does not mean that all countries in the region have a statutory minimum wage, however.

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

34 The Punjab Domestic Workers Act, 2019, section 8, provides that every domestic worker shall be paid such wages within such period of time as may be provided in the letter of employment, but such wages must in no case be less than the wages specified by the Government under the Act.

35 Various states have notified minimum wages for domestic workers, including Andhra Pradesh (2007), Bihar (2007), Union Territory of Dadra and Nagar Haveli (2013), Haryana (2013), Jharkhand (2010), Karnataka (2004), Kerala (2010), Meghalaya (2013), Odisha (2009), Punjab (2013), Rajasthan (2008), Telangana (2015) and Tripura (2013).

Figure 5.2 Extent of minimum wage coverage of domestic workers by region, 2020 (percentages)



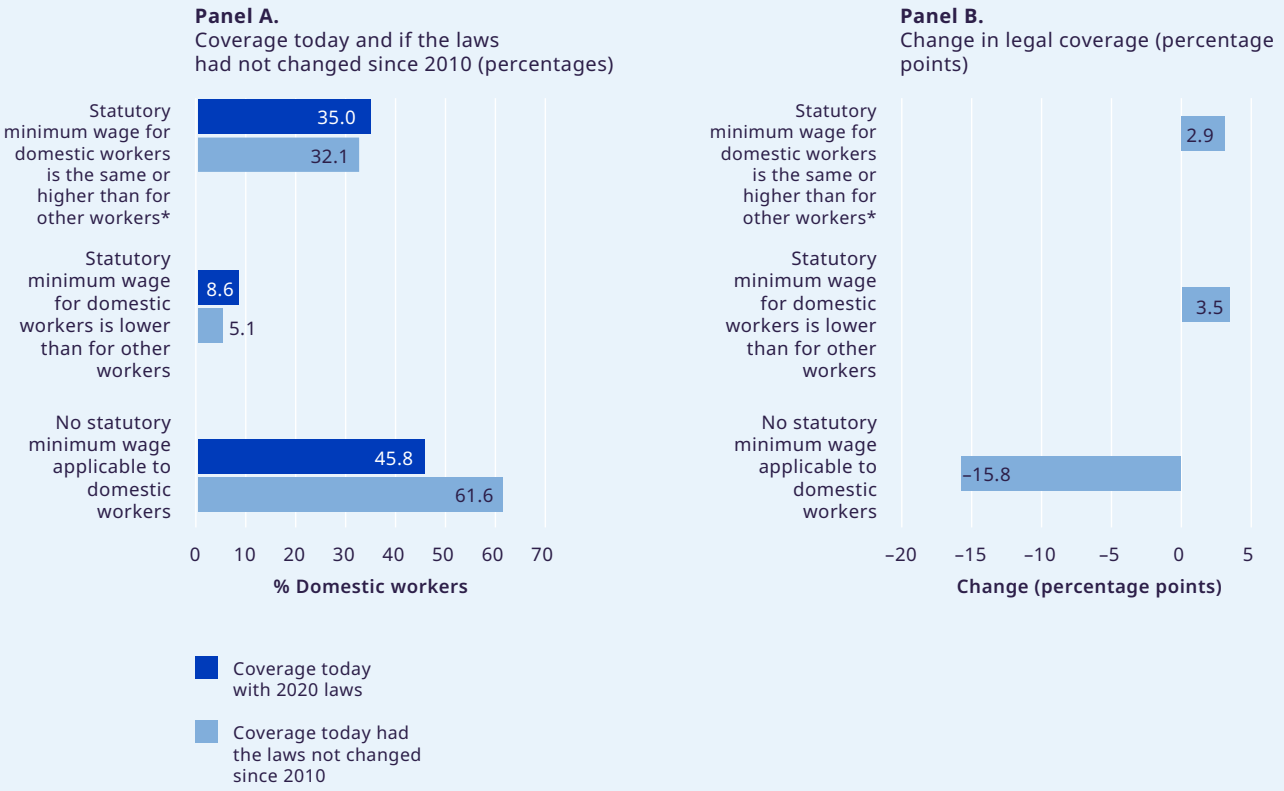
* This category includes cases for which comparison with a benchmark minimum wage is not possible.

Note: As for figure 3.1.

Progress in legal coverage since 2010

Despite some changes in minimum wage policies for domestic workers across the world, the vast majority remain without such protection. Since 2010, the ILO estimates that the number of domestic workers who are entitled to a minimum wage equal to that of other workers has increased by only 2.9 percentage points (figure 5.3). There has also been an increase of 3.5 percentage points in the number of domestic workers who have a right to a minimum wage lower than that of other workers. Had there been no changes in minimum wage laws, today only 32.1 per cent of domestic workers would enjoy such coverage to the same extent as other workers, with another 5.1 per cent having a right to a lower minimum wage rate. Moreover, 61.6 per cent of all domestic workers would not be covered by any statutory minimum wage – either because they are excluded from existing minimum wages or because no such minimum wages exist in the country: a regression of 15.8 percentage points compared with their actual status today.

Figure 5.3 Progress in the extent of minimum wage coverage of domestic workers since 2010



* This category includes cases for which comparison with a benchmark minimum wage is not possible.

Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not indicated. The category "No statutory minimum wage applicable to domestic workers" covers both domestic workers who are excluded from minimum wage coverage in countries where minimum wage exists and domestic workers in countries where no minimum wage exists.

> Despite some changes in minimum wage policies for domestic workers across the world, the vast majority remain without such protection. Since 2010, the number of domestic workers who are entitled to a minimum wage equal to that of other workers has increased by only 2.9 percentage points.

Payment in kind

Global extent of legal coverage in 2020

For many domestic workers, the right to a minimum wage can be restricted by the extent to which a portion of that minimum wage can be paid in kind. More than one third (37 per cent) of the countries reviewed prohibit any payment of the minimum wage in kind, while a roughly equal number of countries (36 per cent) permit such payments (in other words, among countries that provide minimum wage coverage to domestic workers, about half allow for a portion of the minimum wage to be paid in kind, while the other half prohibit it). The remaining 21 per cent of countries either have no statutory minimum wage at all or do not include domestic workers in the minimum wage; however, they may nonetheless allow for the payment of a portion of the wage in kind (table 5.2). Indeed, in most of the countries reviewed, provisions on payment in kind are made as a portion of the wage, which in our analysis includes the possibility that it could be a portion of the minimum wage. Similarly, countries in which the minimum wage must be paid in cash only may also allow a portion of the wage to be paid in kind, as long as the minimum wage is paid in cash. As such, the information provided in this section aims to illustrate the extent to which the minimum wage of domestic workers is protected by prohibiting any portion of it to be paid in kind.

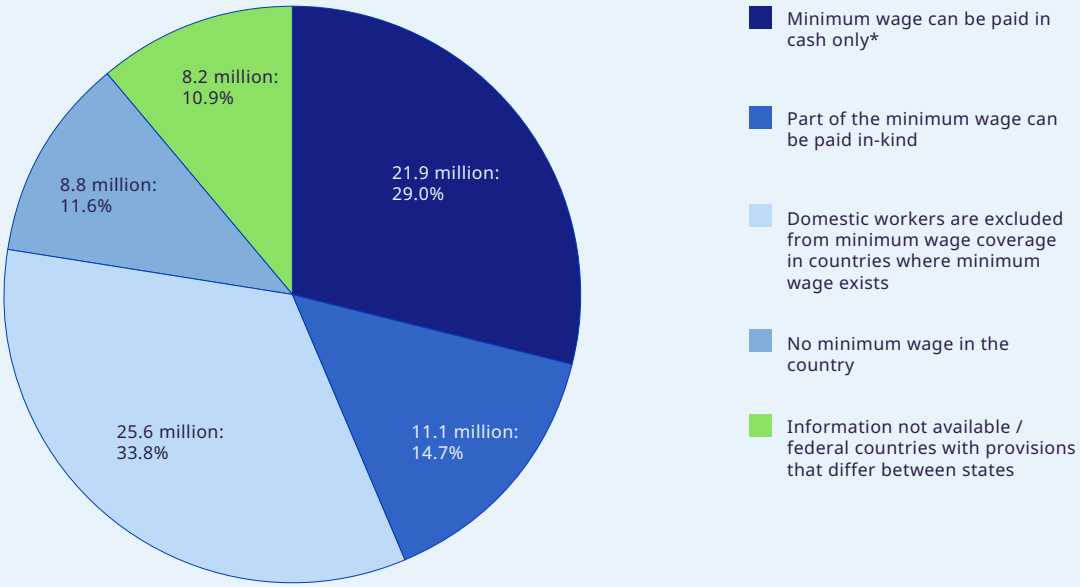
Table 5.2 Payment in kind for domestic workers, selected countries, 2010 and 2020

	For countries reviewed in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Minimum wage can be paid in cash only*	26	34.7	29	38.7	40	37.0
Part of the minimum wage can be paid in kind	24	32.0	24	32.0	39	36.1
Domestic workers are excluded from minimum wage coverage (in countries where minimum wage exists)	15	20.0	13	17.3	15	13.9
No minimum wage in the country	8	10.7	4	5.3	7	6.5
Information not available / federal countries with provisions that differ between states	2	2.7	5	6.7	7	6.5
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

* This category includes cases for which comparison with a benchmark minimum wage is not possible.

Note: As for figure 3.1.

Figure 5.4 Extent of provisions on payments in kind, 2020



* Includes cases for which no information on in-kind provisions was available.

Note: As for figure 3.1.

More than one third of countries prohibit payments in kind as part of the minimum wage, and 29 per cent of domestic workers fall under such provisions (figure 5.4). Although they are sometimes allowed to receive a portion of their wage in kind, their cash wage can never drop below the minimum wage. The remaining domestic workers find themselves in somewhat more vulnerable situations. Among those who have a right to a minimum wage, 11.1 million domestic workers (14.7 per cent) may be subject to legal provisions that allow for a portion of their wages to be paid in kind. For these domestic workers, their take-home pay varies dramatically, depending on the limits imposed on those payments. Indeed, limits on payment in kind can vary from 10 to 60 per cent, as shown in more detail below. The most vulnerable workers, however, are those domestic workers (34.4 million or 45.4 per cent) who are excluded from minimum wage protection or live in countries with no minimum wage, who may also be subject to legal provisions that allow for a portion of their wage to be paid in kind.[36]

More than one third of countries prohibit payments in kind as part of the minimum wage, and 29 per cent of domestic workers fall under such provisions.

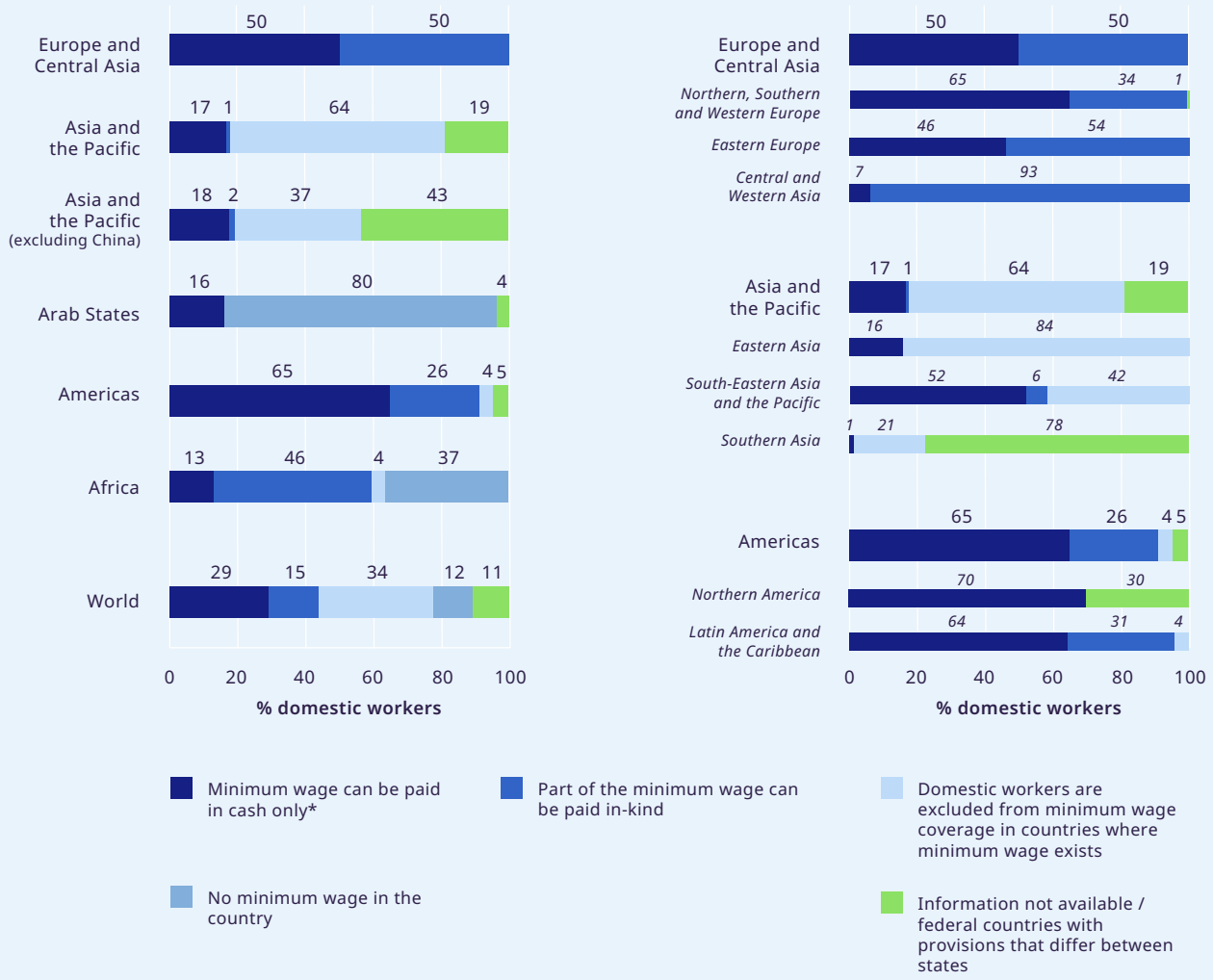
Regional extent of legal coverage in 2020

Domestic workers whose minimum wage is protected from the deduction of in-kind payments can be found throughout the world. Such is the case for 65 per cent of domestic workers in the Americas, 50 per cent in Europe and Central Asia, 17 per cent in Asia and the Pacific, 16 per cent in the Arab States and 13 per cent in Africa (figure 5.5). Payment in kind is largely permissible for about half of all domestic workers in Europe and Central Asia and Africa and a little over one quarter of all domestic workers in the Americas. This leaves a very large proportion of domestic workers in the Arab States (80 per cent), Asia and the Pacific (64 per cent) and Africa (41 per cent) who work in countries where they are not covered by any statutory minimum wage (either because there are no such minimum wages or because domestic workers are excluded from such provisions) and can moreover legally receive a portion of their wages in kind.

In the Americas, there are several examples of national legislation that clearly prohibit the payment of a portion of the minimum wage in kind. In Brazil,[37] the law prohibits deductions from the salary for food, clothing, hygiene or housing, including during trips. A revision of the Labour Code in Chile[38] issued in 2014 states clearly that food and lodging should always be paid for by the employer (and cannot be deducted from the salary), in addition to the minimum wage to be paid in cash. Laws in Jamaica[39] and Peru[40] also state clearly that food and accommodation cannot be considered as part of the wage. A smaller but still sizeable number of domestic workers in the region are in a somewhat more vulnerable situation. A little over one quarter (26 per cent) of domestic workers in the region have a right to a minimum wage, a portion of which can be paid in kind. These payments are mostly limited to the provision of food – and housing in the case of live-in domestic workers – with the specification that all in-kind payments must be for the use and benefit of the worker. The percentage of the wage that can be paid in kind, however, varies quite dramatically.

Domestic workers whose minimum wage is protected from the deduction of in-kind payments can be found throughout the world: 65 per cent of domestic workers in the Americas, 50 per cent in Europe and Central Asia, 17 per cent in Asia and the Pacific, 16 per cent in the Arab States and 13 per cent in Africa.

Figure 5.5 Extent of provisions on payments in kind by region, 2020 (percentages)



* Includes cases for which no information on in-kind provisions was available.

Note: As for figure 3.1.

In the most extreme cases, no clear limits are placed, for instance in Grenada[41] and Guatemala,[42] where the amount of payments in kind which are allowed are not specified. Mexico[43] and Nicaragua[44] limit payment in kind to 50 per cent of the salary, while Colombia[45] provides that, when a worker is only paid the minimum legal wage, the value of payment in kind cannot exceed 30 per cent. Uruguay[46] places a stricter limit of 20 per cent when both housing and food are provided. Finally, there remains a small minority (4 per cent) of domestic workers who are excluded from minimum wage protection, at least some of whom are also subject to legal provisions allowing for payments in kind, for example in the Dominican Republic,[47] El Salvador[48] and Honduras.[49]

41 Employment Act, section 2 and 47(5).

42 Labour Code, article 162.

43 Federal Labour Law, art. 334.

44 Labour Code, arts 146 and 149.

45 Labour Code, art. 129; if the domestic worker is paid above the minimum wage, the provision states that payments in kind cannot exceed 50 per cent of the full salary.

46 Decree 224/007 of 25 June 2007 developing Act 18065, art. 11.

47 Labour Code, art. 260.

48 Labour Code, art. 78.

49 Labour Code, art. 153.

In Europe and Central Asia, half the population of domestic workers have the right to receive their minimum wage in cash only, although payments in kind are sometimes permissible in addition to the minimum wage. In Spain, for example, payments in kind are permissible up to 30 per cent of the total salary but can never be part of the minimum wage.[50] In Czechia[51] as well, in-kind payments are limited to wages in excess of the minimum wage. Some countries, such as Poland,[52] allow in-kind payments only if they are stipulated in the statutory provisions of labour law or by collective bargaining agreement (which to date is not the case). The absence of such specific regulations, including collective bargaining agreements, that cover domestic workers can, in such cases, influence the applicability of the law to the sector.

The other half of the population of domestic workers in the region can receive a portion of their wages in kind. The percentages vary from country to country, depending on whether or not housing is provided. In Belgium,[53] 20 per cent of the wage can be paid in kind, but this limit can increase to a maximum of 50 per cent if the workers are housed and fed exclusively by the employer. Likewise, in Portugal,[54] provision is made for in-kind payments, at a rate of 15 per cent for a main meal (35 per cent for all meals), and 12 per cent for housing, not to exceed 50 per cent of the salary. Ireland[55] and Switzerland[56] have taken a different approach, fixing specific amounts that can be deducted for meals and housing.

In the Arab States, the large majority of domestic workers (80 per cent) are employed in countries where there is no minimum wage. In most countries, whether or not domestic workers are covered by a minimum wage, the employer is required to provide housing and food. Of the 16 per cent in the region who are covered by a minimum wage, the tendency has been to ensure the payment of these wages in cash only. In Qatar,[57] for instance, domestic workers, like other workers, have the right to receive a minimum basic wage of 1,000 Qatari riyals (US$275), on top of employer-provided accommodation and food. The same is true in Kuwait,[58] although there domestic workers are subject to a lower minimum wage than other workers. Nevertheless, the domestic workers in the most vulnerable situation are those 80 per cent who are not covered by any minimum wage but who are still subject to payments in kind. Such is the case for domestic workers in Saudi Arabia[59] and the United Arab Emirates,[60] for example. In addition, across the region, employers are not obliged to pay domestic workers by bank transfer or any automated system that can flag instances of non-payment of wages, and domestic workers are most often excluded from wage protection systems,[61] which aim to prevent employers from withholding wages.

The situation of domestic workers in Asia and the Pacific is quite a vulnerable one. Most domestic workers are not covered by any minimum wage (64 per cent or 37 per cent when China is excluded – see figure 5.5) and in some cases, provision is also made for a portion of the wage to be paid in kind. For example, in Indonesia, domestic workers are excluded from the minimum wage and can also receive their remuneration in any

50 Royal Decree 1620/2011, art. 8(2).

51 Labour Code, art. 119(1).

52 Labour Code, art. 86(2).

53 Belgium, Act on Wage Protection, art. 6.

54 Decree-Law 235/92, art. 9(2) and Labour Code (Law no. 7/2009), art. 274(2).

55 Code of Practice for Protecting Persons Employed in Other People's Homes, section 5.7.

56 Article 322 C (I)(1) of the Code of Obligations states that if the worker lives with the employer, their food and housing are considered salary. Section 7 of the Ordinance on the Domestic Economy provides that, if a worker receives part of the wage in the form of accommodation or food, the value of these benefits shall be determined through the amounts set in the Regulation of 31 October 1947 on Old-Age and Survivors' Insurance.

57 Additional legislation, Law No. 17 of 2020.

58 Domestic Workers Law of 2015.

59 See Saudi Arabia, Ministry of Human Resources and Social Development, MUSANED website, https://www.musaned.com.sa/home.

60 Federal Law No. 10/2017 on Domestic Workers, art. 15(2–3).

61 A wage protection system is an electronic salary transfer system that aims to prevent the employer from withholding wages, which is a problem that has occurred in the region. These systems require employers to pay workers' wages via banks, currency exchange centres or financial institutions. All Gulf countries have introduced such systems; however, none of them currently extend such requirements to employers of migrant domestic workers.

form without limitations.[62] In Thailand,[63] 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. On the other side of the spectrum is a small group (17 per cent) of domestic workers who have the right to receive their full minimum wage in cash. Most of those for whom payments in kind are not permissible are to be found in Eastern Asia (composed largely of domestic workers who work for enterprises as employees to deliver services to households in China), although 52 per cent of domestic workers in South-Eastern Asia and the Pacific also enjoy such protections. For example, the Philippines[64] prohibits the payment of wages in kind, unless requested by the worker. Only 1 per cent of domestic workers are subject to provisions allowing for a portion of the wage to be paid in kind. In Viet Nam,[65] such payments must be agreed by the worker and employer and are limited to 50 per cent of the monthly wage.

Finally, domestic workers in Africa also tend to be in a vulnerable situation with respect to their wages: 41 per cent of domestic workers have no minimum wage coverage, including 37 per cent employed in countries with no minimum wage (figure 5.5). The tendency among countries in the region, however, is to allow in-kind payments, a situation that affects 46 per cent of all domestic workers. Limits can vary significantly, from 10 per cent in South Africa[66] and 20 per cent in Angola[67] to 68 per cent in Tanzania (United Republic of),[68] the highest of all countries reviewed for this report except those that impose no specific limits. Despite this, a number of countries, covering 13 per cent of domestic workers in the region, do prohibit the payment of a portion of the minimum wage in kind. In Morocco,[69] for example, food and housing cannot be considered part of the salary. Namibia[70] provides explicitly that deductions may not be made from the minimum basic wage and Côte d'Ivoire[71] prohibits payments in kind altogether.

Progress in legal coverage since 2010

In the last ten years, very few changes have been made in law and policy to limit payments in kind to domestic workers, but these have nonetheless had an impact on the number of domestic workers whose minimum wage is legally protected from in-kind payments. Since 2010, the ILO estimates that the percentage of domestic workers who have a right to receive their minimum wage fully in cash has increased by 7.2 percentage points (figure 5.6). Had there been no extension of labour laws to domestic workers, today only 16.5 million domestic workers (21.8 per cent) would benefit from this right. For the remaining domestic workers who have a right to the minimum wage, the situation has not changed significantly: payment of a portion of the minimum wage in kind would be permissible for 11.7 million domestic workers (15.5 per cent), representing a small change (0.8 percentage points) from their actual status today. These shifts suggest an important trend towards ensuring that domestic workers earn the full minimum wage in cash and that any provisions for payment in kind be made in addition to this wage.

62 Permenaker (Ministry Regulation) No. 2/2015 on Domestic Workers, art. 1.

63 Ministerial Regulation No. 14, B.E. 2555 under the Thai Labour Protection Act.

64 Under Article IV, section 25, of RA 10361, the 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 by written consent, shall make no deductions from the wages other than those 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.

65 Decree 145, Article 89(2) provides that employers and workers shall agree on monthly meal and accommodation expenses which cannot exceed 50 per cent of the wage

66 Sectoral Determination 7, Section 8.

67 Decree 155/16, art. 14.

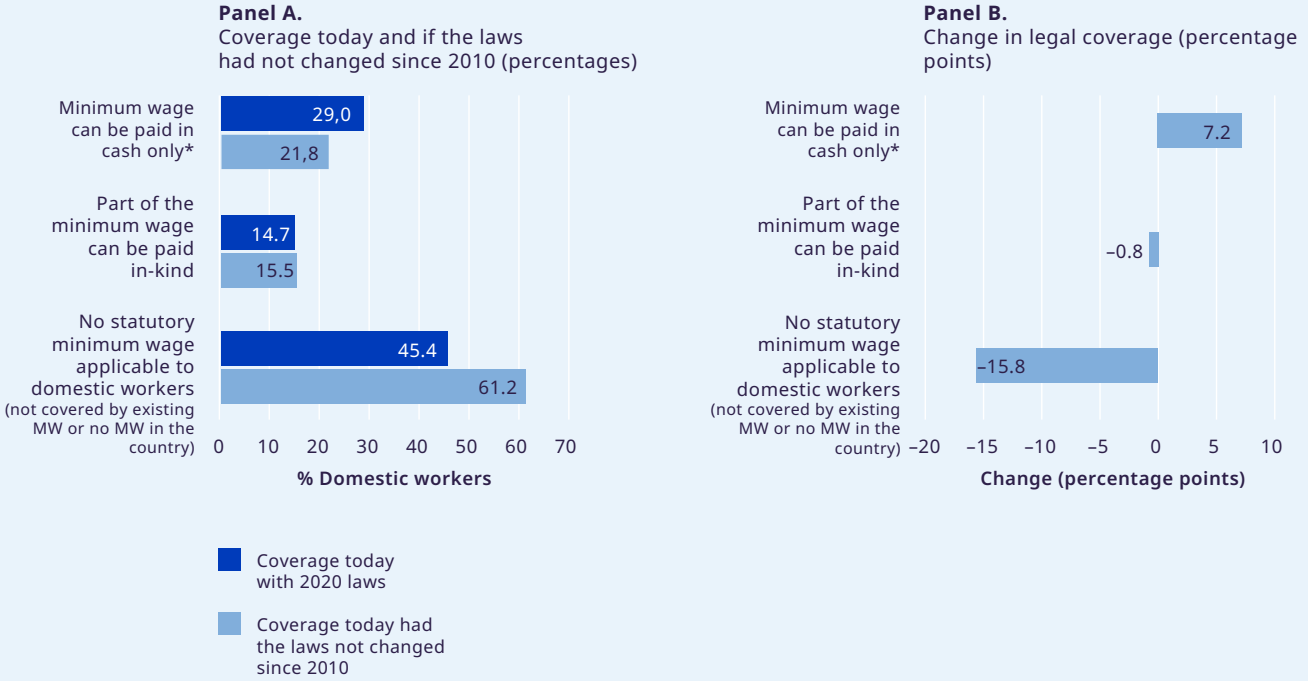
68 Regulation of Wages and Terms of Employment Order, 2010, section 4(4).

69 Law No. 19–12 Fixing Work Conditions of Domestic Workers, art. 19.

70 Section 3 of the Regulations Relating to Domestic Workers states: "For the purposes of Section 8(3) of the Labour Act, an employer of a domestic worker must not deduct from the minimum basic wage, determined pursuant to a wage order in terms of Section 13 of the Act, the value of in-kind payments or contributions, such as food, clothing or housing". This provision is also mentioned in the Guidelines attached to the Model Contract.

71 Labour Code, Art. 32(1).

Figure 5.6 Progress in the extent of provisions on payments in kind since 2010



* Includes cases for which no information on in-kind provisions was available.

Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not indicated. MW: minimum wage. The category "No statutory minimum wage applicable to domestic workers" covers domestic workers who are excluded from minimum wage coverage in countries in which a minimum wage exists and domestic workers who live in countries where no minimum wage exists.

Summary

The results reported in Chapter 5 show a clear trend for domestic workers to be included under minimum wage coverage where such coverage exists, whether through the national minimum wage or through a sectoral minimum wage and, more often than not, to ensure they are entitled to a minimum wage that is equal to those enjoyed by other workers. When domestic workers are covered by a minimum wage, there is also a tendency towards prohibiting the deduction of in-kind payments from this minimum. Workers' organizations – and organizations of domestic workers and of their employers, where they exist – play an important role in promoting equality of treatment with respect to wages and ensuring that wages are adapted to the needs of domestic workers and the households in or for which they work.

However, a sizeable number of domestic workers globally live in countries in which no statutory minimum wage applies to them and are subject to payments in kind that are not always limited well enough to ensure a sufficient cash wage. Moreover, compliance with wage regulations is often low, and in-kind payment practices remain widespread in many regions. The real wages of domestic workers and good practices to improve those wages are explored further in Chapter 7.

> Since 2010, the ILO estimates that the percentage of domestic workers who have a right to receive their minimum wage fully in cash has increased by 7.2 percentage points.

Chapter 6

Laws and regulations governing social security, including maternity protection

Social security, as a fundamental human right, is indispensable for all human beings.[1] Effective social security systems guarantee income security and access to health protection, thereby contributing to the prevention and reduction of poverty and inequality and the promotion of social inclusion and human dignity. They do so through the provision of benefits, in cash or in kind, which are intended to ensure access to medical care and health services, as well as income security throughout the life cycle, particularly in the event of illness, unemployment, employment injury, maternity, family responsibilities, invalidity or loss of the family breadwinner, as well as during retirement and old age. Social security systems therefore constitute an important investment in the well-being of workers and the community as a whole, while facilitating access to education and vocational training, nutrition and essential goods and services. In this way, universal social protection is essential for advancing social justice, fighting inequality and promoting inclusive growth, as well as accelerating progress towards achievement of the SDGs.[2]

Convention No. 189 recognizes the importance of social security for achieving decent work for domestic workers in Article 14, which requires that countries "... take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity".

ILO social security standards are globally recognized as a key reference for the design of rights-based, sound and sustainable social protection systems. The Social Security (Minimum Standards) Convention, 1952 (No. 102), sets out the minimum levels of protection to be guaranteed in relation to coverage, adequacy of benefits, conditions for entitlement and duration with respect to a set of nine social risks that make up the nine key branches of social security: medical care, benefits provided in case of sickness, unemployment, old age, employment injury, family responsibilities, maternity, invalidity, and death of the breadwinner. The Social Protection Floors Recommendation, 2012 (No. 202), for its part, provides guidance on closing social security gaps and achieving universal coverage through the progressive establishment and maintenance of comprehensive social security systems. It calls for prioritizing the establishment of national social protection floors that ensure that all in need, including workers in the informal economy and their families, have access to at least essential healthcare and basic income security throughout their lives. The Recommendation therefore makes a call to extend social security coverage to all in need, moving beyond the traditionally structured, formal economy to encompass the population living in precarious conditions, poverty and insecurity, while adapting existing social security schemes to make them progressively as comprehensive as possible.

> Being included under the scope of social security laws is the primary condition for any further entitlement to benefits provided through statutory schemes.

Effective social security is considered to be an integral part of the protection attached to the employment relationship and as such cannot and should not be dissociated from it (ILO 2019e). Governments and social partners should therefore aim at ensuring that all domestic workers and their dependants are entitled to the full range of social security benefits in national legislation or practice, as provided for in Convention No. 102. This means that governments should: (a) prioritize the establishment of robust,

1 Universal Declaration of Human Rights, Art. 22; International Covenant on Economic, Social and Cultural Rights, Art. 9.

2 In particular Goal 1 on ending poverty; Goal 2 on ending hunger; Goal 3 on ensuring healthy lives and promoting well-being; Goal 5 on achieving gender equality and empowering women and girls; Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Goal 10 on reducing inequality; and Goal 16 on promoting peace, justice and strong institutions.

comprehensive and sustainable national social protection systems that are inclusive of workers in all types of employment arrangements; and (b) consider the necessary adaptation of existing mechanisms to the needs and circumstances of those groups of workers with more unstable forms of employment, such as domestic workers. Where the entire range of statutory social security benefits is not applicable to domestic workers as it is for other workers, Article 14 of Convention No. 189 notes that measures may be applied progressively. Such efforts should aim to ensure that all those in need benefit, at least, from basic social security guarantees comprising access to essential healthcare and basic income security, as established by Recommendation No. 202. Whenever possible, governments should also seek to raise the levels of protection made available to domestic workers, in line with Recommendation No. 202 and guided by the more advanced ILO social security standards.

Being included under the scope of social security laws is the primary condition for any further entitlement to benefits provided through statutory schemes, although it is not sufficient by itself. Entitlements to social security are then conditional, either on the payment of social security contributions for prescribed periods (contributory schemes, most often structured as social insurance arrangements) or on a requirement, sometimes described as "residency plus", under which benefits are provided for all residents of the country who also meet certain other criteria (non-contributory schemes). Such criteria may make benefit entitlements conditional on age, health, labour market participation, income or other determinants of social or economic status and/or even conformity with certain behavioural requirements. For the purposes of the estimates that follow, only contributory schemes were taken into account, in particular those that are conferred on recognition of the employment relationship.

In calling for Member States to ensure social security protection for domestic workers, Convention No. 189 highlights the particular need to ensure maternity protection. Maternity protection is a crucial instrument for ensuring the health, well-being and economic security of childbearing women. It has been shown to facilitate female employment, reduce the motherhood pay gap and lead to better health outcomes for mothers and their infants (ILO 2018a). A study in Bangladesh also found that maternity protection can increase longevity on the job (Ahmed 2017). Unfortunately, women from socially disadvantaged groups and those in the informal economy frequently lack such protection (ILO 2018a). Domestic workers are no exception.

> 56.9 per cent of the 57.7 million women domestic workers are of childbearing age.

Extending maternity protection to domestic workers is an important measure for increasing the income of women at the bottom of the labour market. As shown in Chapter 1, 57.7 million domestic workers (76.2 per cent of the total) are women, many of whom are of childbearing age.[3] The vast majority are also in informal employment, in part precisely because of a lack of policies such as maternity protection and affordable childcare (see Chapter 9 for specific figures on informality in domestic work).

Domestic workers play a key role in supporting families, and in particular their female employers, to meet their indirect and direct care needs (ILO 2018a). This is perhaps never truer than when they are hired to care for infants and young children. As a reminder, women dedicate 3.2 times more hours than men to unpaid care work, and that disproportional effort increases with the presence of children in a household, particularly when these children are under 5 years of age (ILO 2018a). Therefore, it is perhaps no surprise that mothers of children aged 0–5 years show some of the lowest employment rates (47.6 per cent) compared with fathers (87.9 per cent), non-fathers (78.2 per cent) and non-mothers of young children (54.4 per cent) (ILO 2018a). Hiring a

3 Globally, 56.9 per cent of women domestic workers are in the age range 15–44 years. This is true of close to 80 per cent of women domestic workers in Africa and more than 90 per cent in the Arab States (ILO calculations, based on national survey data from the 145 countries listed in Annex 3).

domestic worker has been a common solution to this problem, as evidenced by the higher number of domestic workers hired directly by households in countries in which care policies are absent or inadequate (ILO 2018a).

> Domestic workers play a key role in supporting their female employers in meeting indirect and direct care needs – yet domestic workers themselves have historically been excluded from maternity protection and other care policies that would enable them to access decent work and formal employment.

Yet, domestic workers themselves have historically been excluded from maternity protection and other care policies that would enable them to access decent work and formal employment (ILO 2018a). In the absence of such protection, domestic workers who become pregnant face important health and economic risks. Without protection, they may feel compelled to continue working late into pregnancy, often performing hazardous tasks and putting their unborn child and themselves at great risk. If they are also excluded from social health protection coverage, they face the additional risks of not accessing adequate healthcare during and after pregnancy.

In many cases, domestic workers also face the risk of dismissal when their employers learn of their pregnancy. In some countries, domestic workers are in fact prohibited from becoming pregnant[4] and can face repatriation if they are migrants.[5] For domestic workers who live with their employers, this can lead to losing both their jobs and their accommodation. When domestic workers lose their jobs or incomes without effective maternity and employment protection, they are left with no income replacement (ILO 2013c).

In recognition of the high risks of maternity for domestic workers and their frequent exclusion from the law, Article 14 of Convention No. 189 calls on Member States to ensure that domestic workers enjoy maternity protection under conditions not less favourable than those applicable to workers generally (see box 6.1). The Maternity Protection Convention, 2000 (No. 183), adds valuable insights as to the level of maternity protection that should be applicable to workers generally: leave entitlements should be no less than 14 weeks and cash benefits should be no less than two thirds of previous earnings. Furthermore, maternity benefits should preferably be provided through compulsory social insurance or public funds.

To achieve equal protection, Article 14 invites Member States to take measures that account for the specific characteristics of domestic work. Indeed, specific measures can play an important role in achieving equal treatment. For example, domestic workers and their household employers may not have the same capacity to contribute to social security as workers and economic units in other sectors, which could require the fixing of a differentiated rate of contribution or public subsidies. The fact that most employers are households and not enterprises with human resource departments may also require specific measures to promote compliance through awareness-raising and the simplification of registration and contribution procedures (ILO 2019d; ILO 2021b).

4 In Singapore, for instance, the Employment of Foreign Manpower Act (Fourth Schedule, Part VI, section 7), under "Conditions to be Complied With by Foreign Employee Issued With Work Permit", states: "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".

5 In some countries, such as Jordan (pursuant to the Regulation regulating Recruitment Agencies in the Recruitment of Non-Jordanian Domestic Workers No. 63 of 2020), domestic workers must undergo a medical test upon arrival in the country and upon renewal of the work permit (every year). If the worker is pregnant, the agency is responsible for her repatriation (i.e. airfare cost).

Box 6.1 Article 14 of Convention No. 189

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favourable than those applicable to workers generally in respect of social security protection, including with respect to maternity.

2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Chapter 6 first provides estimates on the extent to which domestic workers enjoy legal coverage by contributory social security schemes. For the purposes of these estimates, a country was counted as providing social security protection for domestic workers as long as the laws provided for coverage by at least one branch of social security.[6] When provided, social security coverage is sometimes mandatory, meaning the employer has an obligation to register the domestic worker, and sometimes voluntary, meaning the employer has no such obligation but the domestic worker can choose to be covered on a voluntary basis. For the purposes of these estimates, domestic workers were only considered to be covered if the scheme was mandatory, as evidence suggests that voluntary schemes are ineffective in reaching a "difficult-to-cover" group such as domestic workers (ILO 2016b).

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 Turkey, only full-time employees are eligible for social security through the Social Security Institute (ISSA 2018). In other countries, thresholds concern earnings. For instance, in the Philippines[7] workers must earn at least 1,000 Philippine pesos (US$23) monthly to exercise the right to coverage for sickness or maternity benefits. These types of minimum thresholds, which are considered to be insufficiently aligned with the typical working arrangements of domestic workers, can contribute to their exclusion even where the law provides for their coverage in principle. For the purposes of these estimates, it was not possible to take such specific exclusions into account, and therefore the estimates represent an upper bound of the actual number of domestic workers who would be covered by social security laws. The implications of these exclusions and good practices to close such gaps are discussed in more depth in Chapters 7 and 9.

Having established the extent of legal coverage by contributory social security schemes in general, the chapter then looks more closely at the extent to which female domestic workers[8] enjoy legal coverage with respect to maternity leave and maternity benefits, as compared with workers generally. For the purposes of the estimates presented below, maternity leave refers only to the duration of the leave provided for domestic workers as compared with other workers. Regarding maternity benefits, the research looked specifically at the cash benefits to which domestic workers were entitled, but not at their medical benefits obtained through social security systems or employer liability schemes. Further research would be needed to look at provisions regarding the duration of maternity cash benefits and other maternity benefits.

6 As equivalent estimates were not produced for the year 2010, it was not possible to present the percentage change in the number of domestic workers who now enjoy such legal coverage.

7 See Philippines, SSS CIRCULAR NO. 2020-036.

8 To produce the estimates in Chapter 6, only statistical data on female domestic workers were retained.

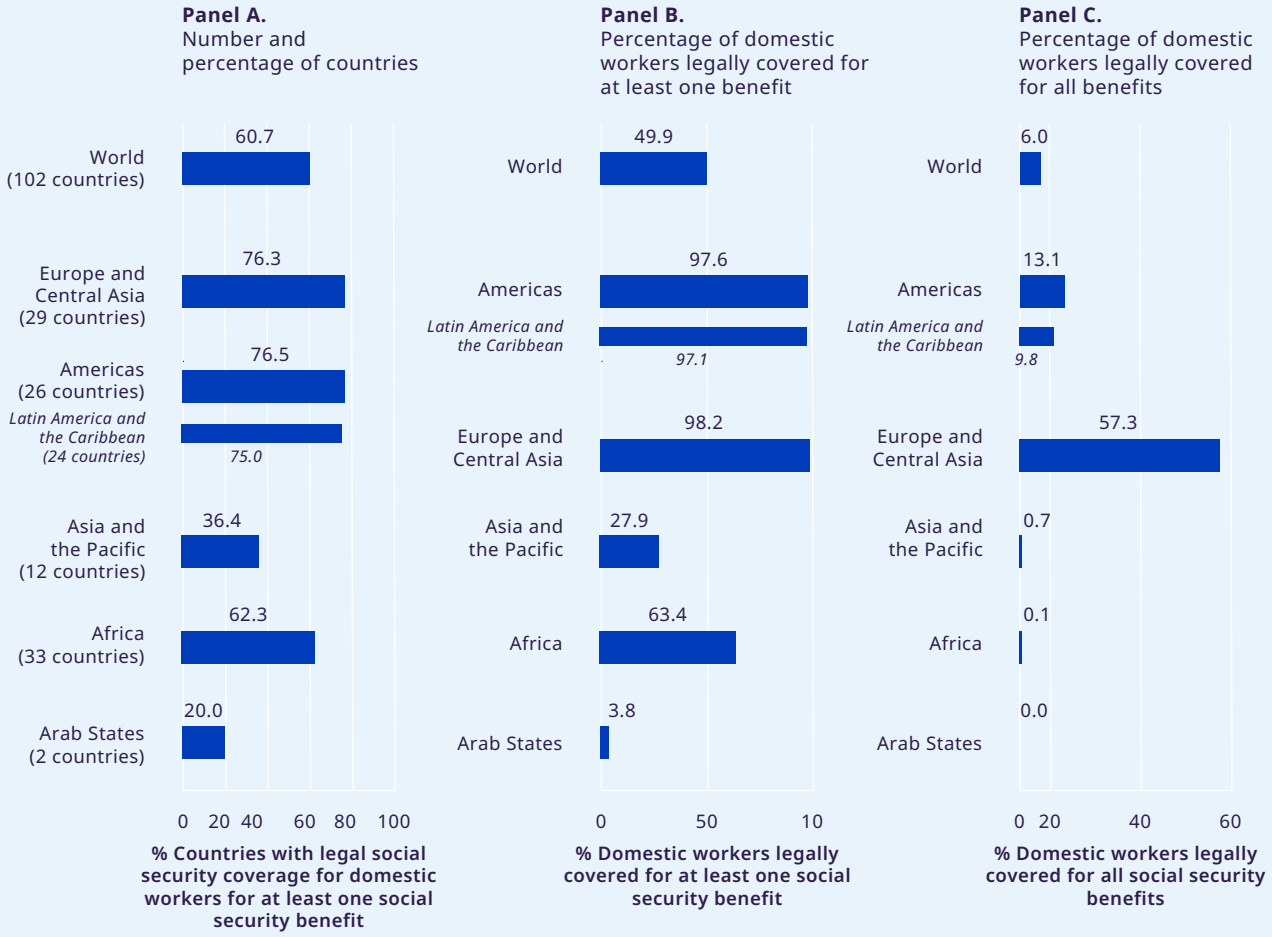
As with other areas of legal coverage, the data presented here indicate only whether domestic workers are covered by legal provisions. As Chapter 9 shows, informal employment arrangements represent a major barrier to accessing effective social security protection. The lack of maternity protection, in particular, is also among the drivers of informal employment (ILO 2018a). In recognition of the wide gaps in effective coverage in the informal economy, Recommendation No. 204 recommends that Member States "progressively extend, in law and in practice, to all workers in the informal economy, social security [and] maternity protection". Indeed, ensuring effective social security coverage requires a range of other measures to tackle some of the practical barriers to accessing coverage. Many social security mechanisms have not been designed with the domestic work sector in mind. For domestic workers and household employers alike, low rates of awareness of rights and responsibilities, often low contributory capacity and complex registration procedures present important barriers to registration (ILO 2016b). Restrictive qualifying conditions like minimum periods of employment also affect access (ILO 2013c; ILO 2016f; ILO and ECASSA 2019; Addati 2015). Nonetheless, establishing clear legal rights and entitlements to social security is the first step towards making maternity protection a reality for domestic workers.

Extent of legal social security coverage in 2020

Based on available data, a relatively high number of countries afford protection under one or more of the nine social security branches established in Convention No. 102.[9] Of the 168 countries reviewed, 102 (60.7 per cent) provide for at least one social security branch (figure 6.1, panel A). As a result of such coverage, globally almost half of all domestic workers (49.9 per cent) are covered by at least one branch of social security (figure 6.1, panel B).[10] In covering domestic workers, countries have tended to extend the existing social security legal framework to them, although in some cases they have adopted separate legislation specific to domestic workers (ILO 2016b). 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, however, countries exclude migrant domestic workers from such schemes (figure 6.2).

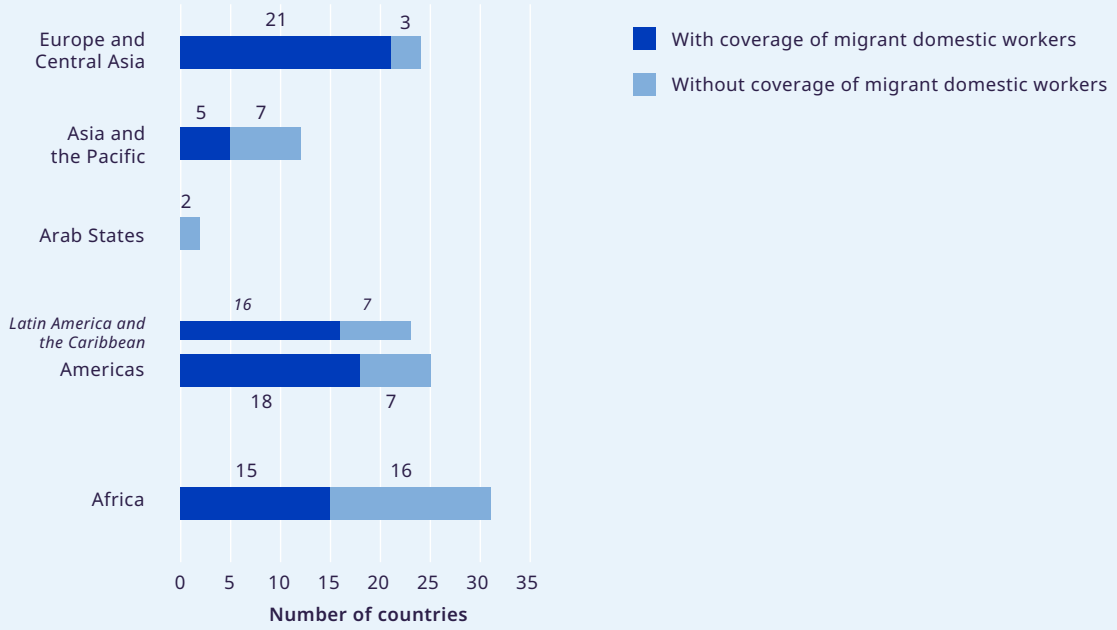
> 60.7 per cent of the countries reviewed afford protection under at least one social security branch for domestic workers, covering almost half of all domestic workers worldwide.

Figure 6.1 Number and percentage of countries with some legal social security coverage for domestic workers and percentage of domestic workers legally covered, 2020



Note: Panel A: Based on the review of 168 countries. Panels B and C: Global and regional estimates are based on 135 of the 168 countries for which information on the number of domestic workers is available, representing 97 per cent of global employment. Weighted by the total number of domestic workers.

Figure 6.2 Number of countries with some legal social security coverage for domestic workers that provide coverage for migrant domestic workers, 2020



Note: Based on the review of 168 countries.

There is also a noteworthy variation in the extent of coverage by specific branches. Where comprehensive social protection is not provided, employment injury, unemployment and family benefits are generally the branches for which no social security benefits are provided for domestic workers through contributory mechanisms, either because they are excluded or because no such legal provision exists in the country. While at least half the countries reviewed provide pension coverage for domestic workers (figure 6.3, panel B), covering 45.4 per cent of domestic workers (figure 6.3, panel C), only a minimum of 25.2 per cent of the countries provide unemployment benefits. As a result, in principle, 28.6 per cent of domestic workers in the world today have a legal right to unemployment benefits. While coverage with family benefits is also quite low, non-contributory schemes tend to exist for this branch, to which domestic workers sometimes have access.

> Employment injury, unemployment and family benefits are generally the branches for which no social security benefits are provided for domestic workers through contributory mechanisms.

Figure 6.3 Number and percentage of countries with legal social security coverage for domestic workers and percentage of domestic workers legally covered by contingency, 2020

Panel A. Number and percentage of countries

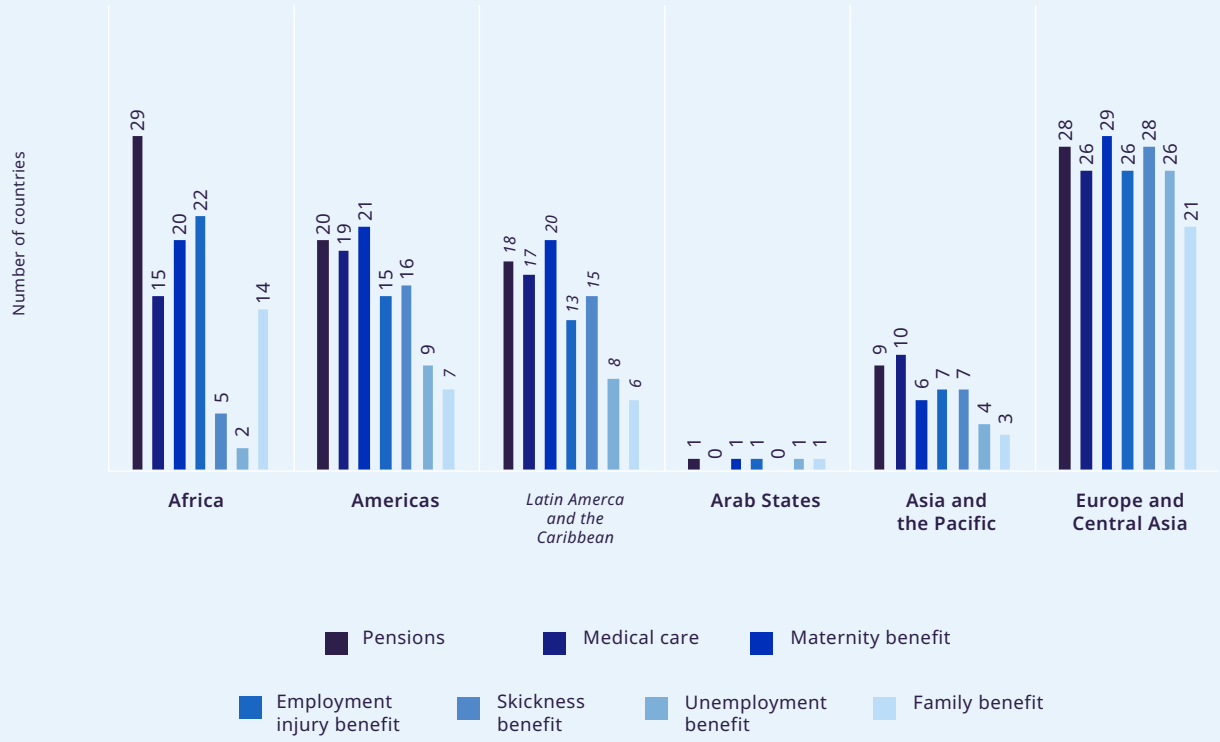
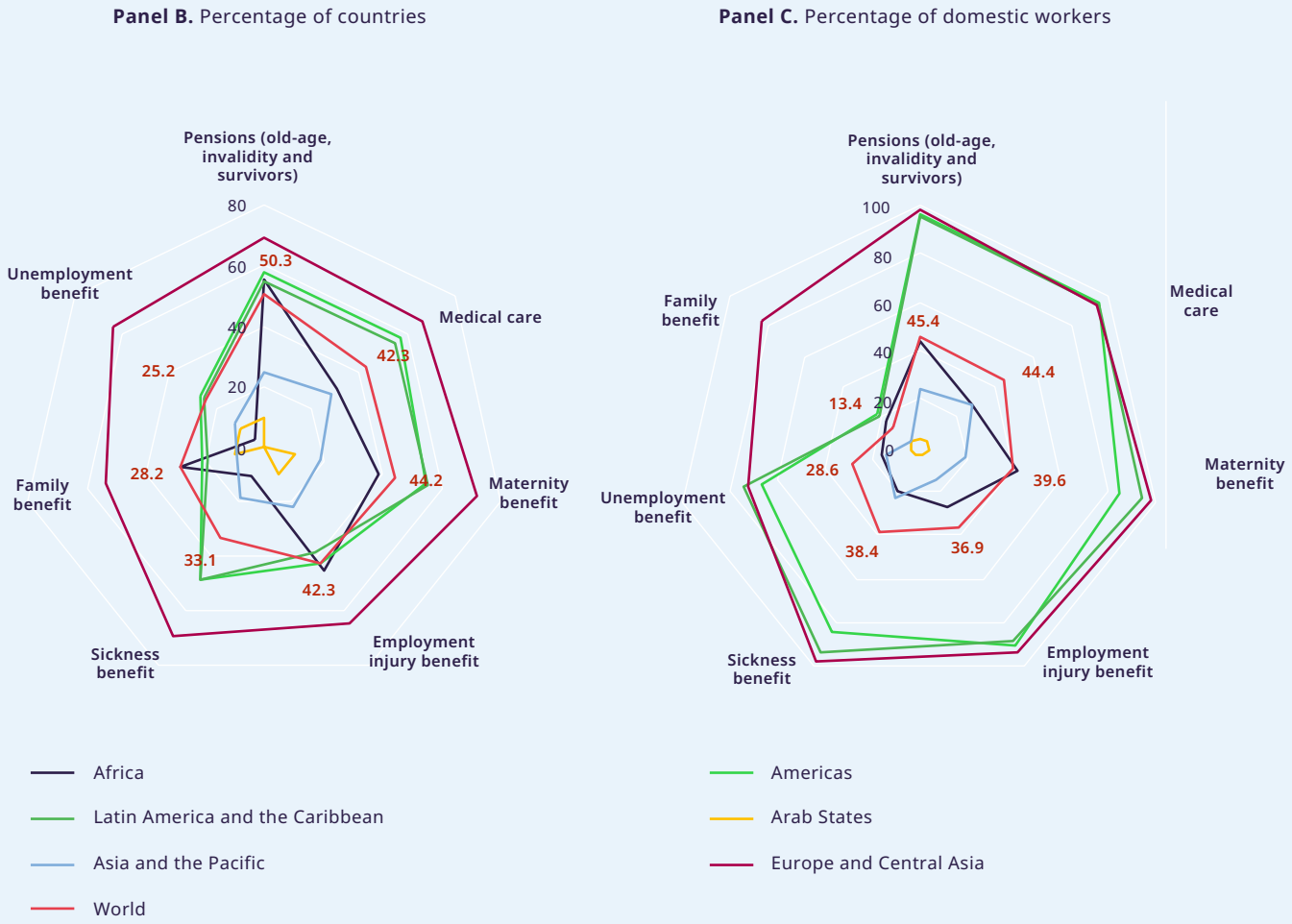


Figure 6.3 (cont'd)



Note: As for figure 6.1. Panel A covers the 168 countries. For comparison purposes, panels B and C refer to the 135 countries for which both legal estimates and the numbers of domestic workers are available.

Variations in the percentage of countries providing coverage for at least one branch of social security for domestic workers can be observed across regions (figure 6.1, panel B). Coverage is the highest in Europe and Central Asia, the Americas and Africa. The percentage of countries that provide such coverage for domestic workers is significantly lower in Asia and the Pacific (27.9 per cent) and the Arab States (3.8 per cent).

The large number of countries providing such coverage in the Americas and in Europe and Central Asia results in almost all domestic workers being covered by at least one branch of social security (97.6 per cent and 98.2 per cent, respectively). In both regions, virtually all domestic workers are covered by pensions, sickness benefits and maternity benefits, and the vast majority by medical care and employment injury benefits. In Latin America and the Caribbean, of those countries that

Social security coverage is highest in Europe and Central Asia, the Americas and Africa. The percentage of countries that provide such coverage for domestic workers is significantly lower in Asia and the Pacific (27.9 per cent) and the Arab States (3.8 per cent).

provide legal coverage for domestic workers most cover medical care, maternity benefits and sickness benefits, as well as, to a lesser degree, old-age benefits and employment injury benefits. Unemployment benefits are the most infrequent. Recently, efforts have been made to ensure legal entitlement to old-age benefits; for example, in Peru in 2020,[11] a new law established mandatory affiliation to social security for domestic workers, which includes health and old-age benefits.

Countries in Europe and Central Asia have established legal coverage for domestic workers for most branches of social security, with the exception of employment injury benefits and unemployment benefits. In some cases, measures have been taken to include domestic workers in the general social security scheme, ensuring coverage by most branches of social security. For example, in 2011, Spain[12] eliminated the Special Scheme for Household Employees, replacing it with a special system within the General Social Security Scheme that grants domestic workers practically all of the benefits offered under the General Scheme, with the exception of unemployment insurance. A notable example of the provision of employment injury benefits for domestic workers is the case of Italy, where domestic workers who contribute to social security are entitled to insurance benefits for occupational injuries and illnesses (see box 6.2).

▶ Box 6.2 Ensuring employment injury coverage and health protection in Italy

Where domestic workers are covered by social security legislation, it is particularly important that they are covered for employment injury and healthcare. Within these measures, it is also important that all risks associated with domestic work are covered in the definition of employment injury and that it includes a definition of the workplace broad enough to include the household, as well as commuting to and from work.

In Italy, domestic workers who contribute to social security are entitled to insurance benefits for occupational injuries and illnesses. In the event of an accident at work, domestic workers have the right to benefits, including a daily allowance for the temporary inability to work; a permanent inability allowance when the capacity to work is permanently reduced by more than 10 per cent; and a permanent allowance for survivors and a single payment in the event of death. In addition to the above-mentioned entitlements (paid by the national institute for occupational accidents and injuries), there is a healthcare fund set up by the social partners (Informazioni e servizi per datori di lavoro e lavoratori del settore domestico (CASSACOLF)) that provides daily allowances for hospitalizations. Another institution established by the social partners (Ente Bilaterale Nazionale del Comparto Datori di Lavoro Collaboratori Familiari (EBINCOLF)) provides OSH training and other preventive measures. The national collective agreement (art. 28) also provides that, in the case of an accident or occupational diseases, domestic workers have the right to preserve their job for between six months and two years for job tenures from ten to 180 calendar days. The national collective agreement (art. 29) further provides that, in the event of an accident at work or occupational disease, domestic workers are entitled to the benefits provided for in the Presidential Decree of 30 June 1965, No. 1124. These are the same benefits as those provided for all workers.[13]

11 Law No. 31047 on Domestic Workers.

12 Royal Decree 1620/201 of 14 November 2011.

13 See Italy, INAS website, https://www.inas.it/prestazioni-inail/.

In Africa, the largest number of domestic workers enjoy social security coverage with respect to pensions (43.8 per cent) and maternity benefits (41.2 per cent). On the other hand, far fewer domestic workers are legally covered for sickness benefits, unemployment benefits or family benefits (less than 20 per cent). Some countries have included domestic workers under certain branches by adopting legislation specific to domestic workers. For example, South Africa has extended the legal coverage of unemployment, maternity and sickness insurance to domestic workers through the Unemployment Insurance Amendment Act of 2003, which has led to a significant improvement in the protection of domestic workers (see box 6.3).

Box 6.3 Unemployment and maternity insurance for domestic workers in South Africa

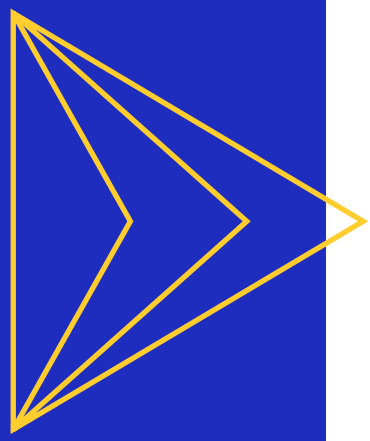
In 2003, domestic workers in South Africa were legally granted a number of social protection benefits for the first time. The Unemployment Insurance Amendment Act included domestic workers in the Unemployment Insurance Fund, which provides (a) full or partial unemployment benefits in case of dismissal, retrenchment, illness or death of the employer; and (b) maternity benefits for pregnant domestic workers, before or after their children are born. Responding to the specific situation of domestic workers, the right to partial unemployment benefits was included in cases in which an insured person has lost employment with one employer but still works for another. The implementation of the law was accompanied by the provision of financial and human resources to train and employ additional labour inspectors to strengthen control mechanisms. By 2008, the number of registered workers had grown to 633,000 workers, employed by 556,000 employers, of whom 324,000 had received benefits. By April 2009, an additional 23,000 employers (total 579,000) had registered their workers. Nevertheless, compliance is still considered low; only an estimated 20 per cent of the country's domestic workers are registered with the Fund.

Source: Based on ILO (2016b); UN-Women and ITUC (2013); Bamu-Chipunza and Pamhidzai (2018).

In Asia and the Pacific, about 25 per cent of domestic workers have a legal entitlement to pension, medical care and sickness benefits. 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. There are, however, some examples in the region of countries that ensure such legal entitlements. For example, in the Philippines the Domestic Workers Act 2013 made social security benefits legally available to domestic workers.

Finally, in the Arab States, where 20 per cent of countries include domestic workers under the social security law for at least one branch of social security, fewer than 4 per cent of domestic workers have such legal entitlements. In the few countries where domestic workers are legally covered, they are covered for all branches equally, with the exception of family benefits.

> Only a very small percentage of the countries reviewed (15 per cent) include domestic workers under the scope of social security for all branches, covering just 6 per cent of domestic workers globally.



In the Arab States, Asia and the Pacific and Africa, almost no domestic workers are entitled to comprehensive social security coverage. In the Americas, around 15 per cent of countries provide such coverage, covering about 10 per cent of domestic workers. Rates are highest in Europe and Central Asia, where 57 per cent of domestic workers are protected by the 47 per cent of countries providing comprehensive coverage.

While the figures suggest a certain level of legal coverage by at least one branch of social security, only a very small percentage of the countries reviewed (15 per cent) include domestic workers under the scope of social security for all branches (figure 6.1, panel C). This proportion ranges from none of the countries in the Arab States to fewer than 3 per cent in Africa and Asia and the Pacific, 15 per cent in the Americas and 47 per cent in Europe and Central Asia. The extent of legal coverage is obviously influenced by the existence of comprehensive legal provision for all workers (whether or not they are domestic workers). The limited number of countries that provide comprehensive legal coverage for domestic workers translates into a tiny proportion of domestic workers being legally entitled to the complete range of social security benefits. At the global level, only 6 per cent of domestic workers have a legal right to comprehensive social security coverage: none or nearly none in the Arab States, Asia and the Pacific and Africa; a little more than 10 per cent in the Americas; and 57 per cent in Europe and Central Asia.

Given the number 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 should include (a) ensuring that the principle of equality of treatment between residents who are nationals and those who are non-nationals is reflected in labour and social security law; and (b) finding ways to prevent irregular status being the cause of the lack of protection. In addition, in line with Recommendation No. 201, States should seek to conclude bilateral, regional and multilateral agreements and ensure that these cover migrant domestic workers in order to allow the portability of contributory periods and/or acquired benefits, including when workers have immigrated to a third country or returned home. For instance, agreements between Spain and the United States and between Spain and Morocco explicitly include domestic workers.[14] States should consider the guidance provided by the Maintenance of Social Security Rights Convention, 1982 (No. 157), and the accompanying Maintenance of Social Security Rights Recommendation, 1983 (No. 167), in this regard. This also requires ensuring alignment with other relevant law, including immigration law.

14 Convenio sobre Seguridad Social entre España y los Estados Unidos de América of 30 September 1986, in Boletín Oficial del Estado No. 76 (29 March 1988); Convenio sobre Seguridad Social entre España y el Reino de Marruecos of 8 November 1979, in Boletín Oficial del Estado No. 245 (13 October 1982).

Finally, it is important to note that, although domestic workers are often covered under general social security schemes and although, 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. For example, maternity benefits are frequently lower for domestic workers, a subject that is explored in more depth below.

> There is a strong tendency for countries to provide legal entitlements to maternity leave for domestic workers and to do so on an equal footing with other workers.

Maternity leave

There is a strong tendency for countries to provide legal entitlements to maternity leave for domestic workers and to do so on an equal footing with other workers (table 6.1). Of the 108 countries reviewed for this report, 74.1 per cent provide maternity leave entitlements for domestic workers that are the same as, or more favourable than, for other workers. A total of 20.4 per cent of countries still exclude domestic workers from maternity leave altogether, while another 2.8 per cent provide less favourable leave entitlements.

Table 6.1 Maternity leave entitlements for domestic workers, selected countries, 2010 and 2020

	For countries covered in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Maternity leave entitlements are the same as or more favourable than for other workers	56	74.7	56	74.7	80	74.1
Maternity leave entitlements less favourable than for other workers	0	0	0	0	3	2.8
No entitlement to maternity leave for domestic workers	18	24.0	16	21.3	22	20.4
Information not available / federal countries with provisions that differ between states	1	1.3	3	4.0	3	2.8
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

Note: As for figure 3.1.

Global extent of legal coverage in 2020

While 80 countries appear to provide maternity leave for domestic workers on the same footing as for other workers and only 22 exclude them, women domestic workers are almost equally distributed between these two groups: a little more than 26.3 million female domestic workers (45.6 per cent) have a right to maternity leave entitlements that are equal to or more favourable than those enjoyed by other female workers, while 26.8 million (46.5 per cent) have no legal entitlement to maternity leave at all (figure 6.4). This leaves only 0.2 per cent of domestic workers in countries that provide some entitlement to maternity leave, although for a shorter duration.

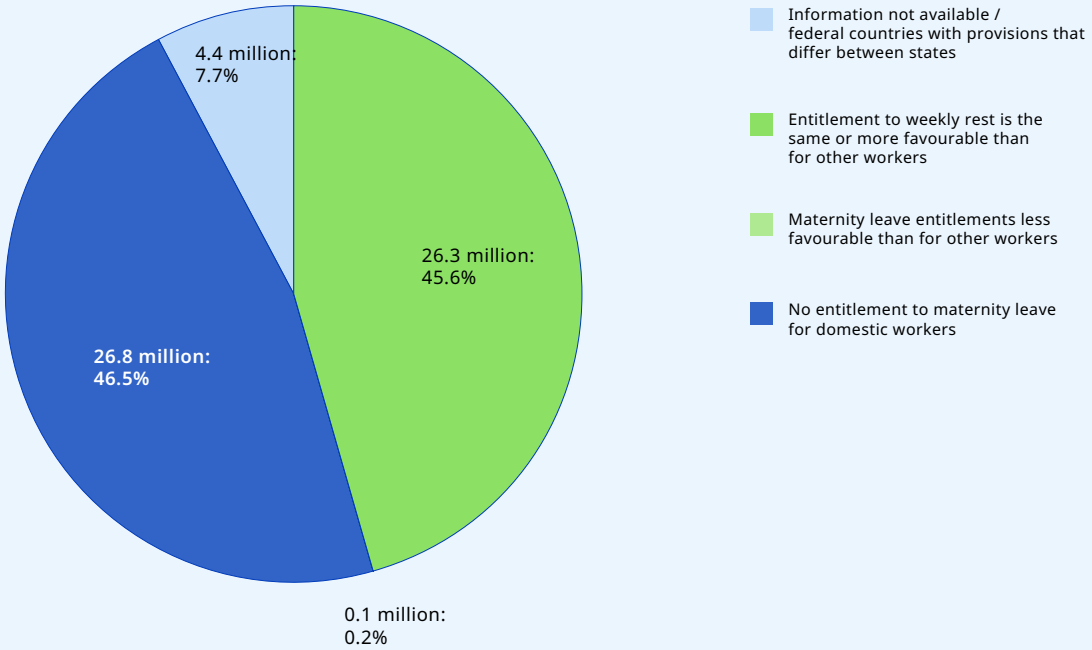
While a review of the level of protection afforded is beyond the scope of this report, it is perhaps interesting to note that, when it comes to maternity leave, equality with other workers does not necessarily mean that the level of protection complies with the standards established by Convention No. 183. A review of laws applicable in 2016 found that only 42 per cent of countries (77 of the 184 countries for which data were available) had laws that complied with Convention No. 183 (ILO 2018a).

Finally, it is important to note 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, minimum working hours or citizenship requirements. For instance in Grenada,[15] maternity leave entitlements are only applicable after 18 months of continuous employment for all women workers, including domestic workers. Workers in Bulgaria[16] are entitled to maternity leave only if they have worked and contributed for a minimum of six months and if they work for more than five days per month. Moreover, while maternity leave itself is an important legal right to have, the provision of income replacement through compulsory social insurance or public funds or in a manner determined by national law and practice is also essential to ensure that domestic workers enjoy the economic security necessary to take leave from work, as demonstrated in the following section (see Convention No. 183, Art. 8).

15 Sections 59, 60 and 61 of the Employment Act establish that employees shall be entitled to maternity leave for a period of three months (12 weeks in National Insurance (Benefit) Regulations); however, section 59 provides that an employee shall only be entitled to maternity leave and maternity pay if she has been continuously employed by the employer or its successor for a period of 18 months or more.

16 Bulgaria, Social Insurance Code, art. 48.

Figure 6.4 Maternity leave: Extent of legal coverage of women domestic workers in 2020 (percentages)



Note: As for figure 3.1.

Regional extent of legal coverage in 2020

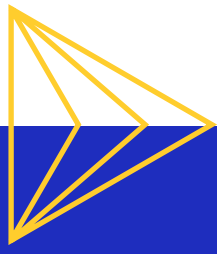
The extent of coverage with respect to maternity leave varies significantly between regions. In Europe and Central Asia, all domestic workers are covered by maternity leave to the same extent as other workers. As with other areas of legal coverage, the absence of an explicit reference to domestic workers in most labour and social security laws leaves room for interpretation as to whether or not such laws are applied to domestic workers, as a matter of jurisprudence. A notable development in the last ten years occurred in Turkey, which adopted a law establishing maternity leave and protection for domestic workers during pregnancy and after childbirth.[17] See figure 6.5 for legal coverage of women domestic workers with maternity leave by regions in 2020, and box 6.4 for the situation of male domestic workers in various countries in respect of paternity leave.

> In Europe and Central Asia, all female domestic workers are legally covered by maternity leave to the same extent as other workers.

▶ Box 6.4 Paternity rights for male domestic workers

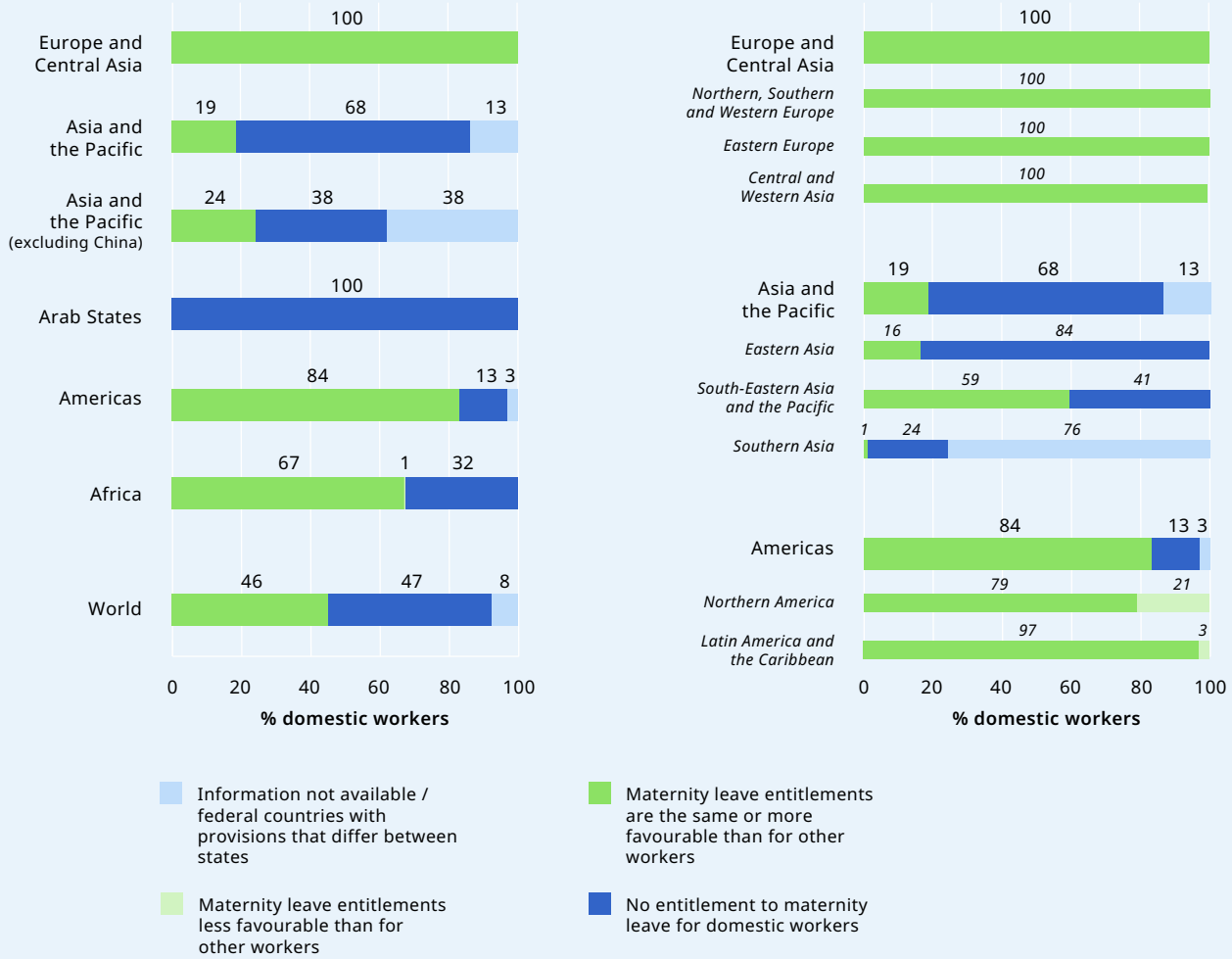
As seen in Part I, a sizeable proportion of domestic workers are men. Males make up 63.4 per cent of domestic workers in the Arab States, 31.6 per cent in Africa, 21.6 per cent in Asia and the Pacific, 15.4 per cent in Europe and Central Asia and 11 per cent in the Americas. While childbearing is not a male condition, paternity leave remains a right that enables men to bond with their children and share care responsibilities in the home. Paternity leave has also been linked with more gender-equal labour market outcomes (ILO 2018a). While a systematic review of paternity leave was not conducted for this report, several countries reviewed provide paternity leave that would be applicable to male domestic workers. In Europe and Central Asia, where domestic workers appear to be included in the scope of general labour laws, several countries have explicit paternity leave provisions. For instance, in Bulgaria, fathers are entitled to a 15-day period of leave for the birth of a child, as from the date of discharge from the hospital. In the United Kingdom, fathers have a right to 1–2 weeks of statutory paternity leave if they are the biological father or the mother's husband or partner and if they have worked for their employer for 26 consecutive weeks by the end of the 15th week before the week the baby is due.

In other cases, specific provisions with explicit reference to domestic workers have been made to extend paternity leave. For example, in the Seychelles, specific provisions are made granting ten consecutive working days of paid paternity leave (to be taken within four months of the birth) for male domestic workers, which entitlement is applicable whether the worker has a contract of continuous employment or a fixed-term or part-time contract. In Uruguay, Law 19161 of 2013 grants new fathers who are compliant with their social security obligations paid paternity leave of up to ten days (plus three more days paid for by the employer in the case of employees) after childbirth.



In Latin America and the Caribbean, where legislation more frequently makes explicit references to domestic workers through a combination of general and specific laws, 97.4 per cent of female domestic workers have the right to maternity leave.

Figure 6.5 Maternity leave: Extent of legal coverage of women domestic workers by region, 2020 (percentages)



Note: As for figure 3.1.

In Latin America and the Caribbean, where legislation more frequently makes explicit references to domestic workers through a combination of general and specific laws, it can be said with more confidence that the vast majority (97.4 per cent) of female domestic workers have the right to maternity leave. Legal reforms in the last ten years in countries such as Brazil,[18] El Salvador[19] and Peru[20] have contributed to this high rate of coverage. Periods of maternity leave have also generally been reformed in several countries in the region, bringing them into line with the benchmarks set out in Convention No. 183, including El Salvador (12–16 weeks), Paraguay (12–18 weeks), Peru (13–14 weeks) and Uruguay (12–14 weeks) (ILO 2018a).

18 Article 25 of Law 150 of 2015 provides that maternity leave of 120 days is the same as that established for workers in general in article 392 of the Compilation of Labour Act; in fact, specific legislation for domestic workers refers explicitly to that Act. This right is also recognized by the Federal Constitution, article 7(XVIII). In addition, maternity leave must be allowed and will not affect employment or salary.

19 Article 309 of the Labour Code, amended in 2015, provides that female workers must take 16 weeks of maternity leave (six before childbirth and ten after). This is a constitutional right in El Salvador (article 42 of the Constitution) and all female workers must take it. The Special Scheme on Health and Maternity of Domestic Workers of the Salvadoran Institute of Social Security was created in 2010 by Executive Decree No. 74. Unlike the General Regime, which is mandatory, the scheme for domestic workers is voluntary.

20 Law No. 31047/2020 on Domestic Workers refers to the general labour laws for maternity protection, including leave (art. 17). See Legislative Decree 728 and Act 30367, which modifies and enlarges maternity protection, 3rd Final Disposition of Law 27986 on Domestic Workers.

> In Africa, close to one third of female domestic workers are excluded from maternity leave. Around two thirds have the same or better entitlements to maternity leave thanks to reforms in several countries in the region.

In Africa, close to one third (32 per cent) of female domestic workers are excluded from maternity leave. The majority, or 67 per cent, have the same or better entitlements to maternity leave, leaving 1 per cent with less favourable periods of leave. Reforms in several countries have contributed to the high percentage of coverage in the region. For instance, in Morocco,[21] a decree was adopted in 2019 that includes the right to 14 weeks of fully paid maternity leave for female domestic workers. In the Seychelles,[22] since 2019 domestic workers have been entitled to 16 weeks paid maternity leave, whether they work under a contract of continuous employment or under a fixed-term or part-time contract. In Namibia,[23] the rights of domestic workers to 12 weeks of paid maternity leave following six months of continuous service in employment, as per the Labour Code, is reiterated in the guidelines that accompany the 2014 Wage Order for Domestic Workers.

Levels of coverage in the Arab States and Asia and the Pacific are substantially lower. Indeed, all female domestic workers are excluded from maternity leave in the Arab States, and 67.6 per cent are excluded in Asia and the Pacific. Although not considered as part of the estimates, it is worth noting that several countries in these regions prohibit pregnancy for domestic workers.[24] Close to one fifth (19 per cent) of domestic workers have the same entitlements as other workers. The highest proportion of domestic workers who are covered can be found in South-Eastern Asia and the Pacific, largely due to the maternity leave rights afforded to domestic workers in Australia and the Philippines.[25] Although the proportion of domestic workers who enjoy coverage in Eastern Asia is comparatively lower (16.4 per cent), the subregion includes the majority (59.4 per cent) of all women domestic workers covered in the Asia and the Pacific region. Here, the rate of coverage is largely attributable to China, where domestic workers under an employment contract in China,[26] who are covered as employees under the law, also have rights to 98 days of maternity leave for childbirth. Finally, while the estimates do not show the coverage of domestic workers in federal states, it is worth noting the extension of maternity leave to domestic workers in Punjab, Pakistan, where they are entitled to six weeks of maternity leave.[27] With these exceptions, the remaining domestic workers are excluded from all maternity leave entitlements.

> All female domestic workers are excluded from maternity leave in the Arab States and 67.6 per cent are excluded in Asia and the Pacific.

21 Decree 2.18.686.

22 Domestic Work Regulations (2019), Part IV (13)(1).

23 Labour Code, section 26, and Government Notice No. 258 of 2014.

24 In Singapore, for instance, The Employment of Foreign Manpower Act (Fourth Schedule, Part VI, section 7), under "Conditions to be Complied With by Foreign Employee Issued With Work Permit", states: "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."

25 Labour Code, art. 133, and RA 10361, section 30.

26 Special Provisions on Labour Protection of Female Employees of 2012.

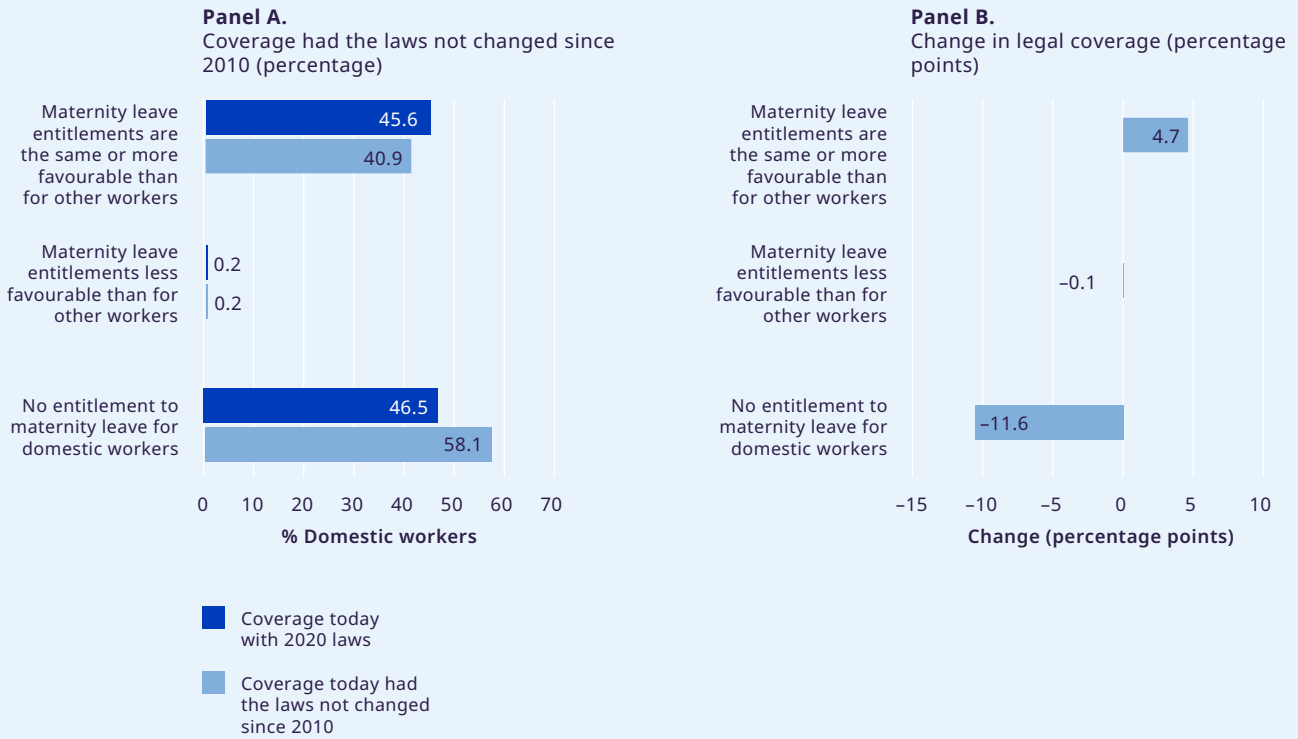
27 Punjab Domestic Workers Act, 2019, section 6.

Progress in legal coverage since 2010

In the last ten years, several countries have extended or increased the level of coverage of domestic workers when it comes to maternity leave, resulting in a small but noteworthy increase in percentage points for women domestic workers who now enjoy such coverage. Since 2010, the ILO estimates an increase of 4.7 percentage points in the number of women domestic workers who have maternity leave entitlements that are at least equal to those of other workers (figure 6.6). Had there been no reforms in this area, only 23.6 million (40.9 per cent) of women domestic workers would enjoy equal rights with respect to maternity leave and another 0.1 million (0.2 per cent) would enjoy shorter leave periods. Moreover, 33.5 million domestic workers (58.1 per cent of women domestic workers) would have no entitlement to maternity leave, a regression of nearly 11.6 percentage points compared with their actual status today.

> Since 2010, several countries have extended or increased the level of coverage of domestic workers when it comes to maternity leave, resulting in an increase of 4.7 percentage points in the number of women domestic workers who now have maternity leave entitlements that are at least equal to those of other workers.

Figure 6.6 Progress in maternity leave entitlements of women domestic workers since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not displayed on the graph.

▶ Maternity cash benefits

Global extent of legal coverage in 2020

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. To be in line with Convention No. 183, these cash benefits should amount to at least two thirds of the worker's previous earnings. Thankfully, the tendency among countries reviewed is to grant domestic workers legal rights equal to those of other workers with respect to maternity cash benefits (although, as we will see in Part III of this report, very few domestic workers enjoy effective coverage in practice). Of the countries for which data were available, 68.5 per cent provide maternity cash benefits for domestic workers at least to the same extent as for other workers (table 6.2). Nevertheless, 23.1 per cent of countries exclude domestic workers from provisions on maternity cash benefits altogether. While this remains a significant gap in coverage, the trends point towards equality of treatment with respect to de jure maternity cash benefits. It is also interesting to note that, of the 84 countries that by law provide some form of maternity leave protection, only three countries do not provide maternity cash benefits, indicating a strong tendency to ensure the income security of domestic workers during their maternity leave.

▶ Table 6.2 Entitlements to maternity cash benefits for domestic workers, selected countries, 2010 and 2020

	For countries covered in 2010				For all countries 2020	
	2010 laws		2020 laws		For countries reviewed in 2010	
	No. countries	%	No. countries	%	No. countries	%
Entitlement to maternity cash benefits is the same as or more favourable than for other workers	52	69.3	51	68.0	74	68.5
Entitlement to maternity cash benefits less favourable than for other workers	–		2	2.7	5	4.6
No entitlement to maternity cash benefits	21	28.0	18	24.0	25	23.1
Information not available / federal countries with provisions that differ between states	2	2.7	4	5.3	4	3.7
Total	**75**	**100.0**	**75**	**100.0**	**108**	**100.0**

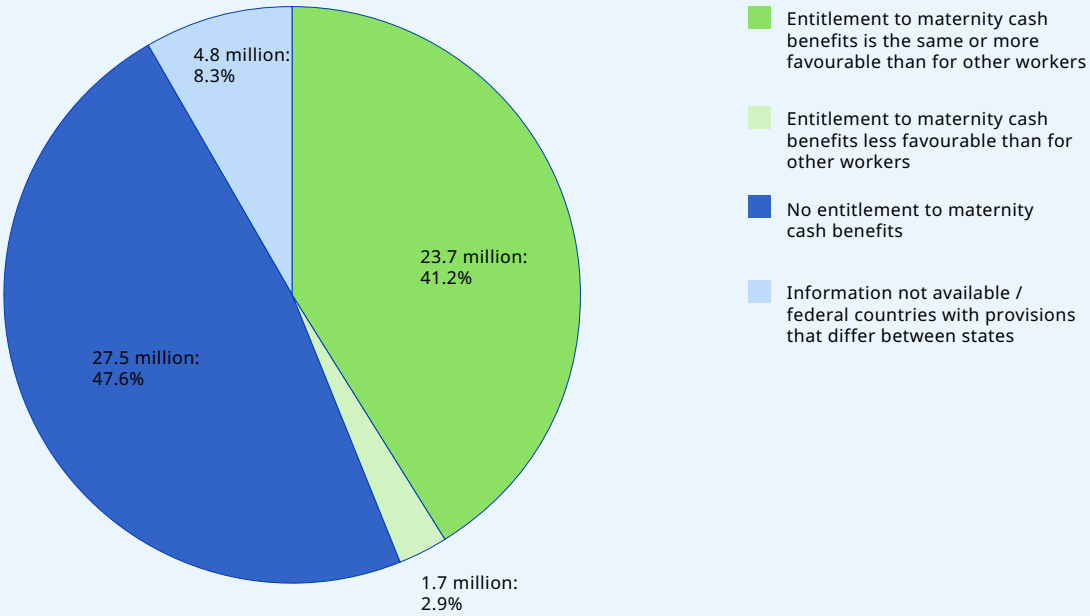
Note: As for figure 3.1.

While a large proportion of countries (68.5 per cent) provide equal rights with respect to maternity cash benefits and a minority (23.1 per cent) provide no such rights at all (table 6.2), the number of domestic workers is distributed evenly across these two groups (figure 6.7). As a result, there are fewer female domestic workers worldwide who have the same rights to maternity cash benefits as other workers (23.7 million or 41.2 per cent) than domestic workers who have no right to maternity cash benefits at all (27.5 million, or 47.6 per cent). This apparent contradiction is due in large part to the presence of very large employers of female domestic workers among the 25 countries that exclude domestic workers from maternity benefits.

These figures also indicate that countries have tended to either include or exclude domestic workers, rather than establishing differentiated rights. In fact, only five of the 108 countries reviewed in 2020 have established entitlements to maternity cash benefits that are less favourable for domestic workers.

> 68.5 per cent of the countries reviewed provide maternity cash benefits for domestic workers at least to the same extent as for other workers.

Figure 6.7 Maternity cash benefits: Extent of legal coverage of women domestic workers in 2020 (percentages)



Note: As for figure 3.1.

Regional extent of legal coverage in 2020

The regional distribution of coverage largely resembles that for maternity leave provisions. In the Arab States, no domestic workers are entitled by law to maternity cash benefits, while all domestic workers in Europe and Central Asia appear to have at least the same rights as other workers with respect to maternity cash benefits (figure 6.8). In a few countries, specific regulations or other measures have reiterated these rights for domestic workers. For example, in Belgium[28] domestic workers have been recognized under the Social Security Scheme since 2014, affording them the right to the same maternity benefits as other employees. In 2012, Spain[29] amended its social security coverage of domestic workers, as a result of which domestic workers were entitled to 100 per cent of their salary during their maternity leave, like other employees. In Bosnia and Herzegovina,[30] both in the Republic of Srpska and in the Federation of Bosnia and Herzegovina, domestic workers enjoy maternity leave with associated cash benefits for one year, under the same conditions as all workers. Finally, in Norway, regulations on housework, supervision and care in the home or household of a private employer state that domestic workers are subject to the general labour laws on maternity protection.[31]

In the Arab States, no domestic workers are entitled by law to maternity cash benefits, while all domestic workers in Europe and Central Asia appear to have at least the same rights as other workers with respect to maternity cash benefits.

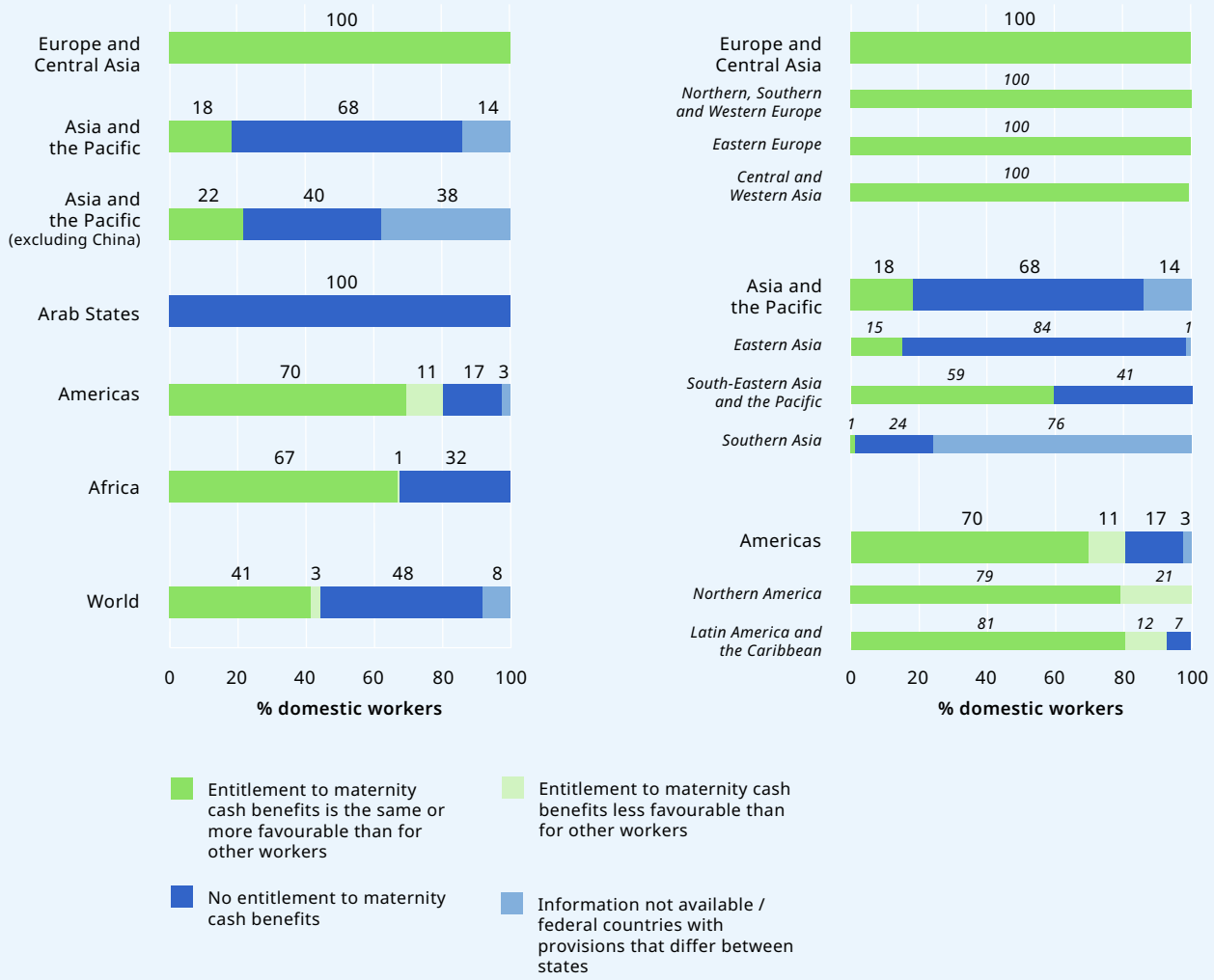
28 Royal Decree of 13 July 2014, extending social security to domestic workers, on an equal basis with other workers, in force since 1 October 2014.

29 The Special Scheme for Domestic Workers is included in the General Scheme, which means that article 177 and ff of the Social Security Law are applicable to domestic workers as well. This is stated in numerous official sources. The worker is paid 100 per cent of her contribution. See Royal Legislative Decree 8 /2015 approving the General Social Security Law.

30 Bosnia and Herzegovina, Labour Law, arts 28 and 62.

31 Norway, Regulations on Housework, Supervision and Care in the Home or Household of a Private Employer 2002, section 1, §3.

Figure 6.8 Maternity cash benefits: Extent of legal coverage of women domestic workers by region, 2020 (percentages)



Note: As for figure 3.1.

In the Americas, 81 per cent of female domestic workers enjoy some kind of maternity cash benefits. Provision of benefits below those to which workers generally are entitled is the exception rather than the norm, with only 11 per cent of domestic workers being subject to such regimes. Domestic workers in Jamaica,[32] for example, have a right to maternity cash benefits equivalent to the national minimum wage at the time, whereas other workers are entitled to 100 per cent of the wages they received in the previous week of work. Still, 17 per cent of domestic workers have no maternity cash benefits at all. The trends, however, point to an increasing share of domestic workers who have the legal right to maternity cash benefits.

> In the Americas, 81 per cent of female domestic workers enjoy some kind of maternity cash benefits.

32 Section 9 National Insurance Act, National Insurance (Maternity Benefit) Regulations of 1980.

Most recently, in Mexico[33] in 2018, the Supreme Court found that the exclusion of domestic workers from social security was unconstitutional. A Federal Labour Law adopted in 2019 therefore established that domestic workers would be included in the compulsory social security scheme, including maternity cash benefits.[34]

> In Africa, 67.1 per cent of female domestic workers enjoy rights equal to those of other workers with respect to maternity cash benefits.

Female domestic workers in Africa for the most part (67.1 per cent) also enjoy rights equal to those of other workers with respect to maternity cash benefits. This is due to the fact that most countries in the region afford domestic workers such coverage. In Angola,[35] for instance, domestic workers are included in the same social protection schemes that cover maternity cash benefits. Nevertheless, this still leaves about one third of domestic workers who are not covered by such benefits.

Finally, in Asia and the Pacific fewer than one fifth (18.1 per cent) of female domestic workers have a right to maternity cash benefits equal to those of other workers. This proportion is not much higher when China is excluded (21.6 per cent). As was the case for maternity leave, the relatively high percentage of domestic workers who appear to have the right to maternity cash benefits in South-Eastern Asia and the Pacific (59.5 per cent) is attributable to Australia and the Philippines. The size of the population of domestic workers in that subregion, however, is comparatively smaller than in Eastern Asia, where 14.8 per cent of domestic workers are covered. This is again largely due to China, where domestic workers working for domestic service enterprises qualify as employees under the law and therefore have the right to the same maternity cash benefits.[36] It is estimated that 67.6 per cent of domestic workers there have no maternity cash benefit entitlements, although the real figure is likely to be even higher, as the 14.3 per cent of domestic workers in federal countries with provisions that differ between states (India and Pakistan) are not entitled to maternity cash benefits either. There is still some promise of change in the region, however, as domestic workers in Viet Nam[37] have recently gained the right to maternity allowance under the Law on Social Insurance (art. 4).

> In Asia and the Pacific, 18.1 per cent of female domestic workers have a right to maternity cash benefits equal to those of other workers.

33 Amparo Directo 9/2018, relacionado con el Amparo Directo 9/2018.

34 Federal Labour Law, art. 337(IV); and Social Security Law, art. 12, as amended in July 2019 in order to include domestic workers in its compulsory scheme. According to art. 11 of the same law, the compulsory scheme includes maternity benefits.

35 Decree 155/16, art. 9.

36 The Special Provisions on Labour Protection of Female Employees of 2012 stipulate that, during maternity leave, the employee will receive a maternity allowance if she is covered by maternity insurance; if she is not insured, the employer will pay the employee the same salary she was earning before taking the leave (art. 8).

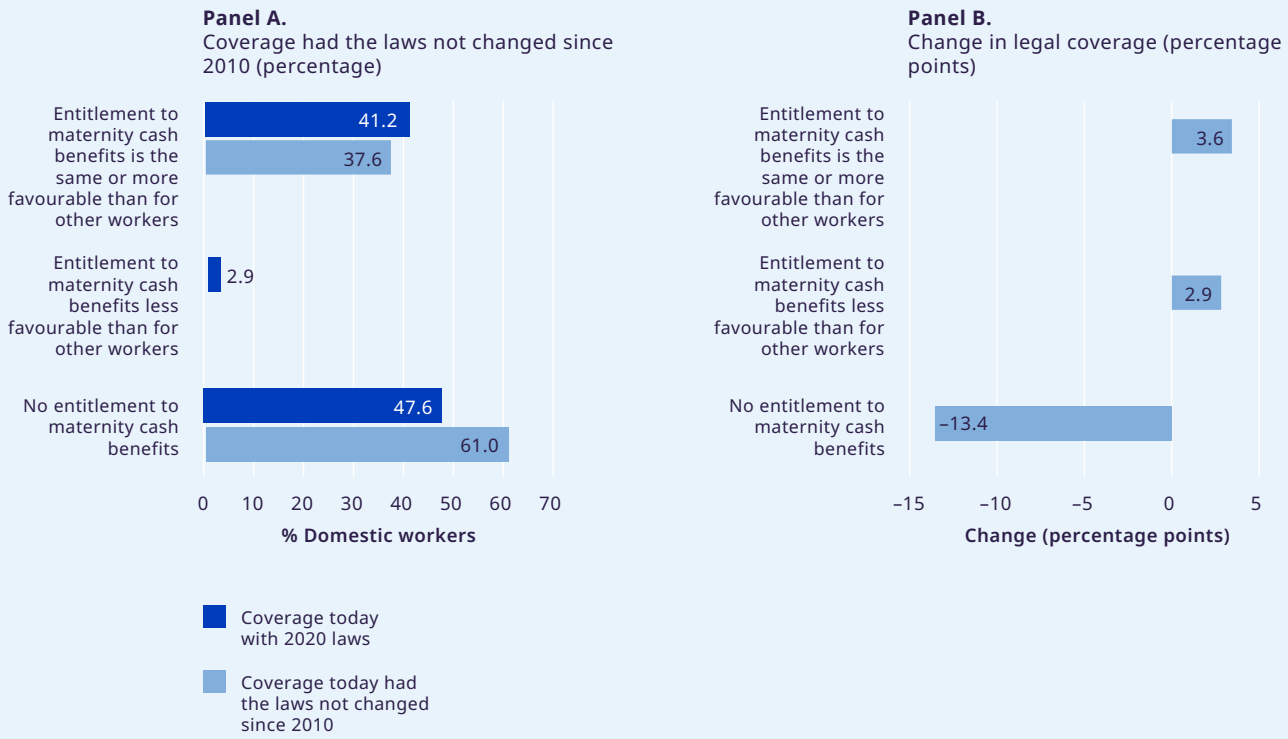
37 Decree 27 of 2014, art. 28, provides that the Labour Code and other guiding documents shall apply to issues that are not mentioned in the Decree. Article 139 of the new 2019 Labour Code states that female employees are entitled to six months of prenatal and postnatal leave and that the employee is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

Progress in legal coverage since 2010

In the last ten years, only a few countries have extended or increased the level of coverage of domestic workers when it comes to maternity cash benefits, resulting in a small but noteworthy increase in the percentage of domestic workers who now enjoy such coverage. Since 2010, the ILO estimates that there has been an increase of 3.6 percentage points for female domestic workers covered by maternity leave benefits that are at least equal to those of other workers (figure 6.9). There is also a small increase (2.9 percentage points) for domestic workers whose maternity benefits are less favourable than for other workers. Rather than a regression in rights, however, this is the result of the inclusion of several new countries in the analysis that provide conditions less favourable for domestic workers than for other workers with respect to maternity cash benefits. Had there been no reforms in this area, only 21.7 million female domestic workers (37.6 per cent) would enjoy equal rights with respect to maternity cash benefits. Moreover, 35.2 million domestic workers (61 per cent) of all domestic workers would have no entitlement to maternity cash benefits, a regression of 13.4 percentage points compared with their actual status today.

> Since 2010, the number of female domestic workers entitled to maternity cash benefits on an equal footing with other workers has increased by 3.6 percentage points.

Figure 6.9 Progress in maternity cash benefits entitlements of women domestic workers since 2010



Note: As for figure 3.1. The change in the proportions of domestic workers living in federal countries with provisions that differ between states is not indicated.

▶ Summary

From the data reviewed for this report, it appears that recent efforts have helped to close some gaps in coverage with respect to social security; however, only 6 per cent of domestic workers are legally entitled to all nine branches of social security. The largest gap in legal coverage is in unemployment insurance, leaving 71 per cent of domestic workers without such legal entitlements. There is a tendency to cover domestic workers under general social security schemes. Also, when covered by such schemes, domestic workers, including migrant domestic workers, tend to be entitled to the same branches of social security as other workers; however, this does not necessarily mean that they are entitled to all the same conditions. Moreover, the appropriate recognition of the employment relationship, threshold provisions and entry requirements substantially limit the number of domestic workers to which social security laws might actually apply.

With respect to maternity leave and cash benefits for domestic workers, it can be said that there is a tendency to ensure such legal rights and to do so on an equal footing with other workers. Maternity leave and cash benefits also seem to be attributed in tandem in most cases. While specific measures are sometimes taken, these tend to be used to reduce the maternity cash benefits; however, they can equally be used to reaffirm the rights of domestic workers to maternity leave and cash benefits and to establish specific conditions that could facilitate their access to these rights in practice. Progress has also been made in extending paternity rights, from which the 24 per cent of domestic workers who are male could stand to benefit. Yet, as shown in Chapter 9, it is unlikely that domestic workers, whether female or male, 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 and perceptions 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 for domestic workers.

Part III

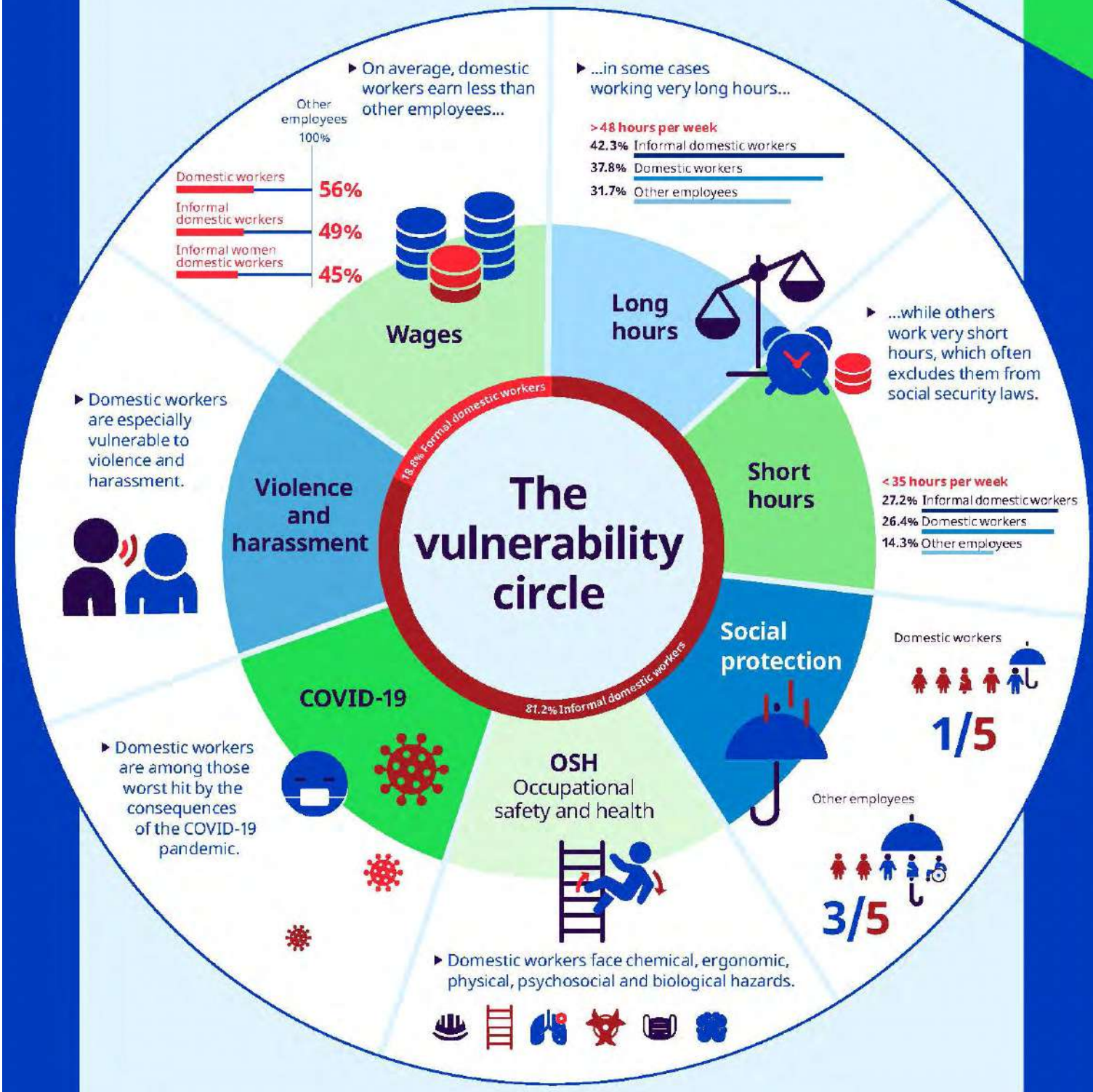
Decent work for domestic workers: Making it a reality

Introduction

The adoption of Convention No. 189 marked a key turning point for domestic workers as it recognized them as workers with rights for the first time. The progress made in the adoption of labour laws in the last ten years has been made clear in Part II of this report. Making decent work a reality for domestic workers, however, entails the effective implementation of measures contained in laws and regulations. The chapters in this section reveal the extent to which decent work has become a reality for domestic workers, notably regarding wages, working time, social security, OSH and protection from violence and harassment, both before and during the COVID-19 pandemic. As being in formal employment is a key determinant of access to decent working conditions and protection, informality and formalization are the subject of a specific chapter. Each chapter first presents the available data on the real working conditions of domestic workers, before advancing examples of policies and practices carried out by governments, employers' organizations and workers' organizations to close implementation gaps and realize decent work for domestic workers.

Working conditions of domestic workers

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



Chapter 7

Working time, wages and social security

Globally, 64 per cent of all domestic workers (61 per cent of women and 69 per cent of men) work outside "normal hours".

Working time

It has been said that there is no such thing as a 40-hour workweek in domestic work and indeed the evidence suggests that the typical working hours of domestic workers fall outside the range of normal hours of work.

As detailed in Chapter 4, working time is one of the areas in which domestic workers face a deficit in coverage, particularly with respect to normal weekly hours of work. The revision or adoption of laws concerning working time since adoption of Convention No. 189 have led to an increase of 21 percentage points in the number of domestic workers with legal entitlements to weekly rest that are equal to those of other workers (reaching a coverage rate of 48.9 per cent) and an increase of 12.6 percentage points in the number of those with equal rights to paid annual leave (reaching a coverage rate of 42.9 per cent). In contrast, only 34.8 per cent (26.3 million) of domestic workers enjoy limits on normal weekly hours that are as favourable as those enjoyed by other workers, after an increase of just 7.2 percentage points.

These legal coverage gaps are made worse by compliance gaps, which result in domestic workers working either very long or very short hours. Domestic workers are over-represented in the two extremes in terms of working hours, especially among those in informal employment, as explored further in Chapter 9. Whether women or men and in all regions, the percentage of domestic workers working in the range of normal hours (35 to 48 hours a week) is systematically lower than the percentage among other employees (figure 7.1).

It has been said that there is no such thing as a 40-hour workweek in domestic work and indeed the evidence suggests that the typical working hours of domestic workers fall outside the range of normal hours of work.

Globally, 64 per cent of all domestic workers (61 per cent of women and 69 per cent of men) work outside the range of "normal hours", compared to 46 per cent among other employees. The situation is perhaps most extreme in low-income countries and in the Arab States, where 80 per cent and over of domestic workers, in particular women domestic workers, work outside normal hours. Domestic workers are more likely to work excessively long hours (more than 60 hours per week) or very short hours (less than 20 hours a week), compared to other employees, across the range of low- to high-income countries.

Considering only the main job, a significant proportion of domestic workers are exposed to long hours of work. Close to one third of female domestic workers and up to 53 per cent of male domestic workers work more than 48 hours a week. These long hours can be due to low hourly wages, for which domestic workers compensate by working longer hours; the exclusion of domestic workers from legal provisions on working time; and gaps in implementation and compliance. The situation is particularly critical in the Arab States, where 75 per cent of domestic workers work more than 48 hours a week, and in Asia and the Pacific, where half of all domestic workers work more than 48 hours per week. Hours also tend to lengthen progressively for domestic workers in middle-, lower-middle- and low-income countries, respectively. Focusing on excessively long hours of work, globally 14 per cent of domestic workers work more than 60 hours per week, compared to 8 per cent of other employees. At the other end of the scale, 12 per cent of domestic workers work fewer than 20 hours a week, compared to just 4 per cent of other employees.

In contrast, in Europe and Central Asia, and Latin America and the Caribbean, domestic workers strongly tend towards shorter working hours. In Europe and Central Asia, 28 per cent of domestic workers work less than 20 hours and 24 per cent work 25–34 hours a week. This is consistent with the tendency in this region to employ domestic workers on an hourly basis for only a few hours per week. A study on working hours in France, for example, found that domestic workers hired directly by households worked an average of 557 hours in 2014 (compared to employees, who worked 1,404 hours) and that domestic workers on average worked for three households.[1] These figures indicate just how casual domestic work is compared to other jobs: among other employees in the region, 72.2 per cent work a regular 35- to 48-hour workweek and only 5.6 per cent work for fewer than 20 hours.

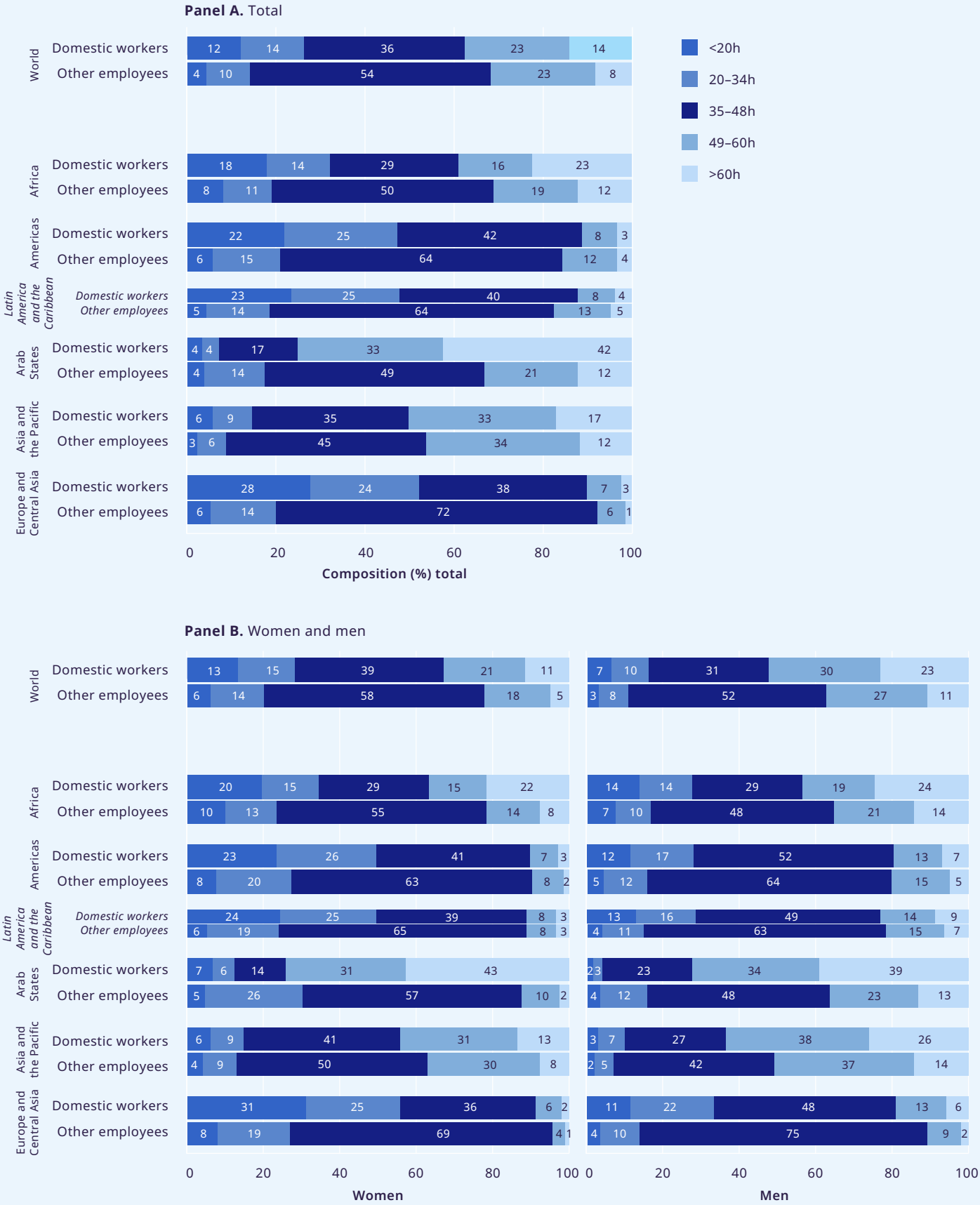
In Latin America and the Caribbean, ILO findings support other research indicating that the hours of domestic workers are shortening, with a progressively higher number of them working normal hours. According to ILO estimates, 39.9 per cent of domestic workers work a 35- to 48-hour workweek and 47.9 per cent work fewer than 35 hours, leaving only a small minority who work excessively long hours. Their employee counterparts, however, tend much more to work in the middle range of 35–48 hours, where one can find 63.9 per cent of all other employees and a similar proportion among women employees. Research conducted at the regional level suggests that in recent years the proportion of domestic workers working fewer than 24 hours a week has increased, which reflects the tendency of employers to hire domestic workers on an hourly or daily basis. The proportion of domestic workers working up to 44 hours a week has also increased, due to a reduction in the share of domestic workers working more than 45 hours a week. The trend suggests increased compliance with national labour laws in the region (CEPAL 2019).

In high-income countries too, working hours tend to be average or shorter than average among domestic workers, in particular female domestic workers. As many as 41.9 per cent of domestic workers work 35–48 hours per week, although the largest group (44 per cent) work less than 35 hours per week. In this income group, female domestic workers are far more likely to work less than 35 hours per week than their male counterparts.

> 14 per cent of domestic workers work more than 60 hours a week, compared to 8 per cent of other employees.
>
> 12 per cent of domestic workers work fewer than 20 hours a week, compared to just 4 per cent of other employees.

1 Dares Analyses, N°38, Août 2018.

Figure 7.1 Working time patterns among women and men domestic workers compared to other employees, by region, 2019 (percentages)



Note: ILO calculations based on an analysis of national household surveys from 132 countries, representing 90 per cent of global employment and 92 per cent of the total number of domestic workers. Global estimates weighted, respectively, by the total number of domestic workers and the total number of other employees in 2019. Detailed data sources are available in Annex 3.

Wages

As seen in Chapter 5, significant progress has been made in providing legal minimum wage coverage to domestic workers, with the majority (65 per cent) of countries, in which 26.5 million domestic workers (35 per cent) work, providing a statutory minimum wage that is equivalent to that of other workers. In reality, however, across the world domestic workers are some of the lowest earners among all wage employees. Low wages in domestic work have often been attributed to the undervaluation of women's work in the home and the perception that the work is low skilled or performed by groups such as migrants or people with low levels of education. Arguments have also been made that households that employ domestic workers are not able to pay higher wages.

This section sheds light on the actual wages of domestic workers and contributes to confirming or discarding some of the more common explanations for their wage levels. Based on data from 104 countries, representing 77 per cent of all employees, a comparison is made of the wages of domestic workers to other wage earners in informal and formal employment and to formal wage earners at the global and regional levels. To produce the global and regional estimates, the monthly average wage among domestic workers was compared to the monthly average wage of other employees and 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 the number of working hours by month. Other parameters, such as education or whether the workers were employed in urban or rural areas, were also not considered in the estimates.

Using a smaller subset of countries, this section then examines the extent to which low wages can be explained by gender and skill level and the extent of the gap in minimum wage compliance as compared to other employees. In contrast to the global and regional estimates, both the hourly and monthly wages of domestic workers are analysed, controlling for specific factors. Finally, the ways in which full minimum wage coverage and compliance would contribute to (a) the reduction of wage inequality for domestic workers and other employees and (b) income inequality and relative poverty at the household level are examined.

Globally, domestic workers earn 56.4 per cent of average monthly wages of other employees.

Women domestic workers earn just half of the average monthly wages of other employees, which is significantly lower than their male counterparts (67.3 per cent).

Domestic workers in high-income countries earn 53 per cent of average wages, and about half of them work less than 35 hours a week, making them the highest paid per hour among domestic workers worldwide.

Africa is the region in which domestic workers earn the least compared to other employees.

Actual wages

Globally, domestic workers earn 56.4 per cent of average monthly wages of other employees[2] (see figure 7.2, panel A). Women domestic workers earn just half (51.1 per cent) of the average monthly wages of other employees, which is significantly lower than their male counterparts (67.3 per cent). The average monthly wages of domestic workers compared to the average wages of other employees increases across country income groups, from 32.2 per cent in low-income countries to 59.7 per cent in upper-middle-income countries. In high-income countries, where domestic workers earn 53 per cent of average wages, their hours also tend to be shorter and about half of them work less than 35 hours a week, which makes domestic workers in those countries the highest paid per hour among domestic workers.

Africa is the region in which domestic workers earn the least compared to other employees. There, domestic workers earn just 30.6 per cent of the average wages of other employees. Yet, as seen in the previous section, they also tend to work extremely long hours, with 23 per cent of domestic workers working an average of more than 60 hours, compared to only 12 per cent of other employees (figure 7.1). A similar situation can be observed in the Arab States: domestic workers earn 54.2 per cent of average wages, which is relatively low once one takes into account that 75 per cent of domestic workers in the region work for an average of between 49 and over 60 hours per week, compared with 33 per cent of other employees.

In the Americas, domestic workers earn 46.3 per cent of the average wages of other employees. Although this is a lower rate than in some other regions, it is important to note that only 11 per cent of domestic workers in the Americas work in excess of 48 hours per week and the largest group (close to half) actually work less than 35 hours a week. In Europe and Central Asia, the situation is somewhat similar, in that domestic workers earn 52.1 per cent of the average wages of employees but only 10 per cent of them work above 48 hours a week and more than half of them work less than 35 hours a week. Thus the low average wages of domestic workers in these regions are more likely to be a function of the low average number of hours they work, with 22 and 28 per cent working less than 20 hours a week in the Americas and in Europe and Central Asia, respectively (figure 7.1).

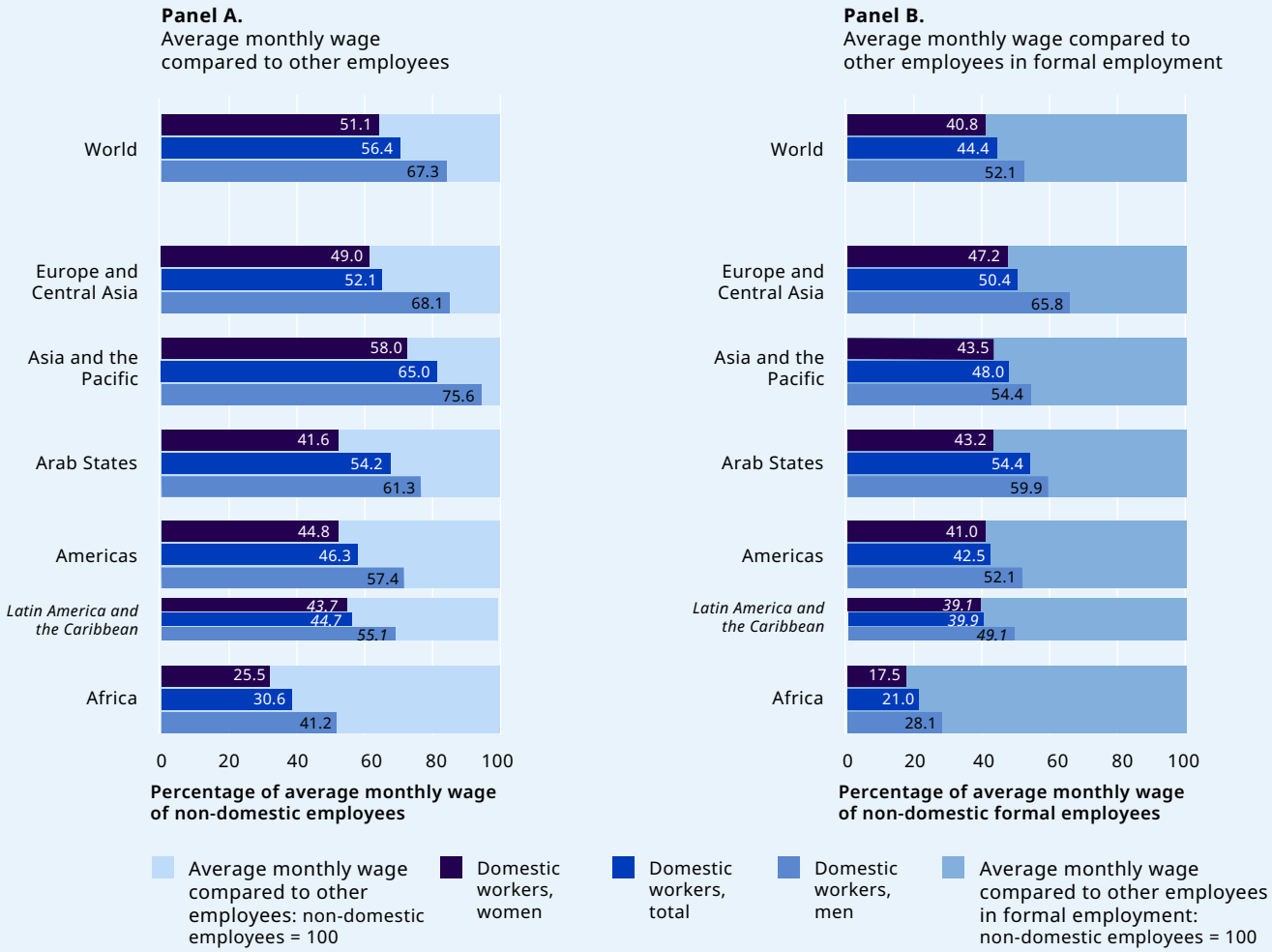
Finally, while the wages of domestic workers appear to be highest in Asia and the Pacific (65 per cent of other wage earners) this must again be read in light of the long hours of work performed, particularly among those in informal employment, who make up 84.3 per cent of the sector (see Chapter 9). About half of all domestic workers work more than 48 hours a week on average (figure 7.1).

While men make up a minority of domestic workers in most regions, their wages are significantly higher than those of their female counterparts globally and in all regions. Male domestic workers earn 67.3 per cent of average wages of other employees globally. Across regions, this figure fluctuates from 41.2 per cent in Africa to 75.6 per cent in Asia and the Pacific. By way of comparison, female domestic workers earn just 51.1 per cent of average wages of other employees globally, ranging from a low of 25.5 per cent in Africa to a high of 58 per cent in Asia and the Pacific. The nature of these pay gaps will be explored further in subsequent sections of this chapter.

The average monthly wages of domestic workers are particularly low when compared to the average monthly wages of other employees in formal employment for both women and men (figure 7.2, panel B). The average monthly wage of a domestic worker represents between 21 per cent in Africa and 50.4 per cent in Europe and Central Asia of that of a non-domestic employee in formal employment. The situation of women domestic workers is even more critical, especially in Africa.

2 Estimates based on data from 104 countries, representing 83 per cent of global employment but 77 per cent of total employees, with low representation of the Arab States (only 20 per cent of employees in the region are represented).

Figure 7.2 Average monthly wage of domestic workers expressed as a percentage of average monthly wage of non-domestic employees (total and formal), by sex and region, 2019 (percentages)



Note: Based on data from 104 countries, representing 83 per cent of global employment but 77 per cent of total employees, with low representation of the Arab States (only 20 per cent of employees in the region are represented). Weighted by the total number of domestic workers in 2019. Detailed data sources are available in Annex 3.

Are wage levels low because of gender and skill?

The low wages of domestic workers are often attributed to the fact that the workforce is composed predominantly of females and that the work is undervalued as women's work. Using microdata from 39 countries, covering most geographical regions in the world, this section explores the extent to which the wage gap can be explained in part by gender and skill level.

The fact that most domestic workers are female has implications for their earnings since women, on average around the world, are paid about 20 per cent less than men (ILO 2018e). However, the degree of feminization among domestic workers is not the only condition that makes them fare worse than other employees in terms of wages. Indeed, the pay gap between domestic workers and other employees does not differ significantly from the pay gap between women domestic workers and other women employees. Statistically speaking, once we control for gender, there are only 19 of 39 countries in which there is a narrowing in the pay gap between domestic workers and other employees (see the comparison between panels A and B in Annex 11, figure A11.1). This shows that, despite the fact that domestic work is a feminized sector, gender is not the main factor that determines the particularly low wage of domestic workers around the world.

It is also often said that the low wages of domestic workers are due to their low skill level, whether real or perceived. It could be argued that employees generally can be found in a broad range of occupations, both skilled and unskilled, while domestic workers are mostly in occupations

that are statistically classified as low skilled. A comparison between domestic workers and low-skilled employees generally shows that, when controlling for occupational skills (see Annex 11, figure A11.2), domestic workers remain at a lower hourly wage in 19 of the 39 countries reviewed. In some of these countries, the gap in pay between domestic workers and low-skilled employees remains substantial: for example, in the case of Spain, the hourly wage of domestic workers is 24.6 per cent less than the hourly wage of low-skilled employees (any gender) and 18.6 per cent less than that of women low-skilled employees.

Overall, these estimates show that there are factors, other than the gender pay gap or the skills gap between domestic workers and other employees, that determine the observed low pay among domestic workers and other employees in the population. These findings of course do not preclude the possibility that the wages of domestic workers are low due to an undervaluing of care work precisely because it has traditionally been performed by women and unpaid. Moreover, many other determinants that have been linked to their low wages, such as weak labour market regulation, high levels of informality and weak bargaining power (Razavi and Staab 2010) can be a reflection of gender biases. Finally, as will be seen later, one important factor is that domestic workers are not covered or are insufficiently covered by minimum wage policies.

Effects of full compliance on pay gaps, income inequality, household inequality and relative poverty

Excluding domestic workers from a country's minimum wage system, or paying them less than the corresponding minimum wage, is detrimental to the objectives of the policy itself, since the primary objective of a minimum wage is to protect workers against unduly low pay, as set out in the Preamble to the ILO Minimum Wage Fixing Convention, 1970 (No. 131). Moreover, many countries have recognized the potential of a minimum wage as a means of reducing inequality and poverty, because when such a policy is effectively implemented it has the potential to increase household income among the bottom 40 per cent of households in the population (see ILO 2020f). If we consider that domestic workers' households make up a significant fraction of households at the bottom of the income distribution, their exclusion from the minimum wage also prevents the minimum wage policy from achieving its potential as an effective tool for reducing inequality and relative poverty at country level.

The question is therefore: how would measures of wage inequality, income inequality and relative poverty change if domestic workers

In several countries, despite domestic workers being covered by a minimum wage, the proportion of domestic workers who are entitled to a minimum wage, but who nonetheless fall below that minimum, is triple or quadruple the rate of non-compliance among other employees.

were effectively covered by their corresponding statutory minimum wage and received (at least) such remuneration? This section explores the redistributive potential of the minimum wage if there were to be full compliance with a minimum wage policy that applied to domestic workers. The estimates are produced by simulating a hypothetical scenario in which domestic workers (observed in the data) who are paid below the minimum wage are assigned the minimum wage with respect to the number of hours they work.[3] Once the assignment is done, we observe the potential of the minimum wage for reducing pay gaps, wage inequality, household income inequality and relative (household) poverty.

First, the findings show the extent to which the wages of domestic workers are affected by non-compliance. The proportion of domestic workers who are paid less than the minimum wage exceeds that of other employees for all but one country, Guyana (see Annex 11, figure A11.3). In several countries, despite domestic workers being covered by a minimum wage, the proportion of domestic workers who fall below the minimum wage is triple (Plurinational State of Bolivia, Luxembourg and Uruguay) or quadruple (Italy, the Philippines and Switzerland[4]) the rate of non-compliance of other employees. In fact, in all 39 countries the proportion of domestic workers earning above the minimum wage is significantly lower than that of other employees, thus demonstrating that across the world the earnings of domestic workers are compressed at the low end of the wage distribution.

Returning to our hypothetical scenario in which all employees, including domestic workers, earn the minimum wage, the simulation finds that if there were full compliance with the minimum wage, the pay gap between domestic workers and other employees would decline in 32 of the 39 countries reviewed. In the case of the United Kingdom, the pay gap would decline from double figures (equivalent to 22 per cent at minimum wage level) to single figures (5.3 per cent). In countries such as Switzerland and Spain, the pay gap between domestic workers and other employees would shrink by 20 percentage points or more, from 58.6 and 52.6 per cent to 30 and 33 per cent, respectively. In contrast, when comparing pay gaps between domestic workers and low-skilled employees, full compliance with the minimum wage among all employees leads to mixed results. In some countries (such as Italy, Namibia, the Philippines and Switzerland), the pay gap between domestic workers and low-skilled employees increases. In other countries (such as Poland and Romania) the gap decreases, implying that domestic workers increase their hourly wage relative to other low-skilled employees. In countries such as Brazil, Ecuador and the United States, the pay gap between domestic workers and other low-skilled employees approaches zero (see figure 7.3).

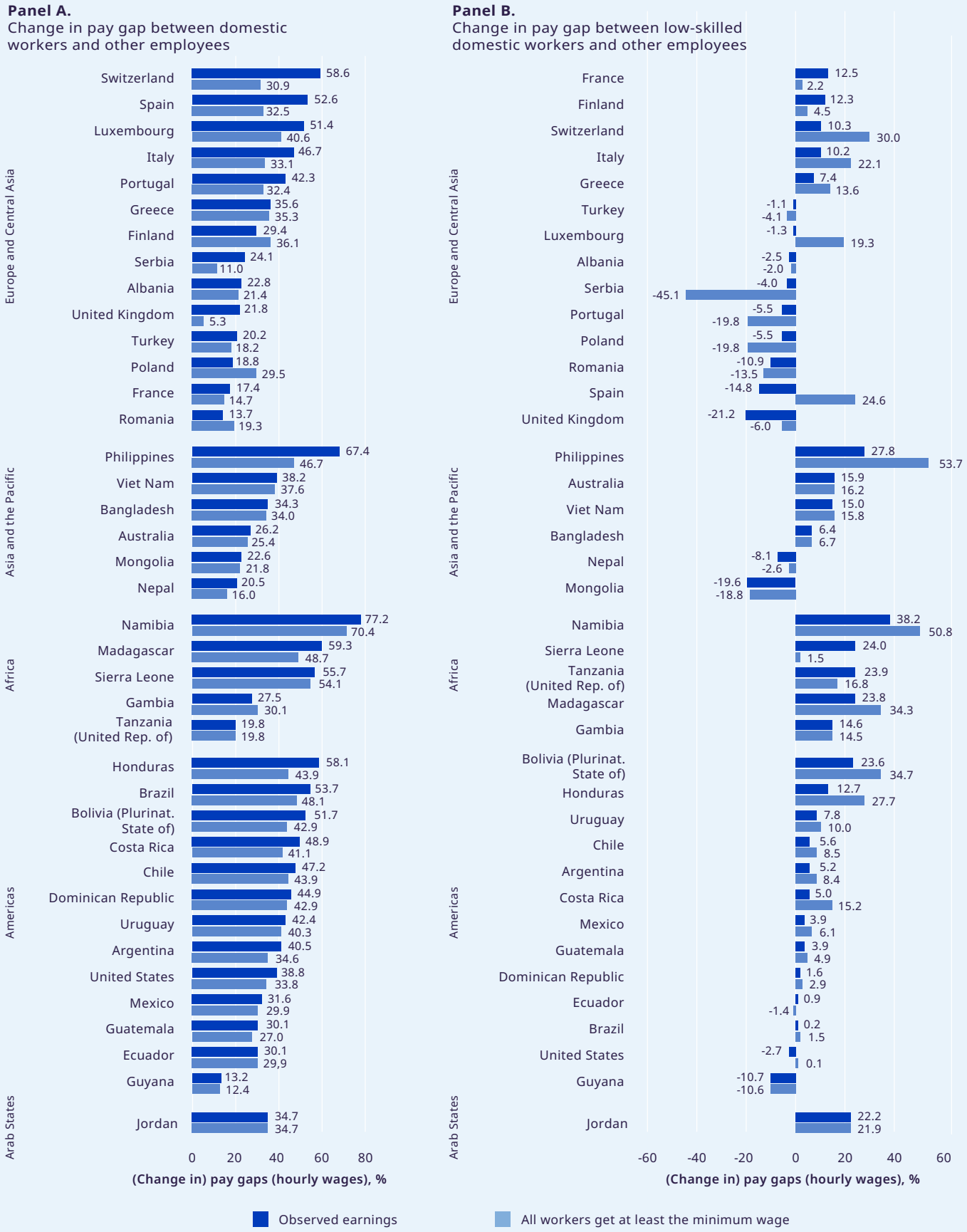
Finally, the simulation found that achieving full compliance with the minimum wage among domestic workers would contribute to the overall reduction of wage inequality in most of the 39 countries. Except in a few cases, mostly in Europe, effectively implementing and extending minimum wage coverage to domestic workers has the visible and positive effect of reducing wage inequality. In Honduras, where the top 10 per cent of wage earners earn about 91 per cent more than the bottom 40 per cent, full minimum wage compliance among domestic workers would increase the earnings among wage earners in the bottom 40 per cent, causing a decline in wage inequality from 91 to 75 per cent. If we further allow for all employees to receive at least the minimum wage, wage inequality declines further to reach 32 per cent. The reduced wage inequality achieved by applying full minimum wage compliance among domestic workers is 26.8 per cent of the full reduction in wage inequality if all employees were to receive (at least) the minimum wage.[5]

3 Using the hourly minimum wage rate allows the inclusion of all workers, irrespective of whether they work full-time or part time. In countries where the minimum wage is high relative to the median wage – in particular, when the minimum wage exceeds 67 per cent of the median – the assumption of full compliance with the minimum wage seems unrealistic. In these very few cases among the 39 countries, the simulation of full compliance with the minimum wage is based on setting the minimum wage at exactly 67 per cent of the median. The simulation strategy is identical to that employed in the *Global Wage Report 2020–21* (ILO 2020f).

4 Finland, Italy and Switzerland do not have statutory minimum wages for all workers in the population. However, Finland and Switzerland do have minimum wages for domestic workers and we allow these to be benchmark lower floors for all workers in these countries. In the case of Italy, we have used the minimum wage applied at country level for workers in agriculture to act as the lower wage floor. This follows the same empirical assumptions as those applied in the *Global Wage Report 2020–21* (ILO 2020f).

5 In order to estimate the contribution of full compliance with the minimum wage among domestic workers to the reduction of overall wage inequality in each of the 39 countries, the Palma ratio was used. This consists of estimating the total earnings among the top 10 per cent of wage earners as a ratio of the bottom or poorest 40 per cent of wage earners in the population (for details, see Annex 11).

Figure 7.3 Change in pay gaps between domestic workers and other employees as a result of assigning workers paid below the minimum wage the corresponding minimum wage (percentages)



Note: ILO estimates of the pay gap between domestic workers and each of the comparable groups are based on comparing hourly wages using the technique known as "factor weighted pay gaps" (see ILO 2018e), which consists of a weighted average of the gaps estimated among groups that have in common the following elements: age, education and living in urban versus rural areas. Estimates of the pay gap between domestic workers and low-skilled employees excludes the factor "education". Low-skilled employees are those classified in group 9 according to the ISCO-08 classification. National household surveys as listed in Annex 3 unless otherwise specified as follows: based on (a) Household Income and Labour Dynamics Australia (HILDA) for 2016 in Australia; and (b) European Union Statistics on Income and Living Conditions (EU-SILC) for 2018 in Finland, France, Greece, Italy, Luxembourg, Poland, Portugal, Romania, Serbia, Spain, Switzerland and the United Kingdom.

In sum, the extension of the minimum wage to domestic workers in countries where they are not covered (such as Bangladesh, the Gambia, Honduras or Jordan) and the achievement of full compliance with the minimum wage would constitute a significant step towards the reduction of wage inequality within and between countries. This is clearly the case in low- and middle-income countries, but it is also the case in the European context, particularly in Southern European countries, where full compliance among domestic workers could contribute to reducing wage inequality by as much as 8.8 per cent in Spain and 11 per cent in Italy and Portugal (see Annex 11, figure A11.4). Wages play a key role in determining household income and thus they can be a key factor in reducing household income inequality (ILO 2014b). The results of a simulation conducted in 20 countries show that in 14 countries full compliance with minimum wage coverage would noticeably reduce household inequality. For example, in Ecuador, at the existing levels of non-compliance with the minimum wage, the top 10 per cent richest households earn 66 per cent more income than the bottom 40 per cent. If domestic workers all earned the hourly minimum wage, there would be a 35 per cent decline in household inequality.

Full compliance with the minimum wage was also shown to have a positive impact on poverty. In six of the 12 countries for which data are available in Europe, the chances of falling into poverty are greater among domestic workers' households than overall in the population. In Italy, for example, there are 17 percentage points more domestic workers' households living in relative poverty compared with the overall proportion of households living in relative poverty in the population. In middle- and low-income countries, the proportion of relative poverty is high in all countries for which data are available; in some of these countries (Chile, Ecuador, Guyana and Viet Nam), the data suggest that the level of relative poverty among domestic workers' households falls below the level of overall relative poverty in the population. In almost all the countries covered, full compliance would effectively reduce relative poverty among domestic workers' households. In ten countries, it would contribute to reducing overall relative poverty.

Effectively implementing and extending minimum wage coverage to domestic workers has the visible and positive effect of reducing wage inequality.

▶ Good practices in working time and wages

Domestic workers often work very long hours for low pay. These working conditions are partially rooted in legal coverage gaps, insufficient levels of protection and gaps in compliance.

For those who do not enjoy legal coverage, a set of examples of countries that have extended labour laws in the areas of working time and wages can be found in Chapters 4 and 5, respectively.

For those whose level of protection is insufficient, measures have been taken to provide domestic workers with the same level of protection enjoyed by other workers with respect to working time and wages. In this regard, it is particularly important that wages and hours be set coherently. In some cases, the level at which the minimum wage is fixed is not high enough to keep domestic workers and their families out of poverty. Live-in domestic workers, in particular, are vulnerable to some of the worst working conditions, resulting from the permissibility of payment in kind and wages being fixed on a monthly basis, often without regard for the long hours worked. For those who work very short hours, the main sources of vulnerability come from their low labour income, their possible exclusion from labour and social security laws and other factors that hamper their access to benefits. These issues will be addressed in Chapter 9.

Finally, for those who enjoy legal coverage, the extreme working hours and low wages presented in this chapter show the extent to which there is a gap in compliance with respect to both working time and wages. There are several reasons for non-compliance, which will be expanded on more fully in Chapter 9.

As such, the good practices reviewed in this section will focus on how to effectively limit working time for domestic workers who work long hours; set appropriate wage levels, in accordance with reasonable hours of work; and promote compliance.

Ensure a fair and adequate minimum wage

A key challenge in fixing a minimum wage for domestic workers is determining the appropriate wage level that takes into account actual working time, the needs of workers and their families and households' capacity to pay. The long working hours of domestic workers observed in the first section of Chapter 7 also suggest that the wage level must be fixed in coherence with applicable laws on working time. Hours of work are intrinsically linked to wages. Minimum wages are typically fixed per hour, per day or per month. They are also frequently fixed on the basis of legal limits on the normal hours of work. Since domestic workers are sometimes subject to longer normal weekly hours than those applicable to other workers, this can lead to a kind of wage penalty, even when they have the same right to the minimum wage. For example, in Guatemala domestic workers are covered by the minimum wage for non-agricultural workers but excluded from limits on normal daily and weekly hours. In Botswana,[6] when the monthly minimum wage set for domestic workers (1000 pula per month) is divided by the legal limits placed on their normal hours of work (set at a maximum of 60 hours per week), domestic workers working full time would earn 4.17 pula per hour, compared with the hourly minimum wage of 6.77 pula for workers in most industries. Live-in domestic workers are particularly affected, since their average working hours tend to be much longer than those of other workers. Their cash wage also tends to be lower when there are prevailing practices of providing a portion of the wage in kind, in the form of food and lodging.

One way to ensure that the minimum wage is adequate with respect to hours worked is for governments to take into account whether domestic workers have rights to limits on normal weekly hours, daily rest and weekly rest and whether they have overtime protection or compensation for overtime. It may be recalled

6 See CRS, "CRS News Flash 8 August 2019 – BOTSWANA – Minimum Wage", 15 August 2019.

that of the countries reviewed, the majority of those in which domestic workers are entitled to the same minimum wage as other workers also fix equal limits on normal hours. Another approach is to fix minimum wages per month and per hour. For example, in Namibia,[7] minimum monthly, weekly, daily and hourly wages for domestic workers have been set through a tripartite wage board. Since live-in domestic workers tend to work some of the longest hours, separate minimum wages for live-in and live-out domestic workers could also be considered in order to take into account their respective average hours. Italy,[8] for instance, has established separate wages for live-in and live-out domestic workers through a collective bargaining agreement.

When fixing a minimum wage, Convention No. 131 recommends that the needs of workers and their families, as well as economic factors, be taken into account. Assessing the needs of workers and their families is no different for domestic workers than for other workers. Generally, when this assessment is done, it involves parameters such as the national and/or international poverty line; family size and the number of individuals who work within the household; the number of minimum wage-earners in the household; and the local cost of living (ILO 2016d).

With respect to economic factors, in the case of domestic work concerns are sometimes raised about the capacity of households to pay the minimum wage. In order to estimate the affordability of different levels of wages, comparisons can be made between the average cost of hiring a domestic worker and the total labour income across the household income distribution. This can be done by using national household survey data to identify the economic profile of the households that employ domestic workers, as well as how much of their disposable income they can allocate to domestic work. For many of the 39 countries studied in depth for this chapter, the cost of hiring a domestic worker full-time for the top 15 per cent of households in terms of income is between 1 and 20 per cent or less of the total household income (and 8 per cent on average).[9] The percentage that households actually spend on domestic work varies, however. For example, a separate study of household capacity to pay in Costa Rica found that, on average, households spent an average of 4 per cent of their income on domestic work, which remains stable across household income groups. The lower percentage of household spending on domestic work is a reflection of the lower number of hours for which households hire domestic workers, in line with their income. This finding suggests that households demand hours of domestic work in accordance with their capacity to pay. While this might explain the number of domestic workers who work shorter hours, it also limits the potential effects of minimum wage increases on employment.[10]

Gathering data on the number of households that employ domestic workers, their distribution across household income groups, the percentage of household income spent on domestic work and the household capacity to pay can help fix a minimum wage in line with specific policy objectives. For instance, it can help identify the extent to which households on average can afford an increase in the minimum wage. An in-depth analysis of the 39 countries reviewed found that overall, if households at the top 20 or 15 per cent of the household income distribution paid at least the minimum wage, it would represent less than a 0.5 per cent increase in expenses, relative to their total household income.[11]

Other approaches have also been taken to address concerns around affordability and the potential negative impacts on employment. For example, when a national minimum wage is

7 Wage Order of 15 September 2017 for Setting Minimum Wage and Supplemental Minimum Conditions of Employment for Domestic Workers: Labour Act, 2007.

8 See DOMINA website, https://associazionedomina.it/ccnl/.

9 In order to estimate the percentage increase in expenses relative to total household income, the first step is to exclude domestic workers' households from the set of data considered for analysis, before ranking all other households according to their per capita household income. Once this has been done, an estimate is made of the average cost of hiring a domestic worker on a full-time basis, which is then compared to the average household income at each five centiles of the household income distribution.

10 For the full methodology as currently developed, as well as the example of Costa Rica, see ILO, *Minimum Wage Policy Guide*, Ch. 8, technical note 1.

11 While these methods have been used, they are currently under development.

significantly higher than the average wage in the domestic work sector, concerns are sometimes raised that extending the same minimum wage level to domestic workers could cause households to terminate the employment relationship, reduce hours or under-declare the number of hours worked. Confronted with such situations, some countries have opted to take a gradual approach to extending minimum wage coverage. In Chile, for example, where domestic workers previously only had the right to 75 per cent of the national minimum wage, the public authorities in 2008 decided that domestic workers should be entitled to the general rate. To give household employers time to adapt to the increase, the Government implemented a strategy to eliminate the gap over three years. By 2011, after a progressive increase in the specific minimum wage rate, domestic workers were also entitled to the general minimum wage (ILO 2016d, Ch. 8).

Consultation with social partners

In an increasing number of countries, governments are engaging with social partners to fix an appropriate minimum wage level that takes into account the specificities of the sector, including working hours, the capacity of households to pay, the needs of workers and their families and regional differences in cost of living. In Argentina, for example, a law on domestic work established a national tripartite negotiating body tasked with defining wage levels and working conditions, which concluded its first minimum wage agreement in 2015. A particular characteristic of this body is the representation of the Government through the ministries of labour, employment and social security, economy and social development. This body has ensured that the minimum wage of the sector meets the needs of workers and employers and reflects the realities of various regions in the country. Indeed, domestic workers in the south of the country, where the cost of living is significantly higher than elsewhere in the country, achieved a proportionately higher wage increase (ILO 2018d).

In a small but growing number of countries, such wages have even been fixed through collective bargaining. Collective bargaining can help set wages at an appropriate level agreed between workers and employers that might be above the statutory minimum wage, where such a minimum exists. While these agreements are still new in the domestic work sector, they show significant promise in achieving wages that are adapted to the sector. These agreements have also helped to fix salary scales that take into account years of experience, tasks performed and any training acquired. In São Paulo, Brazil,[12] for example, a collective bargaining agreement is in place that: (a) fixes wages above the minimum set at national level; (b) provides for a daily and monthly minimum wage to ensure the adequate coverage of domestic workers working in both types of arrangement; and (c) includes a wage scale for live-in domestic workers according to tasks performed. It also introduces measures to limit working time for live-in domestic workers (see box 7.1.)

Italy is one of the few countries in which labour relations in the domestic work sector are defined through legislation and collective bargaining at national level. The commitment of both employers' organizations and trade unions to represent the interests of their members led to the signature in 1974 of the first national collective bargaining agreement for the domestic work sector in Italy. The Italian national collective bargaining agreement, most recently renegotiated in 2020, covers almost 4 million people (domestic workers and families/employers) (ILO 2020e). It stipulates hourly wages and bonuses for overtime, night and holiday work, as well as different work tasks and respective skill and pay levels. It also sets specific minimum wages for live-in domestic workers, from which no deductions can be made for in-kind payments, such as housing and board.[13] Similar systems are in place in Belgium and France (Carls 2013; ILO 2015d).

12 Collective Labour Agreement 2021/2022, signed on 1 March 2021.

13 For the full collective agreement, see Italy, DOMINA, "CCNL".

Promote compliance through awareness-raising, capacity-building and record-keeping

Once effective minimum wages and working hours have been established, there remains the task of promoting and enforcing compliance. Among the challenges are the low levels of awareness among domestic workers and employers as to the legal limits on working time and applicable wages. Monitoring the working time of domestic workers requires a clear understanding of the distinction between working time, periods of rest and periods of stand-by time, as well as clear demarcations of when working time begins and ends, ensuring that domestic workers are free to dispose of time as they please, including by leaving the household when they are off duty. Training sessions on working time for live-in domestic workers have been conducted, for example, in the Plurinational State of Bolivia, the Philippines, the United Republic of Tanzania and Thailand. These sessions have helped domestic workers gain awareness of their actual hours worked and tasks performed and given them tools to record their working time (ILO 2014a).

Time sheets, work schedules and payslips can be important tools for helping domestic workers and employers to reach agreement on work schedules, time worked and wages paid, as provided for in Recommendation No. 201 (Para. 8). They also serve as important tools for the enforcement of compliance, as they provide a written record. For example, a weekly schedule was developed for domestic workers and employers in the Arab States.[14] In Argentina, a domestic workers' union (Union Personal Auxiliar de Casas Particulares) has also developed a mobile application that includes a calculator in which workers and employers introduce the number of hours worked and the calculator estimates the weekly or monthly wage. In the United States, regulations have established that employers may require live-in domestic workers to record their hours and wages and submit them to the employer, who is responsible for keeping such records.[15] The guidance requires the employer and worker to come to an agreement concerning periods of rest during meals, at night and when off-duty, specifying that these periods must be of sufficient duration to enable workers to make effective use of that time. If the period is interrupted, it must be counted as work.

To implement minimum wages and limits on working time, some countries have developed standard contracts or model contracts, sometimes within the framework of memoranda of understanding between countries of origin and destination to cover migrant domestic workers. Standard or model contracts are particularly effective when implemented at the point of hire. For example, in Zambia, a code of conduct was developed through a tripartite technical working group, including representatives of domestic workers' organizations and the organization of employers of domestic workers, in addition to the most representative organizations of workers and employers. The code of conduct is used by intermediary agencies that refer to it when setting contractual terms at the point of hire, often negotiating salaries above the minimum wage and helping to enforce contracts. The agencies report salaries from 19 per cent to 130 per cent above the statutory minimum wage and a high degree of compliance, despite a lack of systematic enforcement (Zambia Federation of Employers 2011). In some cases, a domestic workers' union establishes minimum standards and implements these through a training centre or school, from which households can directly hire domestic workers, such as in Argentina and Hong Kong, China (applicable only to local domestic workers).

14 See My Fair Home and ILO, "Domestic Worker's Weekly Work Schedule".

15 Fact sheet 79C, entitled "Recordkeeping Requirements for Individuals, Families, or Households Who Employ Domestic Service Workers Under the Fair Labour Standards Act".

▶ Box 7.1 Collective bargaining agreement in São Paulo, Brazil[16]

In São Paulo, Brazil, the first collective bargaining agreement was signed in 2017 between the Domestic Workers Union of the Municipality of São Paulo (STDMSP) and the Union of Domestic Employers of the State of São Paulo (SEDESP). The agreement, which was renegotiated and concluded on 1 March 2021, includes provisions that grant domestic workers better working conditions than those included in Law 150/2015, including a minimum wage above the national minimum wage, which varies according to the role and function of the domestic worker, as well as a specific minimum wage per day for domestic work on that basis. It also fixes weekly rest periods specifically for live-in domestic workers; requirements to keep proof of salary payments; and the determination of deadlines for payment of salary, vacation and thirteenth salary. The most recent agreement introduced a social insurance scheme (Bem+Familiar) that provides protection to both workers and employers in situations of adversity and is based on the payment of a monthly social benefit per worker by the employer.

In addition, the social partners provide assistance to domestic workers and employers of domestic workers, in order to promote compliance with applicable labour and social security laws, including guidance on costs, tax payments and the contractual obligations of both parties in the domestic labour relationship.

Source: Acciari (2021).

Summary

Domestic workers earn some of the lowest wages and work some of the most extreme hours, whether very short or very long. Whereas a minimum wage is a tool that aims to protect employees against unduly low pay, the fact is that many countries exclude domestic workers from such policies, while the rate of non-compliance with the minimum wage among domestic workers is often higher than among other groups of employees, including those who occupy jobs in low-skilled occupations. Extending minimum wages with full compliance to domestic workers is not just a matter of social justice but also constitutes a step that could effectively contribute to reducing wage inequality, household income inequality and relative poverty, outcomes that contribute towards social cohesion and positive economic growth.

Poor working conditions stem, inter alia, from gaps in legal coverage, inadequate levels of protection and gaps in compliance. Closing these gaps has therefore entailed the extension of labour laws pertaining to hours of work, minimum wages and payments in kind, together with initiatives to promote compliance through awareness-raising, capacity-building and the use of standard contracts and record-keeping. In this respect, the role of social partners, including organizations of domestic workers and of their employers, where they exist, has been crucial in establishing decent working conditions for the sector and promoting compliance. The right to organize and the capacity of domestic workers and their employers to organize also play a key role in the extension of protection and in the effective implementation of these protections, a subject that is explored in more depth in Chapter 10. Certainly, the extent of informal employment plays an important role in determining working conditions in the sector, a subject that is addressed in Chapter 9.

16 Collective Labour Agreement 2021/2022, signed on 1 March 2021.

Social security

As detailed in Chapter 6, social security coverage is one of the areas in which domestic workers face a deficit in coverage. At the global level, 60.7 per cent of the countries reviewed provide cover in relation to at least one social security branch, covering about half of all domestic workers (49.9 per cent); however, only 15 per cent of the countries reviewed include domestic workers under the scope of all branches of social security, covering 6 per cent of domestic workers.

These legal coverage gaps are made worse by compliance gaps. Indeed, few domestic workers are effectively covered by social security laws. 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 informal employment for domestic workers (as for other employees). According to the ILO estimates on informal employment presented in Chapter 9, 81.2 per cent (61.4 million) of the 75.6 million domestic workers worldwide remain in informal employment. As a result, only one in five (18.8 per cent) domestic workers enjoys 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.

> Only one in five domestic workers enjoys effective employment-related social security coverage.

Challenges to effective social security coverage

To enable contributions to social security, domestic workers must be covered by social security and labour laws and their employment relationship must be recognized. Even when domestic workers are legally covered in principle, there are many factors that contribute to the lack of effective social security coverage. Such factors include the lack of efficiency and accountability of social security institutions; difficulties in accessing benefits; insufficient or low levels of benefits; administrative barriers, such as the complexity of procedures or length of time it takes to register or make contributions; lack of awareness about rights and obligations; and inability to cover the direct and indirect costs of registration and the payment of contributions. Those factors obviously influence levels of confidence and the willingness to join social security schemes.

As this chapter has shown, domestic workers are often employed on an hourly basis and have more than one employer. Where administrative mechanisms for registration, contribution payments and benefit provision are insufficiently adapted to these characteristics of domestic work, this can result in the exclusion of a significant number of domestic workers.

In addition, it should be noted that the nature of domestic work – that it is performed in private households – also makes enforcement difficult. Labour and or social security inspections may be prohibited by law from effectively monitoring the implementation of legal obligations and rights, given that this requires entering the private home, which may violate the principle of respect for private and family life. Even where such limitations do not exist, given the wide dispersion of domestic workers such mechanisms may not have sufficient financial or human resources to carry out inspections adequately (ILO 2015c). Without labour and social security mechanisms, it is difficult to monitor the application of, and ensure compliance with, labour and social security laws (ILO 2016b, 16). The lack of registries of domestic workers and their employers also contributes to the difficulties of detection and regulation (ILO 2015c).

Finally, a lack of information and a low level of organization can also act as barriers to effective coverage. When both workers and employers are unaware of the rights and obligations conferred by the social security system, including registration, the payment of contributions and when and how to access entitlements, they are much less likely to exercise them. Information should be made available in a manner that is accessible for both domestic workers and their employers (especially households).

Good practices for extending social security coverage to domestic workers

Practices in some countries demonstrate that it is possible to extend social protection to domestic workers. Considering that domestic workers are a very diverse group, carrying out a variety of activities and including live-in and live-out workers, full-time and part-time workers and vulnerable groups such as migrant workers, the development of policy solutions should be based on a solid assessment of the characteristics and situation of domestic workers and their employers and should be conducted with the effective participation of domestic workers and employers of domestic workers (ILO 2019d; ILO 2021b).

The overall objective, however, should be to ensure that all domestic workers have access to social protection on an equal footing with other employees. In most countries, this means they should be covered under the existing social insurance mechanism. Such mechanisms play a vital role in providing adequate benefits because they tend to offer a broad scope and higher levels of protection. They offer the advantage, in particular in the case of more vulnerable groups, of being based on the principles of risk-sharing and solidarity. Moreover, they contribute directly to formalizing domestic workers (see Chapter 9). As illustrated by the strategies described below, the effective extension of contributory mechanisms to domestic workers requires adaptations and supportive mechanisms, such as those that allow state subsidization, in full or in part, of the contributions of domestic workers or households as employers. In parallel, it is essential for States to strengthen their non-contributory schemes so that domestic workers who do not have access to any other mechanism, as well as their families, are able to access at least a basic level of protection. In sum, a combination of contributory mechanisms that have been adapted to the particular circumstances of domestic workers with non-contributory schemes is necessary to achieve universal social protection.

Facilitating access to social protection by removing administrative barriers

Efforts to simplify registration and contribution payments encourages compliance and extends coverage. Consideration should be given to centralizing the registration and collection process in one single institution. Not only does this affect enrolment and compliance but it also facilitates economies of scale (Duran-Valverde 2012).

Given that domestic workers often work part-time (notably in the Americas and Europe) and 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 take such circumstances into account in order to facilitate access. In this regard, some countries such as Belgium and France have facilitated the registration of domestic workers by introducing a service voucher system (box 7.2). Such systems are multipurpose. They tend to provide fiscal incentives for employers to encourage registration and formalization, while also reducing the administrative burden of registration and transaction costs. They can also be used to pay services and salaries.

> Where administrative mechanisms for registration, contribution payments and benefit provision are insufficiently adapted to the characteristics of domestic work, this can result in the exclusion of a significant number of domestic workers.

Box 7.2 France: Service voucher or service cheque for domestic workers

France was the first country to issue a service voucher, in 1993, which was replaced in 2006 by the universal employment service voucher (CESU). Through the CESU, employers can pay both for the services rendered by the domestic worker and their social security contributions. To use it, the employer (the household) must register with the system through the French Social Security and Family Benefit Contribution Collection Union (URSSAF), the entity responsible for collecting social contributions either through a bank or online.

Once registered, employers are given the option of declaring their workers' wages through a coupon payment book or a website. Employers also authorize the national CESU centre (CNCESU) to automatically debit the contributions from their bank account. After registration, the CNCESU calculates worker and employer contributions and directly issues employment certificates, which are a proof of the insurance coverage of the worker. The CESU guarantees that remuneration cannot be lower than either the minimum wage in effect in France (the minimum inter-professional growth wage) or the wage scales established in collective bargaining agreements. With respect to fiscal advantages, the CESU grants employers the right to a tax credit of 50 per cent for annual remunerations below a certain threshold (€12,000 in 2021). Nevertheless, under some circumstances this ceiling may be higher, for example when there is a child to maintain or a member of the household is more than 65 years old (plus €1,500; the ceiling cannot exceed €20,000 in 2021) or when there are disabled individuals in the employing household. The system also exempts employers over 70 years of age from payroll taxes when they have a certified disability or when they are beneficiaries of other subsidies for personal or family reasons. Studies have demonstrated that two thirds of CESU users have declared a previously undeclared employee.

Regarding the pre-financed CESU, the bodies (employers/social institutions) that co-finance the vouchers can benefit from a reduction of corporate tax (25 per cent of the amount they contributed to financing the vouchers for their employees, up to a maximum of €500,000 per year).

Source: URSSAF/CESU website, www.cesu.urssaf.fr.

Facilitating the payment of contributions and developing adequate financing mechanisms

Digital technologies can also help streamline registration and payment procedures. In 2020, the Mexican Institute of Social Security (IMSS) implemented an electronic registration system to facilitate the registration of domestic workers through the web or mobile application. The system allows employers to register and pay social insurance contributions for their domestic employees quickly and easily. While the system was originally designed as a measure to promote physical distancing following the onset of the COVID-19 pandemic, it has had a positive impact on registration rates. This measure was the outcome of the work of the Grupo de Trabajo Intersecretarial y de organizaciones de la sociedad civil sobre Trabajo del Hogar, led by IMSS, which included the participation of local and federal government agencies and organizations of domestic workers and of their employers, as well as the ILO and UN-Women.[17] Similarly, a mobile application in Uruguay facilitates registration and payment of contributions for employers of domestic workers; together with awareness-raising activities and a dissemination campaign, these measures have led to a reduction of contribution evasion from 60 per cent in 2006 to 24 per cent in 2017 (ILO 2021b).

In addition to simplifying contribution payment procedures, it is important to address the financial challenges experienced by employers and domestic workers alike. One solution is to

17 Based on information provided by the ILO Country Office for Mexico.

establish flexible mechanisms for contributions or differentiated contributory provisions. Examples exist in Israel (where contributions are reduced) and Argentina and Italy (where contributions are calculated based on hourly wages to enable flexibility) (ILO 2016b).

The effective extension of social protection also requires political will and financial commitment. Government subsidies are an important mechanism for addressing low contributory capacity in the domestic work sector. In Costa Rica, for example, a percentage of the social security contributions of domestic workers and their employers to the Costa Rican Social Security Institute is subsidized by the Government (ILO 2016b). Similar subsidies exist in Turkey (ILO 2016b). In many cases, the enrolment of domestic workers in social insurance mechanisms has been improved by providing employers with fiscal incentives. Countries have adopted different forms of incentives that include making employer's contributions tax-deductible (as in Finland, France and Germany) and reducing contributions for employers who have made timely payments (as in Ecuador) or for those using the service voucher system (as in Belgium and France) (ILO 2016f).

Enhancing enforcement

Inspection mechanisms are crucial for ensuring compliance with labour and social security law. In the case of domestic work, in order to be effective they need to be adapted to allow for inspections of private households as the workplaces of domestic workers (ILO 2015e, Ch. 8, technical note 1; ILO 2017b). Such specific regulations need to consider not only the needs of domestic workers but also the needs of households, in particular with regard to privacy as mentioned above. For example, in Uruguay a special inspectorate was founded that is legally allowed to enter the house of an employer provided that it has a court decision (see box 7.3). The implementation of these legal frameworks may require capacity-building of labour and social security inspectors for conducting such visits (ILO 2016a).

▶ Box 7.3 General Labour and Social Security Inspectorate of Uruguay

In Uruguay, the inspection team of the General Labour and Social Security Inspectorate of the Ministry of Labour and Social Security may visit homes in which domestic workers are believed to work. Inspectors may interview domestic workers at the front door of homes and request that employers provide documentation to verify that they are up to date with their obligations. These visits also serve to share information on rights and responsibilities and to identify cases of abuse. Inspectors may not freely enter homes (while they may enter business premises); however, the inviolability of the private home is not absolute given that the inspector may enter a home after obtaining a court order.

Source: ILO, Social Protection for Domestic Workers: Key Policy Trends and Statistics, 2016.

Additional measures may support social security inspections concerning domestic workers. In Ecuador, for example, the Government collaborated with a domestic workers' organization to facilitate inspections (ILO 2017b). In Uruguay, measures to foster compliance under a broader set of policies reduced the under-reporting of domestic workers to the social security administration from 22.6 per cent in 2006 to 8.7 per cent in 2016 (ILO 2019d). It should be noted that the respective objectives of social security and labour inspection services are considered complementary and therefore require strengthened coordination at the national level, including the communication of relevant information on cases and conditions in a systematic manner, especially where resources are limited (ILO 2011c).

Raising awareness and providing information

Awareness-raising mechanisms may need to be improved in order 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, that aim to enhance knowledge of the schemes and of the benefits and importance of social protection, such as the one conducted in Zambia (see box 7.4). Digital technology can also be harnessed for this purpose. For example, Italy and Uruguay established free telephone services to respond to information requests on issues related to the social protection of domestic work (ILO 2016b).

Box 7.4 Raising awareness among employers of domestic workers in Zambia

In Zambia, an awareness-raising programme launched in 2018 was directed at employers of domestic workers, because most of them lacked awareness of their obligations to register their domestic workers with the National Pension Scheme Authority (NAPSA). The campaign aimed to explain the importance of old-age pensions and how to register workers with NAPSA.

Source: ILO (2019d); see in particular the video "Give Your Domestic Workers a NAPSA Pension Today", https://www.youtube.com/watch?v=nDG_QI2rFYU.

Organizations of domestic workers and of their employers, as well as civil society organizations, can play an important role in facilitating access to awareness-raising information (see Chapter 10) (WIEGO and IDWF 2018). In the Philippines, civil society organizations played an integral role in implementing the Domestic Workers Act by changing the public attitude towards domestic workers though a campaign (ILO 2013a). Intermediaries such as agencies, digital platforms and cooperatives, which have a role in job screening, facilitating immigration procedures and job placement, can potentially play a decisive role in informing both domestic workers and employers about social security rights and duties (Fudge and Hobden 2018).

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 particular formalization strategies.

Chapter 8

Promoting occupational safety and health and preventing violence and harassment in domestic work

▶ Occupational safety and health

Occupational safety and health (OSH) is central to the working conditions of domestic workers.

Here too, domestic workers tend to experience decent work deficits; they are also more vulnerable to the impacts of OSH risks owing to the characteristics of their work, the nature of the workplace and the specificities of the sector. Informal domestic workers risk facing extensive impacts in the event of occupational accidents or injury. As will be seen in Chapter 11, domestic workers, and informal domestic workers in particular, have been hard hit by the COVID-19 pandemic, which has become recognized as a key OSH issue.

Article 13 of Convention No. 189 states that "[e]very domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers."

To provide further guidance, Recommendation No. 201 calls on Member States to take the necessary measures to minimize work-related hazards and risks, as far as possible, in order to prevent injuries, diseases and deaths and promote OSH in the household workplace. To encourage compliance, it further recommends that Member States provide an adequate and appropriate system of inspection, consistent with Article 17 of the Convention, as well as adequate penalties for violation of OSH laws and regulations. It also recommends the establishment of procedures:

- for the collection and publishing of statistics on accidents and diseases related to domestic work;
- for the collection and publishing of statistics on conditions considered to contribute to the prevention of risks and injuries related to OSH;
- advise on OSH, including on ergonomic aspects and protective equipment; and
- develop training programmes and disseminate guidelines on OSH requirements specific to domestic work.

> Domestic workers are more vulnerable to the impacts of OSH risks owing to the characteristics of their work, the nature of the workplace and the specificities of the sector.

Assessment of the OSH risks faced by domestic workers is made difficult by the diversity of tasks that domestic workers perform. Indeed, there are risks associated with cleaning; caring for children, the elderly or the disabled; guarding the house; driving; gardening; cooking; and so on. Moreover, the workers often work on different premises for multiple employers.

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

Domestic work is physically demanding. As a result, domestic workers also face ergonomic hazards stemming from tasks such as lifting, moving and handling heavy loads, and maintaining repetitive postures (for example, standing for long hours), without the possibility of sharing or shifting the workload with co-workers. They also face physical hazards, such as working at heights (for example,

to clean windows) and on uneven surfaces. Noise and pollution are also involved in the performance of domestic tasks and increase the risk of injury and disease.

When carrying out their tasks, domestic workers are typically exposed to chemical, ergonomic and physical hazards, as well as psychosocial hazards. Among the latter, the ones most often mentioned in domestic work are violence and harassment in its different forms, including sexual harassment (WIEGO 2011) (for a more comprehensive review of violence and harassment in domestic work, see next section in this chapter). Nevertheless, other hazards such as communication problems (especially for migrant workers), lack of free time, isolation and lack of family contact also put domestic workers at high risk of depression, mental fatigue and mental disorders.

The lack of maternity protection for domestic workers deserves special attention. As seen in Chapter 6, a large proportion of domestic workers are excluded from maternity leave and cash benefits in law, and even more of them are excluded in practice as a result of their informal status (see Chapter 9). The absence of medical care and the lack of OSH prevention measures during pregnancy can involve a serious risk for the mother and the baby.

Certain social and cultural characteristics of domestic workers may also increase their exposure to OSH risks. For example, domestic workers may not speak or read the language of the place in which they live and work, as is often the case for migrant domestic workers and indigenous domestic workers. Low rates of literacy can also contribute to difficulties in accessing information on OSH risks. Domestic workers are also rarely trained in OSH standards. Live-in domestic workers are furthermore overexposed to risks such as long working hours, workplace isolation and social exclusion. Those working in informal employment are particularly vulnerable in the face of OSH risks, owing to their lack of access to healthcare and social protection.

Domestic workers are typically exposed to chemical, ergonomic and physical hazards, as well as psychosocial hazards. Among psychosocial hazards, the ones most often mentioned in domestic work are violence and harassment in its different forms, including sexual harassment.

Finally, certain characteristics of the workplace also produce an environment that is more conducive to OSH risks. For instance, most people do not usually see the risks associated with housework in their own homes, and therefore do not perceive the risks associated with the typical tasks of domestic workers, even though, when performed by a domestic worker, these tasks are performed repetitively or continuously. This perception is closely linked to the fact that, on the one hand, most people do not perceive their homes as the workplace of the domestic worker, and, on the other, that household employers and domestic workers do not see themselves as employers and workers. Rather than a workplace, the household is seen as private and protected by the inviolability of privacy, a principle that is often embedded in constitutions, which makes it more difficult for labour inspectors to enter and inspect such workplaces.[1]

Challenges and good practices

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 can impede effective policymaking. While few examples of research exist, a notable effort at developing evidence-based policy can be found in Argentina. Using labour force survey data collected in 2018, the OSH department and the Ministry of Labour, Employment and Social Security published a study detailing the nature and incidence of OSH risks in the domestic work sector (Argentina 2020). The report covers risk factors including informality, working arrangements, working time, work–life balance, exposure to environmental and psychosocial risks, the level of knowledge of risks and prevention capacity, participation in unions and overall health impacts, as reported by domestic workers themselves.

Closing legal gaps: Ensuring legal coverage by OSH laws

As for other areas of decent work, many of the OSH vulnerabilities of domestic workers stem from gaps in legal protection. Whether or not domestic workers are covered by labour legislation, OSH provisions rarely cover the domestic work sector. In some cases, domestic workers are excluded from such legislation because of their exclusion from labour law, while at other times they are explicitly excluded from OSH legislation. In Denmark, for example, the Danish Work Environment Act (section 2) explicitly excludes work performed in the private household of the employer. 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 and vulnerable position in the workforce.

There are nonetheless several examples of countries that do include domestic workers within the scope of OSH laws. Sometimes they are covered through special regulation and sometimes the laws are silent, leaving it to the interpretation of national courts and thereby leaving domestic workers in a grey area. For instance in Spain,[2] employers of domestic workers are obliged to ensure that the work of the household employee is performed in healthy and safe conditions, while in Portugal[3] they are required to ensure that the place of work, tools, products and processes do not present a risk to the worker's health. In Guyana,[4] the OSH law explicitly applies to domestic workers. Provisions in place in Pakistan's Punjab province[5] require employers of domestic workers to comply with the general OSH provisions in force.

Some countries account specifically for the protection of live-in domestic workers, particularly with respect to their accommodation. For example, in Austria[6] the law specifies that the domestic worker's room, or alternative living quarters, should comply with the health, construction and fire regulations and be designed so as not to harm the employee's morals. In the

1 See ILO, "Migrant Domestic Workers: Promoting Occupational Safety and Health", 2016.

2 Royal Decree No. 1620/2011, art. 7.2.

3 Domestic Service Contract Decree Law No. 235/92, art. 26.

4 Occupational Safety and Health Act, article 4(2).

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

6 Domestic Help and Domestic Employees Act, section 4.

Plurinational State of Bolivia,[7] the law specifies that domestic workers should have a suitable and hygienic room with access to a bathroom and shower, and that employers must safeguard the life and health of workers.

The social partners were also able to improve OSH protection for domestic workers through collective agreements and joint committees. In France, the social partners created an association for safety and health in the domestic work sector as a first step towards establishing a joint committee that could respond to the specific needs of domestic workers and their employers in terms of occupational health (Lebrun, unpublished).

It is essential to inform, guide and train domestic workers and household employers on OSH risks. Some legislation highlights the role of the household employer in delivering information on OSH risks to domestic workers.

Guidance, awareness-raising and training

It is essential to inform, guide and train domestic workers and household employers on OSH risks. In fact, in view of the high incidence of OSH injuries and diseases and the lack of prevention and protection measures, the International Domestic Workers Federation (IDWF) adopted a resolution calling for the development of instruction manuals on OSH education at work, training on preventive health and occupational safety, and awareness-raising and education on the use of protective equipment.[8]

At country level, some legislation highlights the role of the household employer in delivering information on OSH risks to domestic workers. For example, a law in Portugal[9] requires employers not only to provide protective clothing and equipment but also to identify for the domestic worker any containers and products that could present a risk. With the aim of building the capacity of household employers to provide safe working environments for domestic workers and to inform domestic workers of possible risks, the Secretary of Labour and Employment Promotion of Mexico City developed an OSH protocol for employers and domestic workers. In 2017, Paraguay[10] adopted the "Guide to Occupational Safety and Health for Domestic Workers", which provides employers and workers with information on their respective rights and obligations in the field of OSH; it also covers violence, harassment and psychosocial risks and promotes existing mechanisms for dealing with these issues.

The provision of information to domestic workers can also take place through trade unions, enterprises that employ or place domestic workers or civil society organizations such as migrant groups. In Belgium, the social partners in the service voucher system (Joint Committee 322.01) have concluded several agreements that aim to ensure domestic workers have the necessary information on OSH prevention and protection measures. One such agreement in Belgium[11] mandates trade union representatives to provide advice on prevention and protection at work, while another[12] mandates service-voucher enterprises to inform domestic workers of OSH prevention measures and applicable measures in case of work-related disease or injury. Within the framework of a collective agreement, a sectoral training fund was created in Belgium to provide training sessions for domestic workers on work-related ergonomics (cleaning and ironing); safety and hygiene; training on prevention of back pain; and safety regarding cleaning products

7 Household Work Act No. 2450, 2003, art. 21(b).

8 IDWF, Resolutions Adopted by the 2nd IDWF Congress 2018, Cape Town, South Africa, resolution 8.

9 Domestic Service Contract Decree Law No. 235/92, art. 26.

10 Direct Request (CEACR) - adopted 2019, published 109th ILC Session (2021): Domestic Workers Convention, 2011 (No. 189) – Paraguay (Ratification: 2013).

11 CCT 25/08/2017, art. 16.

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

(EFSI 2020). Training domestic workers can ensure that they are prepared for the job and able to discuss risks with their employers. This fund has extended its course offer with training for heads of service-voucher enterprises on OSH prevention measures of relevance to domestic workers and clients, following the outbreak of the COVID-19 pandemic.[13]

Enforcement

In practice, high levels of informality and the private nature of the workplace put constraints on the assessment and improvement of OSH for domestic workers. A report prepared by the Committee of Senior Labour Inspectors of the European Commission's Directorate-General for Employment, Social Affairs and Inclusion found that labour inspectorates were responsible for enforcing relevant OSH legislation in only 13 of 25 countries reviewed, eight of which indicated challenges in enforcement that were mostly related to difficulties encountered in entering residences, since doing so sometimes requires the permission of the homeowner, a judicial authorization or a police escort. Other survey respondents noted the difficulty of detecting cases and the subsequent need to rely on receiving complaints from domestic workers before taking any enforcement actions, which are few and far between (European Commission 2015).

Once legal gaps are closed, some countries have taken measures to close compliance gaps despite these challenges. Perhaps most noteworthy is the case of Uruguay, which has a dedicated and trained team within the labour inspectorate to carry out awareness-raising activities and inspections (Uruguay 2019). (For further information, see Chapter 9.)

▶ Violence and harassment in domestic work

Drivers, conditions and risk factors

Violence and harassment against domestic workers is a systematic phenomenon that is deeply embedded in the patterns of society and too often seen as "normal", "part of our life" or "part of our culture" (IDWF 2020, 34, 37)

In 2017–18, the IDWF undertook a survey among 13 domestic workers' organizations in 12 Asian countries and found that all organizations had received complaints of violence and harassment by their members, thus highlighting the ubiquity of the phenomenon. According to the same survey, perpetrators were domestic workers' employers, other members of their employers' households, employment intermediaries or members of their own families or households.

Violence and harassment against domestic workers is a systematic phenomenon that is deeply embedded in the patterns of society and too often seen as "normal", "part of our life" or "part of our culture.

13 See Belgium, "Fonds de Formation Sectoriel des Titres-Services".

It also found that the most common types of gender-based violence experienced by domestic workers in their workplaces were:

- economic abuse
- psychological abuse
- physical abuse
- sexual abuse
- verbal abuse
- lack of access to appropriate food.

Other less frequent but equally alarming types of violence were bullying, coercion, violations of privacy and the withholding of wages (IDWF 2020, 9). These are often compounded by deprivation of liberty or confinement in the household, sometimes qualifying as forced labour (ILO 2018a).

According to an IDWF survey in Latin America, domestic workers face numerous obstacles to the exercise of their right to a life free of gender-based violence at work. The survey identified the following obstacles (IDWF 2019, 9):

- lack of shelters for protection
- limited information about domestic workers' rights
- limited responsiveness on the part of institutional mechanisms
- lack of investigation and punishment of aggressors
- lack of investigation of complaints
- lack of employers' consent or authorization to receive support.

Afraid to lose their jobs and lacking alternatives, domestic workers often endure abuse for as long as they can until it becomes unbearable (IDWF 2020, 36). However, 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).

Article 5 of Convention No. 189 states that "[e] ach Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence". According to the ILO Violence and Harassment Convention, 2019 (No. 190), violence

Domestic workers are particularly vulnerable to violence and harassment at work because of the isolation of the workplace and deep power imbalances. The absence of complaints mechanisms and opportunities to organize and exercise freedom of association also make them more vulnerable.

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". Gender-based violence and harassment is thus 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". The present section analyses violence and harassment in domestic work in the context of Convention No. 190 and also takes into account other forms of violence and harassment not directly included in its scope, such as the psychological effects of forced labour or violations of fundamental principles and rights at work.

Violence and harassment is highly contextual and results from a convergence of drivers of violence and harassment, conditions and risk factors. It is, therefore, of the utmost importance that regulatory measures focus on conditions that may cause risks of psychological, psychosocial and physical violence (ILO 2016g, 40). Some working conditions that tend to increase the risk of violence and harassment include working alone, working in intimate spaces and private homes, and working unsocial working hours, for instance, evening and night work.

In addition, violence and harassment may occur as a result of work-related stress. Work-related stress is determined by psychosocial hazards found in work organization, work design, working conditions and labour relations. Psychosocial hazards are defined as "the interactions between and among work environment, job content, organizational conditions and workers' capacities, needs, culture, personal extra-job considerations that may, through perceptions and experience, influence health, work performance and satisfaction" (ILO 2017c, 13). A negative interaction between occupational conditions, such as isolation, and human factors, such as negative leadership, may increase the risks of mental or physical illness (ILO 2017c, 13). Psychosocial hazards are often driven by dynamics operating in the world of work and the greater society, including but not limited to power relations, gender norms, cultural and social norms, a culture of impunity and discrimination (ILO 2018f, paras 87 and 382).

Despite the susceptibility of domestic workers to violence and harassment, few countries include forms of violence and harassment as OSH risks or require that risk assessment should include risks for violence and harassment.

Domestic workers are particularly vulnerable to violence and harassment at work due to a confluence of factors: work is carried out behind closed doors, in isolation and in working environments with deepened power imbalances. When they are dependent on their employer, either economically or because of their migrant status, domestic workers are more likely to tolerate violence and harassment. The absence of complaints mechanisms and opportunities to organize and exercise freedom of association also make them more vulnerable. The fact that they are often excluded from labour and social protection and frequently do not have formal employment exacerbates this dependence, as they would not have unemployment or other forms of insurance to fall back on should they need to leave an abusive employer. Poor understanding of what constitutes violence and harassment, low awareness of their rights and lack of training in OSH standards contribute to the vulnerability of domestic workers. Factors related to the demographic profile also contribute to increasing risks, for instance: discriminatory views of the worker's ethnicity, nationality or migration status; language barriers; and social exclusion.

Despite the susceptibility of domestic workers to violence and harassment, few countries include forms of violence and harassment as OSH risks or require that risk assessment should include risks for violence and harassment. Nevertheless, explicitly including risks of violence and harassment under OSH management could have a considerable

influence in preventing violence. Furthermore, 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, especially those with limited social security benefits or in the informal economy, with incapacitating physical and/or mental health conditions for which they are obliged to pay substantial costs out of pocket (ILO 2018f, paras 382–389).

Discrimination on the basis of differences or perceived differences can be another substantial driver of violence and harassment (ILO 2018f, para. 92). Where discrimination and risk factors intersect, this leads to greater exposure to violence and harassment (ILO 2018f, para. 122). Given the composition of the domestic workforce, risk conditions disproportionately affect women, especially women from communities that already face discrimination in society, such as migrant workers, indigenous people, and those facing multigenerational poverty (ILO 2019f, 192). In particular, migrant domestic workers are exposed to risk factors specific to their condition as migrants. For example, domestic workers who have taken loans to pay for recruitment fees may 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 also unique to migrant domestic workers, such as retention of passports (ILO 2012, para. 295). Irregular migrants may experience limited access to justice, as they may not report violations of their rights due to language barriers, lack of experience with the legal system or out of fear of deportation, job loss or other punitive consequences.

Migrant workers entering a country under a sponsorship system are particularly at risk of violence and harassment. Under sponsorship systems, such as the kafala system found in GCC countries, the worker's immigration status is dependent on the contractual relationship with the sponsor. In practice, this means that the migrant worker cannot enter or leave the country, resign from the job or change employment freely, in some cases requiring the employer's explicit permission to do so.[14] Debts incurred to finance the move can also increase the likelihood that domestic workers will remain in an employer's household despite a situation of violence and harassment.

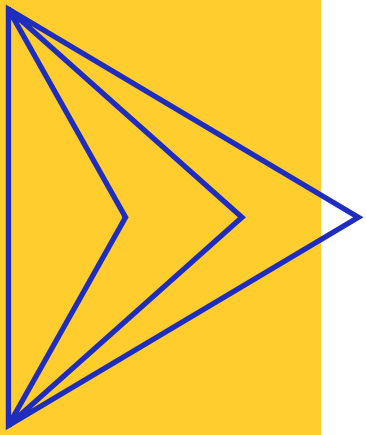
Preventing violence and harassment in the world of work is inextricably linked to ending discrimination, promoting equality and extending economic security (IDWF 2019, 37). Therefore, it is important, as acknowledged in Convention No. 190, to adopt an inclusive, integrated and gender-responsive approach that tackles the underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power (ILO 2019f, 68). In this regard, anti-discrimination and equality laws often provide for the right to be free from violence and harassment based on protected grounds under the law and establish criminal sanctions and civil remedies for prohibited actions (ILO 2019f, 68). It is of the utmost importance that domestic workers be protected by these regulatory bodies against discrimination on all grounds. National equality policies should be implemented with a view to eliminating discrimination in employment and occupation, whether based on grounds of ethnicity, skin colour, sex or gender, religion, political opinion, national extraction or social condition, in line with the ILO Discrimination (Employment and Occupation) Convention (No. 111). Workers should also be protected irrespective of their visa status or the formal or informal nature of their labour arrangements.

Challenges and good practices

Closing legal gaps to ensure comprehensive legal protection

The most common forms of legal protection when it comes to violence and harassment include labour and OSH laws and regulations, criminal laws and equality and non-discrimination laws. Domestic workers, however, are frequently excluded from these laws. In other cases,

14 ILO, Observation on submission to competent authorities (CEACR) adopted 2018 published 108th ILC Session (2019); ILO, Direct Request (CEACR) – adopted 2018, published 108th ILC Session (2019):): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Qatar (Ratification: 1976); and ILO, Observation (CEACR) adopted 2019, published 109th ILC Session (2021): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Saudi Arabia (Ratification: 1978).



It is important, as acknowledged in Convention No. 190, to adopt an inclusive, integrated and gender-responsive approach that tackles the underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power.

domestic workers are denied protection by these legal bodies for being migrants, in particular migrants in an irregular situation. On the other hand, even where they are covered by legislation, they may still not be entitled to redress as certain forms of violence and harassment experienced by domestic workers are not adequately defined or sanctioned by national instruments.

The exclusion of domestic workers from laws relevant to violence and harassment can be generic or specific. For example, domestic workers may fall outside of the national definition of "employee" or "worker" or they may be excluded from certain articles or chapters of regulatory instruments. Contractual arrangements and the definition of "workplace" in labour legislation may also limit coverage; for instance, private homes may fall outside the competencies of OSH management or labour inspection (ILO 2018f, para. 375). Also, national legislation is often not comprehensive enough with regard to the definition of what constitutes violence and harassment, and risks are frequently not taken into account by OSH assessments and provisions. For example, national definitions may not include all the elements that constitute violence and harassment, such as bullying or psychological violence, or they may leave out certain grounds of discrimination. Where the law only deals with violence and harassment as a criminal act, it does not address all the range of behaviours that constitute work-related violence and harassment, disregarding harmful acts that do not amount to criminal offences.

It is essential for legislation to be fully comprehensive in order to avoid loopholes and breaches that could lead to impunity and limit access to justice and remedies for all victims (ILO 2018f, para. 377). A number of features of legislation contribute to addressing discrimination and reducing the risk of violence and harassment, in particular:

- coverage of all workers and all types of workplace
- protection against all forms of violence and harassment, including through clear and comprehensive definition of harmful acts that constitute violence and harassment
- full protection against vertical (between a person of authority and those in lower rank), horizontal (between members of the same group) and third-party violence and harassment

- prohibition of all grounds of discrimination, including a clear and comprehensive definition of sexual violence and harassment[15]
- provision of a clear and comprehensive definition of direct and indirect discrimination
- adoption of specific measures under OSH legislation
- explicit assignment of supervisory responsibilities to competent national authorities, including labour inspectorates
- establishment of accessible dispute resolution procedures
- establishment and application of dissuasive sanctions and appropriate remedies

Some legislation protects domestic workers against violence and harassment by extending the definition of domestic violence beyond traditionally understood family relationships.

With regard to the inclusion of a comprehensive definition of workers and workplaces in different regulatory bodies, several models have been adopted. This has a direct impact on the legal protection afforded to domestic workers and on the dispute mechanisms that they can turn to in case of violence and harassment. In Finland,[16] domestic workers are afforded the same protections as other workers under national legislation, specifically under the Employment Contracts Act (55/2001), the Occupational Health Care Act (1383/2001) and the Occupational Safety and Health Act (738/2002), and they enjoy wide legal coverage and a variety of complaint procedures. In Costa Rica,[17] the general system governing safety and health of workers applies to domestic workers, together with special insurance instruments that have been created for domestic workers. With regard to comprehensive definitions of workplace, in Germany[18] the employer has a duty of care to the domestic worker and is required to set up and maintain work areas, tools and work schedules so that the worker's life and health are protected to the extent that the nature of the services permits. If the domestic worker resides in the common household, the scope of the employer's obligations is expanded to include the worker's living and sleeping areas.

Some legislation protects 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 the household enjoy protection from violence and harassment in the domestic sphere. For example, in Indonesia[19] live-in domestic workers are considered as members of the household for which they work and as such are protected against physical, psychological, sexual and economic violence. In Ghana,[20] the Domestic Violence Act prohibits all forms of violence and harassment occurring in the household environment. Domestic workers are included in the definition of domestic relationship and thus protected by the Act.

15 Definitions of sexual harassment should contain the following elements (1) Quid pro quo: any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex, affecting the dignity of women and men, which is unwelcomed, unreasonable and offensive to the recipient; and the use of a person's rejection of, or submission to, such conduct, explicitly or implicitly, as a basis for a decision which affects that person's job; and (2) hostile work environment: conduct that creates an intimidating, hostile or humiliating working environment for the recipient (ILO, CEACR, Discrimination (Employment and Occupation) Convention, 1958 (No. 111): General observation, publication 2003).

16 ILO, Direct Request (CEACR) adopted 2018, published 108th ILC Session (2019): Domestic Workers Convention, 2011 (No. 189) – Finland (Ratification: 2015).

17 ILO, Direct Request (CEACR) adopted 2019, published 108th ILC Session (2021): Domestic Workers Convention, 2011 (No. 189) – Costa Rica.

18 ILO, Direct Request (CEACR) adopted 2016, published 106th ILC Session (2017): Domestic Workers Convention, 2011 (No. 189) – Germany (Ratification: 2013).

19 Act of the Republic of Indonesia No. 23 of 2004 regarding Elimination of Violence in the Household, art. 2.

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

Direct and indirect discrimination in employment and occupation, where not completely proscribed, may act as grounds for violence and harassment. Labour legislation should ensure that domestic workers enjoy equal rights, as well as legal protection from discriminatory treatment (ILO 2012b, 36–38). In this sense, direct discrimination occurs when less favourable treatment is explicitly or implicitly based on one or more prohibited grounds, while indirect discrimination occurs when apparently neutral situations, regulations and policies or practices result in fact in unequal treatment (ILO 2012a, paras 744 and 745). For example, in Quebec (Canada), the Labour Standards Act was amended to cover domestic workers. The United Kingdom Equality Act of 2010 (section 26) expressly prohibits and defines "harassment" in respect of any of the prohibited grounds of discrimination, as a form of direct discrimination.

Certain forms of discrimination can entail violence and harassment in themselves. For example, sexual violence in the world of work is a serious manifestation of sex discrimination and a violation of human rights. Sexual violence and harassment can combine elements of physical and psychological violence and can include a range of behaviours, such as unwanted comments or advances, "jokes", brief physical contact and sexual assault (ILO 2018f, para. 38). In the US state of New York, the 2010 Domestic Workers Bill of Rights recognized the protection deficits for these workers. Its section 296-B prohibits unlawful discriminatory practices relating to domestic workers, including unwelcome sexual advances and harassment and harassment based on gender, ethnicity, national origin and religion. Under the European Council Directives 2000/78/EC and 2006/54/EC, harassment is considered to constitute discrimination when unwanted conduct related to the sex of a person (or ethnic origin, religion or belief, disability, age or sexual orientation under 2000/78/EC) takes place with the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Access to justice

Under-reporting is also a common problem due, among other reasons, to stigmatization, the "normalization" of violence and harassment and the lack of monitoring systems. However, the lack of prosecutions may also reveal ignorance of the remedies available, fear of social stigma, fear of reprisals or a lack of will or capacity by the authorities responsible for prosecution (ILO 2012a, paras 296 and 322). Live-in domestic workers are particularly exposed to reprisals as they risk losing not only their employment but also their accommodation.

Domestic workers may also not be free to turn to the competent authorities. In its 2007 General Survey, the CEACR observed that there are instances of vestiges of slavery and other slavery-like practices which still survive in certain countries (ILO 2007, para. 322).[21] There still remain widespread practices of debt bondage and trafficking in persons for the purposes of labour exploitation, which may involve not only adults but also children. In numerous countries, domestic workers are trapped in situations of forced labour, while in many cases they are restrained from leaving the employers' homes through threats or violence (ILO 2012a, para. 256).

The penalization of irregular migration increases vulnerability even further and may discourage reporting. 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.[22] It is also necessary to adopt measures to protect migrant workers by controlling the exploitative aspects of private recruitment agencies' activities, including indebtedness.[23] For example, in Ethiopia,[24] the Employment Exchange Services Proclamation No. 632/2009, article 27, provides for the suspension and revocation of the licences of private employment agencies in a number of circumstances, including when the agency has failed to protect the rights, safety and dignity of citizens it has deployed abroad. The law also prohibits fee-charging, the withholding of travel documents without the worker's consent and the provision of false information. In Portugal, immigrant victims of trafficking are eligible for

21 See also ILO, Observation (CEACR) adopted 2016, published 106th ILC Session (2017): Forced Labour Convention, 1930 (No. 29) – Niger.

22 ILO, Direct Request (CEACR) adopted 2018, published 108th ILC Session (2019): Forced Labour Convention, 1930 (No. 29) – Italy (Ratification: 1934).

23 ILO, Observation (CEACR) adopted 2018, published 108th ILC Session (2019): Forced Labour Convention, 1930 (No. 29) – Indonesia (Ratification: 1950).

24 Law No. 29/2012 on Entry, Stay, Exit and Removal of foreign citizens from national territory.

visas and employment authorizations, provided that they cooperate with enforcement agencies in the investigation and prosecution of criminal activities.

Some countries have adopted interesting provisions with a view to overcoming the difficulties that may be encountered by victims in gaining access to justice, for example:

- human rights and other associations are allowed to denounce violations and to assist victims throughout judicial procedures;
- special protection or a temporary residence permits are afforded to victims in an irregular situation; and
- sanctions are established against authorities that do not follow up complaints that are brought to their attention.[25]

There are also rare instances of dispute resolution mechanisms that protect victims, witnesses and whistle-blowers – who can also face victimization – by keeping complaints anonymous (ILO 2018f, paras 386–388). For example, in Uruguay, free comprehensive legal assistance is given to domestic workers and employers through collaboration between a domestic workers' union, an employer association, the governments' social security office and the university. Moreover, a protocol to protect complainants and whistle-blowers was established: when a particular situation is reported, labour inspectors conduct visits to several houses in the area in order to maintain the complainant's anonymity (ILO 2018f, paras 386–388).

Workers' organizations, including domestic workers' organizations, have an essential role to play in supporting domestic workers to report cases of violence and harassment. They can sensitize domestic workers about the definition of violence and harassment and assist them in the process of bringing complaints against the perpetrator. In the case of migrant domestic workers, in some countries such services are also provided by associations.

Remedies

With regard to available remedies, several countries take a criminal justice approach to addressing violence and harassment. Criminal law codifies only the most serious wrongdoings and does not cover the full range of behaviours that constitute work-related violence and harassment. Even in cases of forced labour and trafficking, victims rarely have access to effective remedies. To avoid gaps in protection, it is necessary to take a broader approach, offering protection and safe complaint mechanisms within labour, OSH and equality and non-discrimination laws (ILO 2018f, para. 378). In Ireland,[26] acts of violence and harassment can be treated both as a criminal matter and under the Safety, Health and Welfare at Work Act, 2005. Moreover, all employees, including domestic workers, are protected against harassment at work under the Employment Equality Acts 1998–2015 and the Unfair Dismissals Acts 1977–2007, which provide for a worker's right to bring a claim for constructive dismissal in the event of being forced to leave their job because of bullying in the workplace.

Similarly, in some legislation the only redress available for victims is termination of the employment relationship, while retaining the right to compensation under tort, contract or civil law. In these cases, legislation does not afford sufficient protection to victims since in fact it punishes them and may dissuade them from seeking redress.[27] In particular, given that most domestic workers do not have formal working arrangements, they will not benefit from social insurance if they lose their jobs. In November 2020, the Constitutional Court of South Africa[28] declared unconstitutional the exclusion of domestic workers employed in private households from the scope of the Compensation for Occupational Injuries and Diseases Act. Until this landmark decision, the only recourse for domestic workers was to institute civil proceedings against their employers for damages suffered due to an occupational injury or disease. The Constitutional Court also confirmed the High Court's order of

25 ILO, Direct Request (CEACR) adopted 2009, published 99th ILC Session (2010): Forced Labour Convention, 1930 (No. 29) – Belgium (Ratification: 1944); and ILO, Direct Request (CEACR) adopted 2009, published 99th ILC Session (2010): Forced Labour Convention, 1930 (No. 29) – Portugal (Ratification: 1956).

26 ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021) Domestic Workers Convention, 2011 (No. 189) – Ireland (Ratification: 2014).

27 ILO, Direct Request (CEACR) adopted 2018, published 108th ILC Session (2019) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Gambia (Ratification: 2000); and ILO, Direct Request (CEACR) adopted 2011, published 101st ILC Session (2012): Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Honduras (Ratification: 1960).

28 CCT 306/19, Sylvia Bongi Mahlangu and Another v. Minister of Labour and Others.

retrospective invalidity, so that the declaration of invalidity applied retrospectively from 24 April 1994, providing relief to any domestic workers and their dependents who had been injured, taken ill or died at work prior to the granting of the High Court's order.

Creating dispute resolution mechanisms and simplifying processes may also encourage reporting. It also allows all stakeholders to monitor and enforce legislation on violence and harassment in the world of work through non-confrontational means. The Massachusetts Trial Court in the United States promotes alternative dispute resolutions for everyone who goes to court, including domestic workers. It has issued a booklet that provides information about the variety of in-court services that are available prior to the trial stage in the state of Massachusetts.[29]

Labour inspection

Labour inspection also faces particular challenges with regard to domestic work. When the workplace is protected by the right to inviolability of the home, labour inspectors typically need to obtain a judicial authorization to access the household, at least in cases where they cannot obtain the consent of the homeowner or renter. This undermines the ability to undertake routine inspections since, in many cases, it is necessary to show a reasonable suspicion in order to obtain judicial authorization (Lexartza, Chaves and Carcedo 2016, 30). Some countries are developing new inspection methods that can be undertaken without entering the household, such as reviewing contractual documents or interviewing domestic workers and employers at the door (Lexartza, Chaves and Carcedo 2016, 31–34). Employers in Chile, who are required to show contractual documents and other proof of the employment relationship, may either give access to the inspector to their home or ask for an appointment at the Labour Inspectorate (Labour Code of Chile, art. 146ter). In the United Republic of Tanzania (mainland), the Conservation, Hotels, Domestic and Allied Workers Union cooperates with recruitment agencies that agree to operate within the law. Employers are asked to sign a contract with both the worker and the organization. The contract authorizes the union to visit workplaces and check on working conditions (ILO 2015h, 37–38).

> To ensure effective protection, it is necessary to offer protection and safe complaint mechanisms within labour, OSH and equality and non-discrimination laws.

However, with some notable exceptions labour inspectors, judges and other stakeholders are rarely provided with training on identifying risks of violence and harassment and are not always given power to stop work or to give interim orders where such risks exist (ILO 2018f, para. 390). Also, data on the prevalence of workplace violence and harassment is not widely collected and often not sex-disaggregated, yet it is needed to inform law and policy.[30] To combat this tendency, the Colombian Ministry of Labour[31] reported that it had trained labour inspectors in the various territorial departments and developed a tool for the identification of gender-based violence complaints. In Buenos Aires, Argentina,[32] cases relating to domestic workers' are handled by a specialized court, namely the Domestic Workers Labour Court.

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. Sometimes OSH agencies and social partners adopt guidelines, implement campaigns and deliver training to domestic workers. In 2017, Paraguay adopted a "Guide to Occupational Safety and Health for Domestic Workers" with the technical assistance of the ILO and the participation of representatives of the relevant institutions in the field. The Guide provides employers and workers with information

29 See Mass.gov, Executive Office of the Trial Court, "Alternative Dispute Resolution".

30 See, for example, ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021): Domestic Workers Convention, 201 (No. 189) - Bolivia (Plurinational State of) (Ratification: 2013).

31 ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021): Domestic Workers Convention, 2011 (No. 189) - Colombia (Ratification: 2014).

32 Title XII of Law 26844 on Domestic Workers.

on their respective rights and obligations in the field of OSH, including violence, harassment and psychosocial risks, and promotes existing mechanisms for dealing with such cases.[33] In 2011, the Zambia Federation of Employers issued a code of conduct for employers of domestic workers in the country, which advises employers of domestic workers not to subject the employee to, or allow the employee to be subject to "any abuse, either physical, psychological, sexual or verbal in the work environment" (ILO 2020l, 47). In Singapore, the employers' guide published by the Ministry of Manpower, reads: "We take allegations of abuse and ill-treatment of a Foreign Domestic Worker seriously, especially if they concern physical or sexual abuse. [...] If convicted, employers will face severe penalties under the law. They and their spouses will also be permanently banned from employing another Foreign Domestic Worker."[34]

Government institutions frequently provide guidance on violence and harassment against workers in general or against specific groups of workers, often treating it as a form of discrimination (ILO 2018f, paras 345–341). For example, Argentina[35] developed the "Guide for women workers in private households", which includes information on prevention measures and on the hotlines available for reporting cases of gender-based violence. In June 2011, Indonesia set up the toll-free hotline "Hello TKI" to support migrant workers and their families both within and outside the country. In the first year of operation, the hotline received almost 250,000 calls and emails from migrant workers, their family members or persons interested in working abroad (Farbenblum, Paoletti and Taylor-Nicholson 2013). Paraguay's Directorate for the Promotion of Working Women[36] offers advice on the rights of female workers, including domestic workers. Among other topics, it provides information on violence and harassment and provides a mediation service for domestic workers and employers.

With regard to tools for addressing sexual harassment, they vary from helplines, legal assistance, support units to assist victims, training for social partners or labour-related administrative proceedings specialized in sexual harassment (ILO 2012a, para. 794). Particularly common are codes of good practices or guidelines addressing work-related sexual harassment. In 2016, the South African Human Rights Commission and the Danish Institute for Human Rights developed a Human Rights and Business Country Guide: South Africa, which addresses harassment and explains how victims can access remedies, file grievances and seek redress.[37] A handbook on workplace sexual harassment generally includes domestic work as one of its target sectors.[38] In India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 includes domestic workers in its scope. It prohibits sexual harassment in the workplace and sets out complaint mechanisms and employers' obligations to provide a safe working environment.

Social dialogue

Finally, progress has also been made through social dialogue. For example, in Italy,[39] a national collective agreement that has been in force since 1 October 2020 includes a common declaration acknowledging that violence and harassment in the domestic workplace constitutes abuse and a violation of human rights. The social partners signatories to the agreement also committed to promote initiatives to counter any behaviour incompatible with human dignity. Workers' organizations have also played a vital role in promoting ratification of Convention No. 190, for example in Argentina through the Inter-Union Network for the Elimination of Work-Related Violence.

33 See ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021): Domestic Workers Convention, 2011 (No. 189) – Paraguay (Ratification: 2013); and ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021): Domestic Workers Convention, 2011 (No. 189) – Costa Rica (Ratification: 2014).

34 Singapore, Ministry of Manpower, "Employer's Guide: Foreign Domestic Worker".

35 ILO, Direct Request (CEACR) adopted 2019, published 109th ILC Session (2021): Domestic Worker Convention (No. 189) - Argentina (Ratification: 2014).

36 Ministry of Labour, Employment and Social Security, Guía de Seguridad y Salud en el Trabajo para las Trabajadoras Domésticas de Paraguay (2017), p. 25.

37 South African Human Rights Commission and Danish Institute for Human Rights, Human Rights and Business Country Guide: South Africa, 2015.

38 See for example India, Ministry of Women and Child Development, Handbook on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints Committee

39 Contratto Colletivo Nazionale Colf e Badante, joint statement, art. 28.

Chapter 9

Informality and formalization

Without formal employment, access to decent work remains elusive. The transition from informal to formal employment is also a means of reducing poverty and improving equality among people.

Informal employment has a negative impact on public revenues and a government's scope of action, as recognized in the Preamble to Recommendation No. 204. Domestic work is no exception. Informal employment prevents 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. Indeed, domestic workers are identified in Paragraph 7(i) of Recommendation No. 204 as one of the groups "who are especially vulnerable to the most serious decent work deficits in the informal economy".

Recommendation No. 204 points clearly to formalization as a pathway to realizing decent work, including for domestic workers, partly as a result of the vulnerabilities of informal work.

Like other workers, domestic workers are considered to be in the informal economy if their economic activities "are – in law or in practice – not covered or insufficiently covered by formal arrangements" (Recommendation No. 204, Para. 2(a)). The first indicator and source of informal employment is therefore exclusion from labour and social security laws. However, legal coverage alone is an insufficient condition of formal employment. For those who are legally covered, a second source of informal employment can result from their exclusion in practice from entitlement and effective access to protection, as indicated by the absence of their registration in social security schemes and the non-payment of contributions. Finally, there is a third source of informal employment and deficit of protection that is not well captured by the usual statistics, which relates to an insufficient level of protection. Not only can domestic workers be more or less "informal" but they may also be subject to different degrees of protection against various job-related economic and personal risks, even if they are in formal employment.

Formalization is a gradual process of transition from a fully informal to a fully formal status. Domestic workers who are explicitly excluded from the scope of labour and social security laws – and who are thereby prevented from any possibility of compliance with and access to job-related protection – can be considered at the bottom end of the continuum. At the other extreme is absolute formality, which is characterized by effective and adequate coverage by social security and labour protection. Between the two ends of the spectrum are numerous situations in which domestic workers are not recognized as employees; are recognized as employees but do not have access to job-related social protection (absence of registration in social security, exclusion from security entitlements associated with minimum thresholds, or lack of or irregular contributions); or have levels of benefits that are inadequate to be considered as real protection. Understanding these sources of informality can help in devising approaches to formalizing domestic work. Because of the multiple sources of informality and its multiple drivers, Recommendation No. 204 is built on the premise that transitions to the formal economy are best facilitated through the adoption of integrated policy frameworks, which should include a broad range of approaches that are implemented through institutional coordination (Para. 11).

This chapter first presents an estimate of the extent of informal employment in domestic work and the relationship between informal employment and working time and wages. It then provides estimates of the percentage of domestic workers who are informal due to gaps in legal coverage and identifies gaps in implementation. The third and final section presents some good practices to close these gaps.

Informality in domestic work

Extent of informality among domestic workers

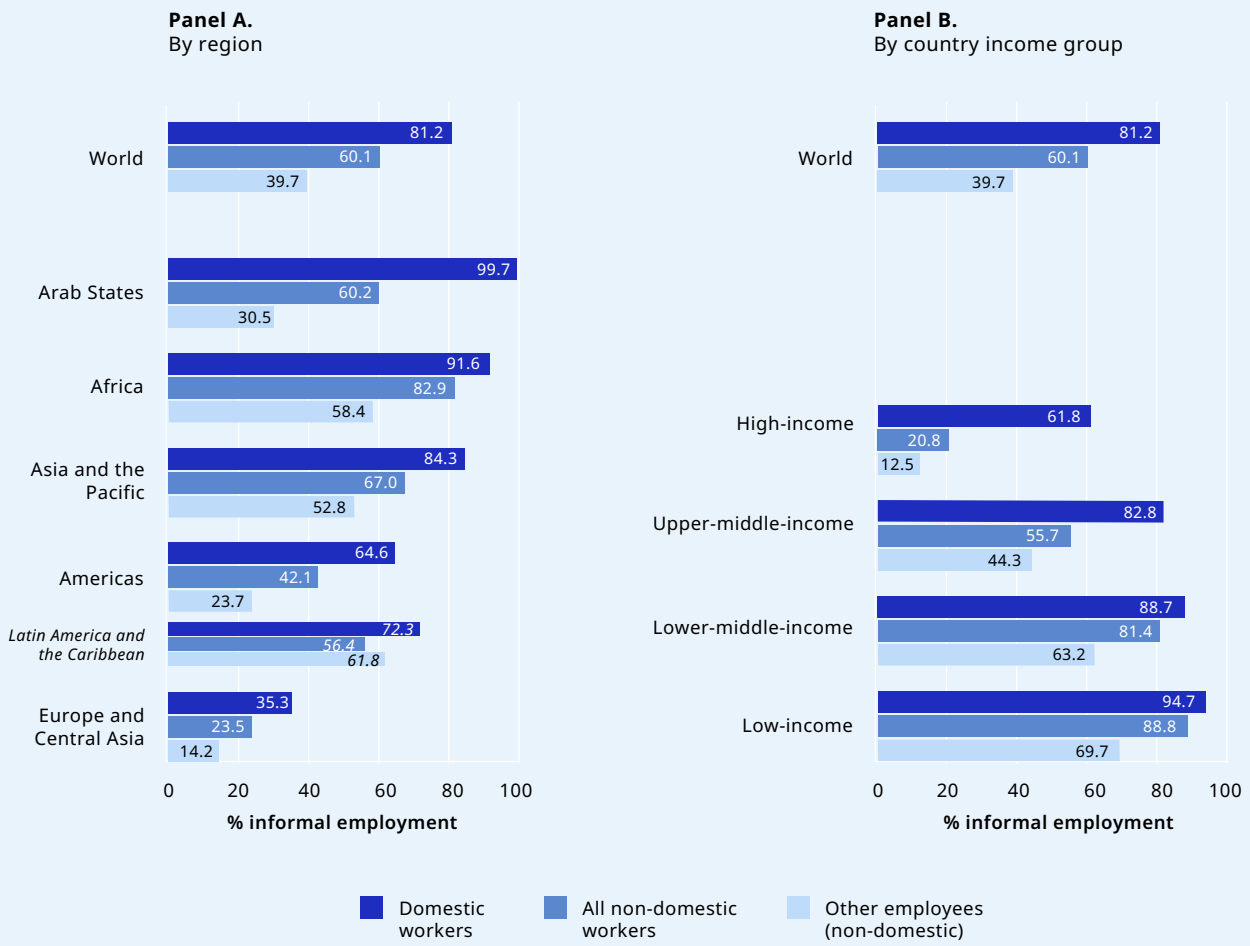
Statistically speaking, informal employment is measured through a combination of approaches, which vary according to the employment status of the workers. Employees are considered informally employed if their employer does not contribute to social security on their behalf or (if there is no contributory social security scheme in the country or no answer to this question in the household survey) if they do not benefit from paid annual leave or sick leave. Domestic workers who are statistically classified as independent workers are in informal employment if their activity (economic unit) is a non-incorporated private enterprise without a formal bookkeeping system or is not registered with the relevant national authorities.[1] This approach to estimating informal employment in domestic work is consistent with the ILO's harmonized definition of informal employment. The present estimates are based on 138 countries, representing 91.8 per cent of global employment.

By this definition, despite the steady progress in extending labour and social security laws to domestic workers, estimates show that 61.4 million (81.2 per cent) of all domestic workers remain in informal employment (figure 9.1). The share of informal employment among domestic workers is twice the share of informal employment of other employees (39.7 per cent) and significantly higher than the overall share of informal employment among non-domestic workers, independent of their employment status (60.1 per cent). The share of informal employment among domestic workers is three times that of other employees in the Americas and the Arab States and 4.5 times that of other employees in Europe and Central Asia (figure 9.1, panel A). In contrast, the share of informal employment among domestic workers is closer to the share of informal employment among other employees and all workers in regions in which informal employment is more predominant. Yet, even given the greater predominance of informal employment in Africa and in Asia and the Pacific, the share of informal employment among domestic workers in those regions remains higher than that of other workers, even if by smaller margins than in other regions.

> 61.4 million (81.2 per cent) of all domestic workers are in informal employment – nearly twice the share of informal employment of other employees (39.7 per cent).

1 It should be noted that labour force survey data across the 138 countries with information on informal employment indicate that fewer than 5 per cent of all domestic workers self-declared as independent workers. Among these self-declared independent domestic workers, fewer than 5 per cent appear to be in formal employment running a registered independent activity. They represent 0.9 per cent of all domestic workers identified as being in formal employment.

Figure 9.1 Share of informal employment among domestic workers and non-domestic workers, by region and main income group of countries, 2019 (percentages)



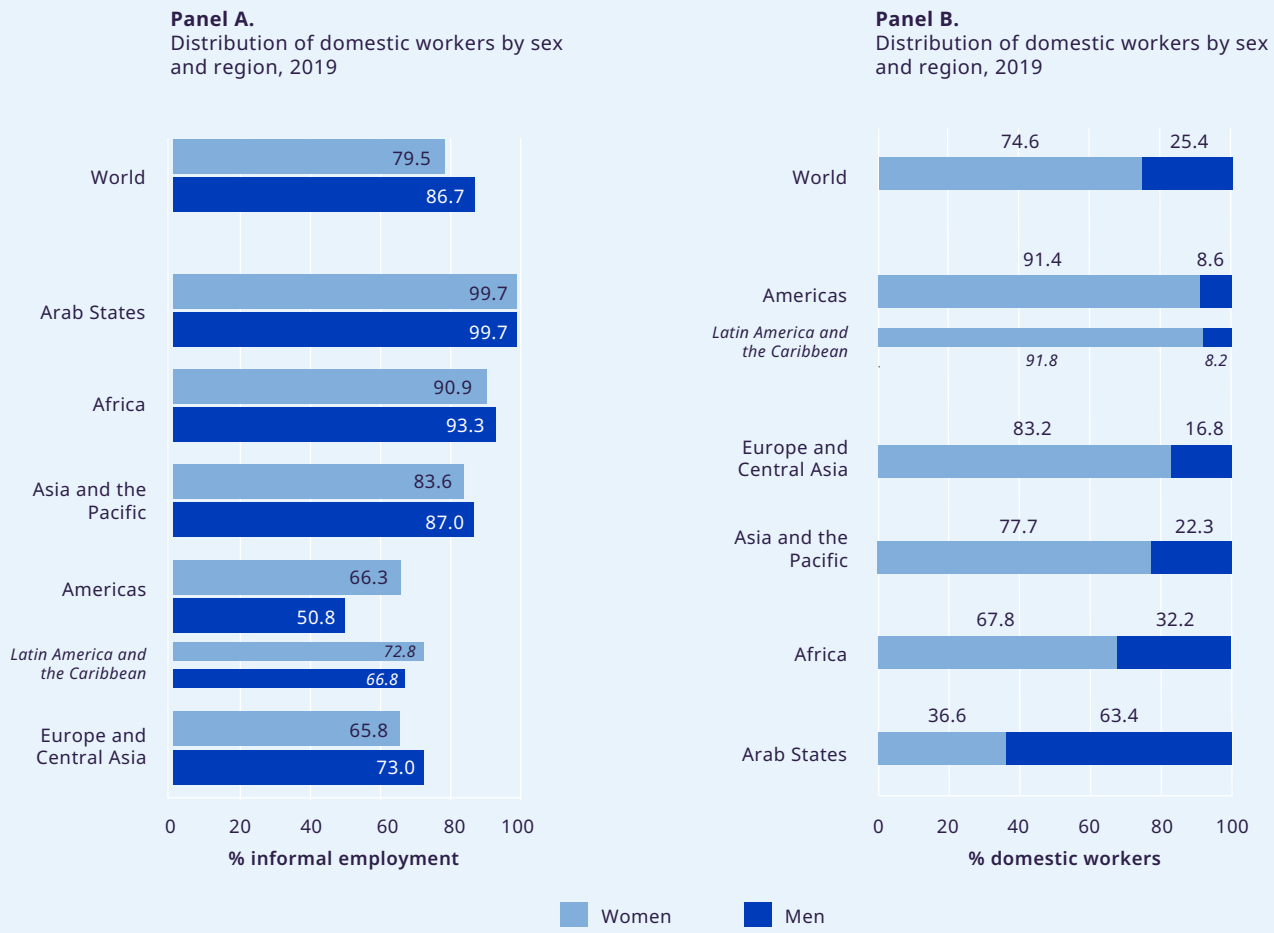
Note: ILO calculations based on 138 countries representing 91.7 per cent of global employment and 97.4 per cent of the global number of domestic workers. Estimates of informal employment follow the ILO harmonized definition. For China, estimates are based on the average proportion of domestic workers at the regional level in upper-middle-income countries. Detailed data sources are available in Annex 3.

Informality in domestic work is also clearly more pervasive in low-income countries, where 94.7 per cent of domestic workers are in informal employment (figure 9.1, panel B). This proportion decreases progressively as country-income level increases: 88.7 per cent of domestic workers are informally employed in lower-middle-income countries, compared with 82.8 per cent in upper-middle-income countries and 61.8 per cent in high-income countries.

Perhaps not surprisingly, there is a far higher proportion of female domestic workers (74.6 per cent) than male domestic workers (25.4 per cent) among informal domestic workers (figure 9.2, panel B). This is largely a reflection of the gender composition of the sector, as women also make up the vast majority of domestic workers irrespective of the informal or formal nature of employment. The exception is in the Arab States, where females make up just 37 per cent of domestic workers in informal employment, as compared to 63 per cent of men, which remains consistent with the distribution of domestic workers by sex in the region. The distribution by sex of domestic workers in informal employment is roughly similar to the distribution of males and females in domestic work: almost everywhere, there are more female than male domestic workers among those in informal employment, with the exception of the Arab States.

Interestingly, rates of informality are higher among male domestic workers (86.7 per cent) as

Figure 9.2 The gender dimension of informality among domestic workers: Share of informal employment among domestic workers and distribution of informal employment by sex, 2019 (percentages)



Note: As for figure 9.1.

compared to female domestic workers (79.5 per cent) (figure 9.2, panel A). In some respects, this is consistent with the distribution of informal employment among men and women workers at the global level (ILO 2018g). However, this distribution is amplified in the case of domestic workers by the fact that the majority of men domestic workers are found in the two regions where informality among domestic workers is the highest (the Arab States and Asia and the Pacific). In addition, the results are influenced by the presence of a small number of countries with large numbers of domestic workers, such as Argentina, China and South Africa, where the rate of informality is higher among male than among female domestic workers.

> Female domestic workers have greater exposure to informality than their male counterparts in 67 per cent of countries reviewed.

A closer look at the differences between male and female domestic workers at the regional level and across countries also sheds further light on the relative risk of informal employment (table 9.1). First, it is worth noting that in the majority of countries (67 per cent) female domestic workers have greater exposure to informality than their male counterparts. The rates of informal employment are higher among male domestic workers in 24.8 per cent of countries, while an additional 9.2 per cent of countries show no significant differences between women and men.

▶ Table 9.1 Differences in exposure to informality between women and men, percentage of countries, globally and by region, 2019

	Africa (%)	Americas (%)	Arab States (%)	Asia and the Pacific (%)	Europe and Central Asia (%)	World (%)
Women domestic workers are more exposed to informality than men	60.5	84.0	66.7	72.7	64.9	67.0
– by more than 10 percentage points (ppt)	11.6	24.0	25.0	16.7	47.6	26.1
– by 5–10 ppt	14.0	40.0	12.5	8.3	7.1	15.5
– by less than 5 ppt	34.9	20.0	0.0	45.8	11.9	25.4
No difference	11.6	4.0	50.0	4.2	4.8	9.2
Men domestic workers are more exposed to informality than women	30.2	12.0	16.7	22.7	29.7	24.8
– by more than 10 ppt	9.3	0.0	0.0	8.3	11.9	7.7
– by 5–10 ppt	7.0	4.0	12.5	8.3	7.1	7.0
– by less than 5 ppt	11.6	8.0	0.0	8.3	9.5	9.2

Note: As for figure 9.1.

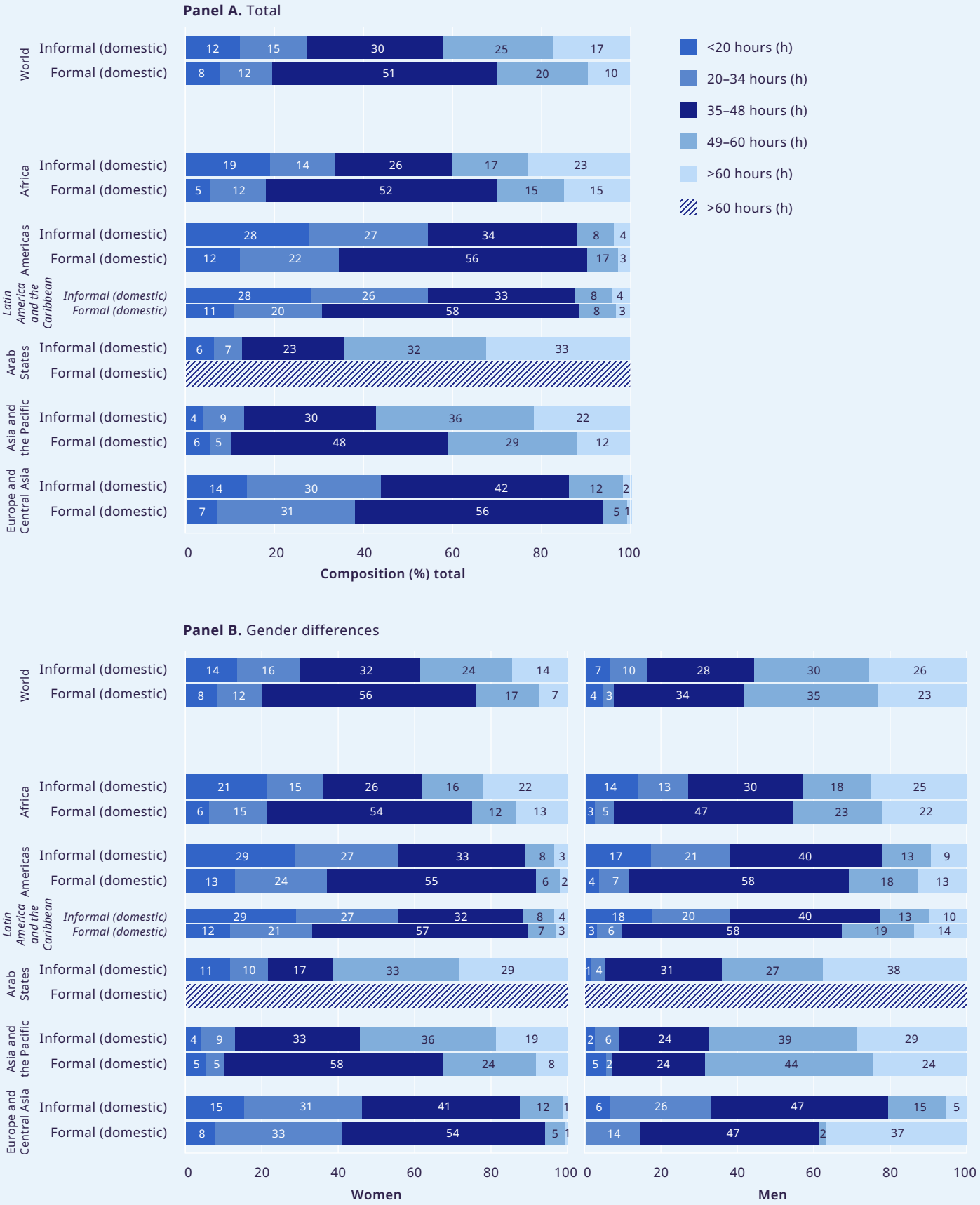
Finally, the higher rate of informality among male domestic workers may be due to their typical occupations and the way in which they engage in domestic work. Analyses of occupations among domestic workers by sex tend to show a higher variation in the range of occupations performed by men, suggesting a higher proportion of casual jobs in the absence of better alternatives (see Chapter 1, figure 1.3). Moreover, male domestic workers are twice as likely to self-declare as self-employed than their female counterparts (10 per cent versus 5 per cent), which contributes to their higher exposure to informality since the self-employed are usually more exposed to informality than employees.

Decent work deficits among informal domestic workers

Improvements in working conditions result from formalization, but such improvements are also enabling conditions for formalization and as such are part of the formalization process. Addressing decent work deficits in the informal economy includes reducing vulnerabilities and increasing the capacity of domestic workers to enter the formal economy in a sustainable way. For example, providing a domestic worker in informal employment with access to basic (non-contributory) social protection is an enabling factor for the transition to formality as it reduces their exposure to poverty, among other things.

Domestic workers in informal employment work more extreme hours (both shorter and longer) in comparison with formal domestic workers and earn lower wages.

Figure 9.3 Working time patterns among domestic workers in informal employment compared to those in formal employment by region and gender, 2019 (percentages)



Note: ILO calculations based on an analysis of national household surveys from 132 countries representing 90 per cent of global employment and 92 per cent of total domestic workers. Global estimates weighted, respectively, by the total number of domestic workers in formal and informal employment in 2019. No data can be provided on the situation of domestic workers in formal employment in the Arab States. Detailed data sources are available in Annex 3.

The correlation between informal employment and working time and wages works in both directions. As shown in Chapter 7, domestic workers work some of the shortest and longest hours and earn significantly lower wages than other employees; moreover, those with the shortest and longest hours and the lowest wages tend to be informally employed. Conversely, domestic workers in informal employment work more extreme hours (both shorter and longer) in comparison with formal domestic workers and earn lower wages.

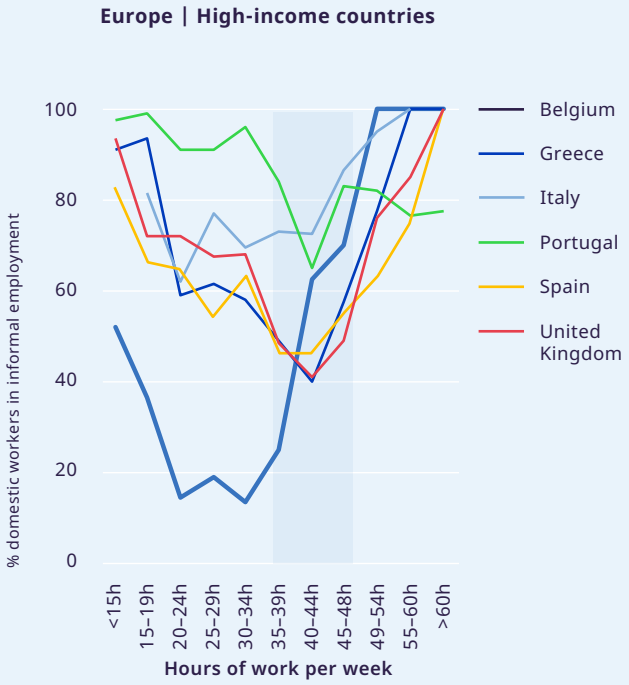
With respect to average working hours, fewer than three in ten domestic workers in informal employment work within the range of normal hours compared to more than half of those in formal employment (figure 9.3). The largest single group of domestic workers in informal employment (42 per cent) work more than 48 hours a week, compared to 30 per cent of those in formal employment.

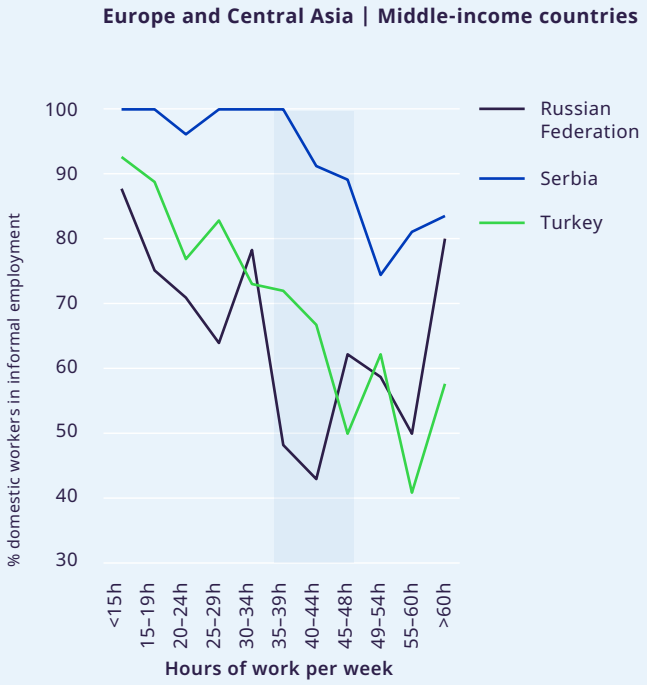
There is a particularly strong correlation between short working hours and informality in both Europe and Central Asia and in the Americas, where domestic workers in informal employment are at least twice as likely to work fewer than 20 hours a week than those in formal employment. Women domestic workers in informal employment in Latin America and the Caribbean and in Europe and Central Asia are the most exposed to short or very short hours of work (figure 9.3, panel B).

Domestic workers who work within the range of normal hours are the least likely to be in informal employment. The results from a selection of countries in which at least some domestic workers are not only legally covered but also benefit from effective access to social security (and as such are considered formal) show that informality rates are lowest among domestic workers whose hours of work per week range from 35 to 48 (figure 9.4). By contrast, there are higher proportions of workers in informal employment among domestic workers who work very short hours. This may be a result of the fact that domestic workers whose hours worked per household or per week fall below established thresholds are barred from accessing social security coverage (see Chapter 6 and below in this chapter). The proportion of domestic workers in informal employment is also higher among those who work long hours. This is probably due to the high number of domestic workers who work very long hours in regions where working time provisions either do not apply to them or do not sufficiently limit working time, such as in the Arab States and Asia and the Pacific.

> In Europe and Central Asia and in the Americas, domestic workers in informal employment are at least twice as likely to work fewer than 20 hours a week than those in formal employment.

Figure 9.4 Informal employment depending on weekly hours of work in the main job by region and country income group, latest available years (percentages)



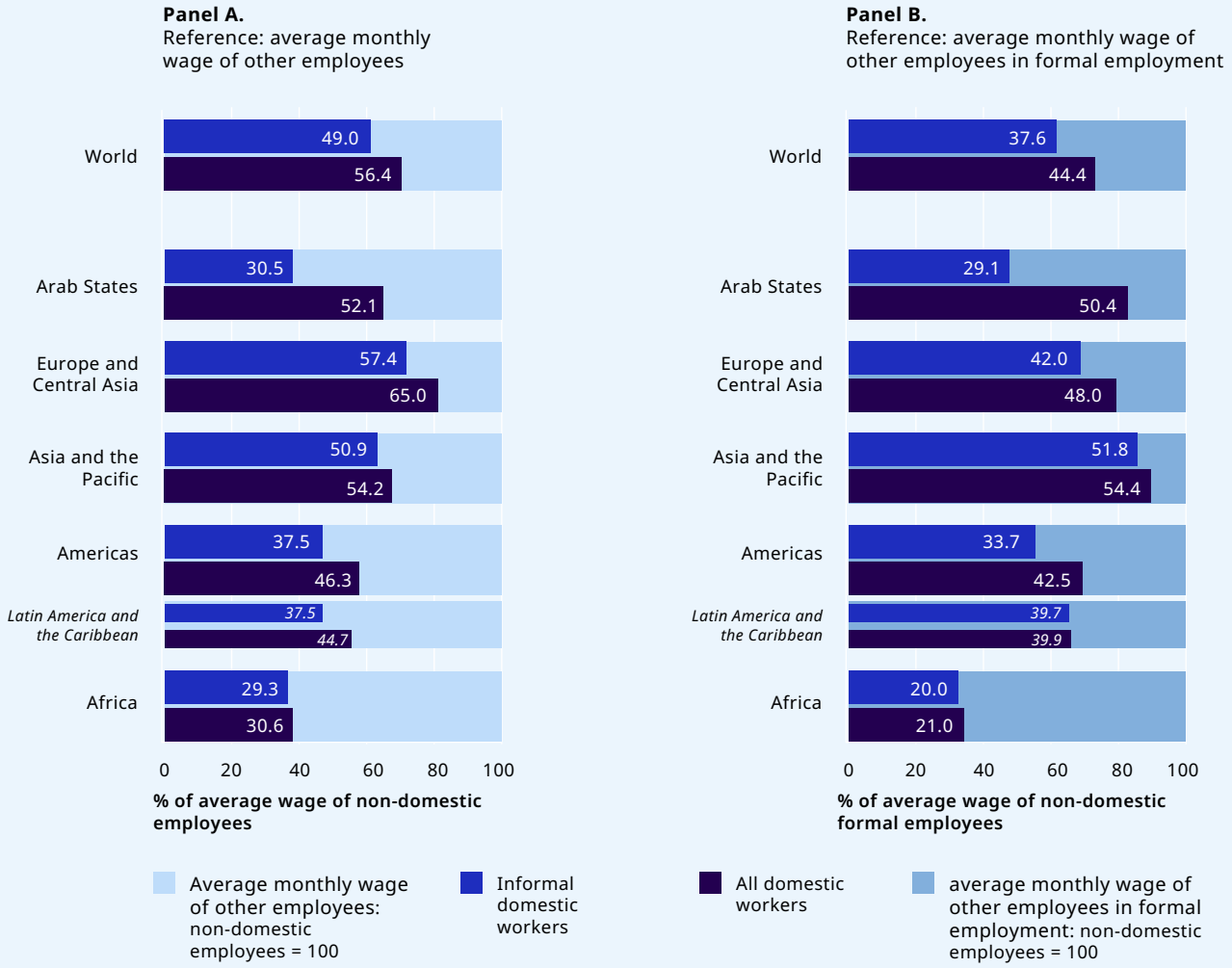


Note: See note to figure 9.1 and detailed country sources and years in Annex 3.

Domestic workers in informal employment also earn far less than either formal domestic workers or other employees. While the average monthly wages of domestic workers are 56.4 per cent of the average monthly wages of other employees (see Chapter 7), this ratio falls to 49 per cent for domestic workers in informal employment (figure 9.5). Domestic workers in informal employment earn on average 37.6 per cent of the average wages of formal employees. This ratio drops to 35.1 per cent for female domestic workers in informal employment and peaks at 43.8 per cent for male domestic workers. The gap in wages between domestic workers in informal employment and all domestic workers is obviously larger in regions where the proportion of domestic workers in informal employment is lower, as in Europe and Central Asia and the Americas , and also varies by country income group (figure 9.6)..

> Domestic workers in informal employment earn just 49 per cent of the average monthly wages of other employees.

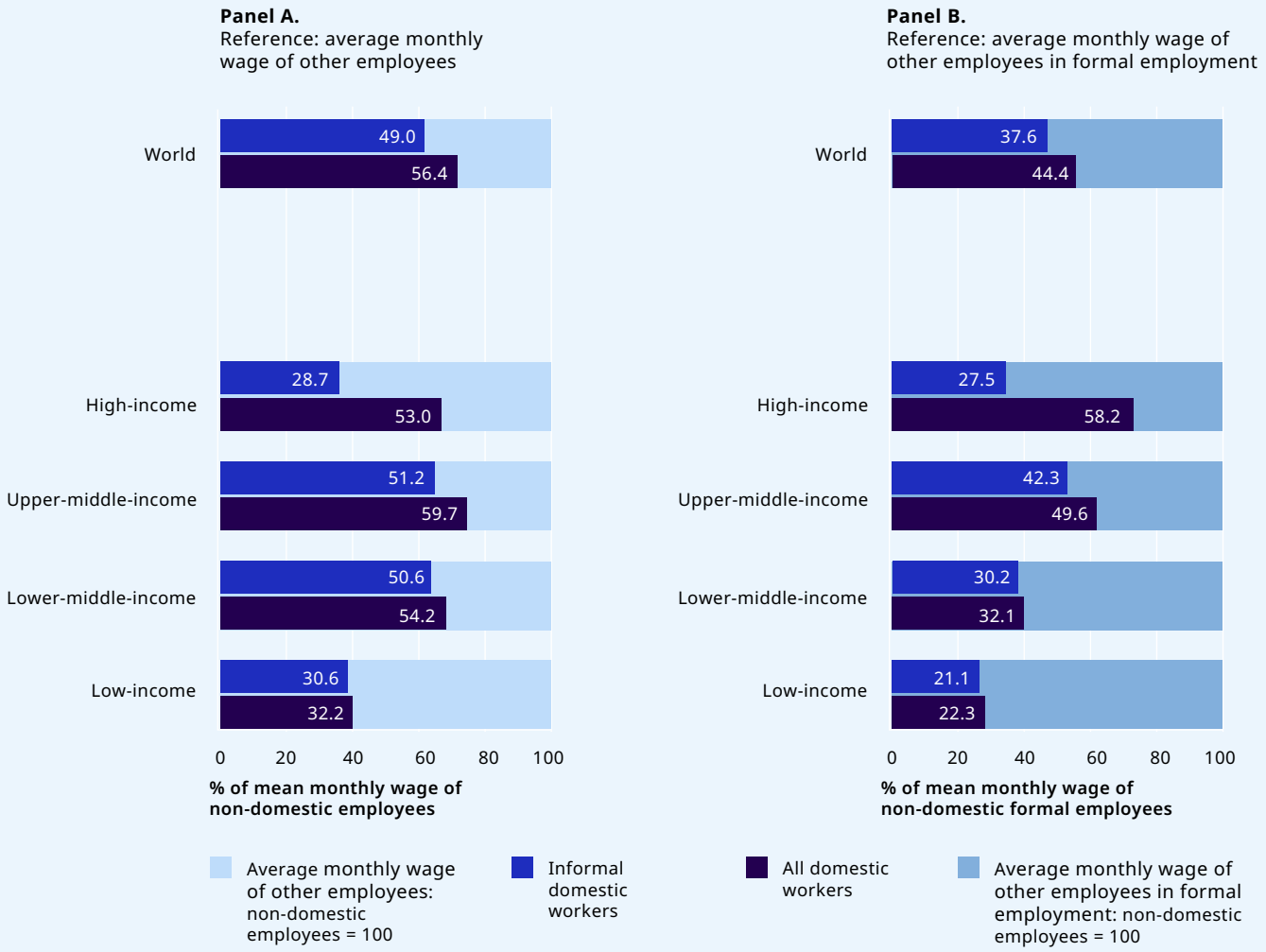
Figure 9.5 Average monthly wage among domestic workers (total and in informal employment) compared to the average monthly wage of other employees (both sexes) and of other formal employees taken as reference, by region, 2019 (percentages)



Note: ILO calculations based on data from 85 countries, representing 74 per cent of global employment and 64 per cent of total employees, with low representation of Arab States (only 20 per cent of employees in the region are represented). Weighted by the total number of domestic workers in 2019. Detailed data sources are available in Annex 3.

Informal employment has also placed domestic workers at higher risk of job and income loss in the wake of the COVID-19 pandemic. As shown in Chapter 11, during the pandemic domestic workers in informal employment have been far more likely to lose their jobs and incomes than formally employed domestic workers. This means that the vast majority of domestic workers who were at risk of losing their jobs or seeing a reduction in their working hours were neither registered with the relevant social security schemes nor contributing and were therefore not eligible for income-replacement benefits or, in particular, for unemployment insurance, where it exists. While a few countries extended income support to informal workers during the pandemic, these very rarely were accessible to domestic workers. The loss of income and the lack of income replacement through social security benefits have pushed many domestic workers and their families further into poverty, making it difficult even to put food on the table. Compounding these risks, informal domestic workers in many countries do not have guaranteed access to quality healthcare.

Figure 9.6 Average monthly wage 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 reference, by income group of countries, 2019 (percentages)



Note: As for figure 9.5.

Assessing the source of informality

To effectively formalize domestic work requires a clear analysis of the sources of informality. As mentioned above, informality can be the result of one or more of the following three situations:

- exclusion from labour and social security laws;
- lack of compliance with laws and regulations;
- inadequate levels of protection.

By bringing together the estimates of the extent of legal coverage presented in Part II and the estimates of informal employment presented above, it is possible to produce an estimate of the percentage of domestic workers who are informal as a result of the first two situations mentioned above, namely exclusion from legal coverage and lack of effective implementation of laws in practice. Due to methodological challenges, it is not possible to measure the adequacy of the level of protection. However, guidance on how to assess gaps in the level of protection and good practices to close these gaps are provided in Part II and the "good

practices" sections of Part III. This analysis helps to identify whether countries are faced primarily with an implementation gap or whether they must first take some preliminary steps to close gaps in legal coverage with respect to labour or social security laws.[2] To estimate the gap in legal coverage, we first used the extent of legal entitlement of domestic workers for a contributory pension, as presented in Chapter 6,[3] with the understanding that the legal coverage of domestic workers by such an employment-related contributory social security scheme implies their recognition as workers under the relevant labour laws. Those who are covered by social security laws may still be working informally if their employer does not actively contribute to a social security scheme on their behalf. They would be informal not because of exclusion from labour and social security law, but because of the lack of implementation of the laws in place. Therefore, a conservative estimate of the implementation gap is the difference between the percentage of informal employment (proxy of the total coverage gap) and the percentage of domestic workers excluded from the scope of social security law, focusing on pension coverage as a proxy (see box 9.1).

▶ Box 9.1 Decomposing the total coverage gap

Total coverage gap: Domestic workers in informal employment

=

Legal coverage gap: Domestic workers not covered by social security laws (considering employment-related pension coverage)

+

Implementation gap: Domestic workers included under the scope of social security laws (legally entitled to pension benefits) but not covered in practice.

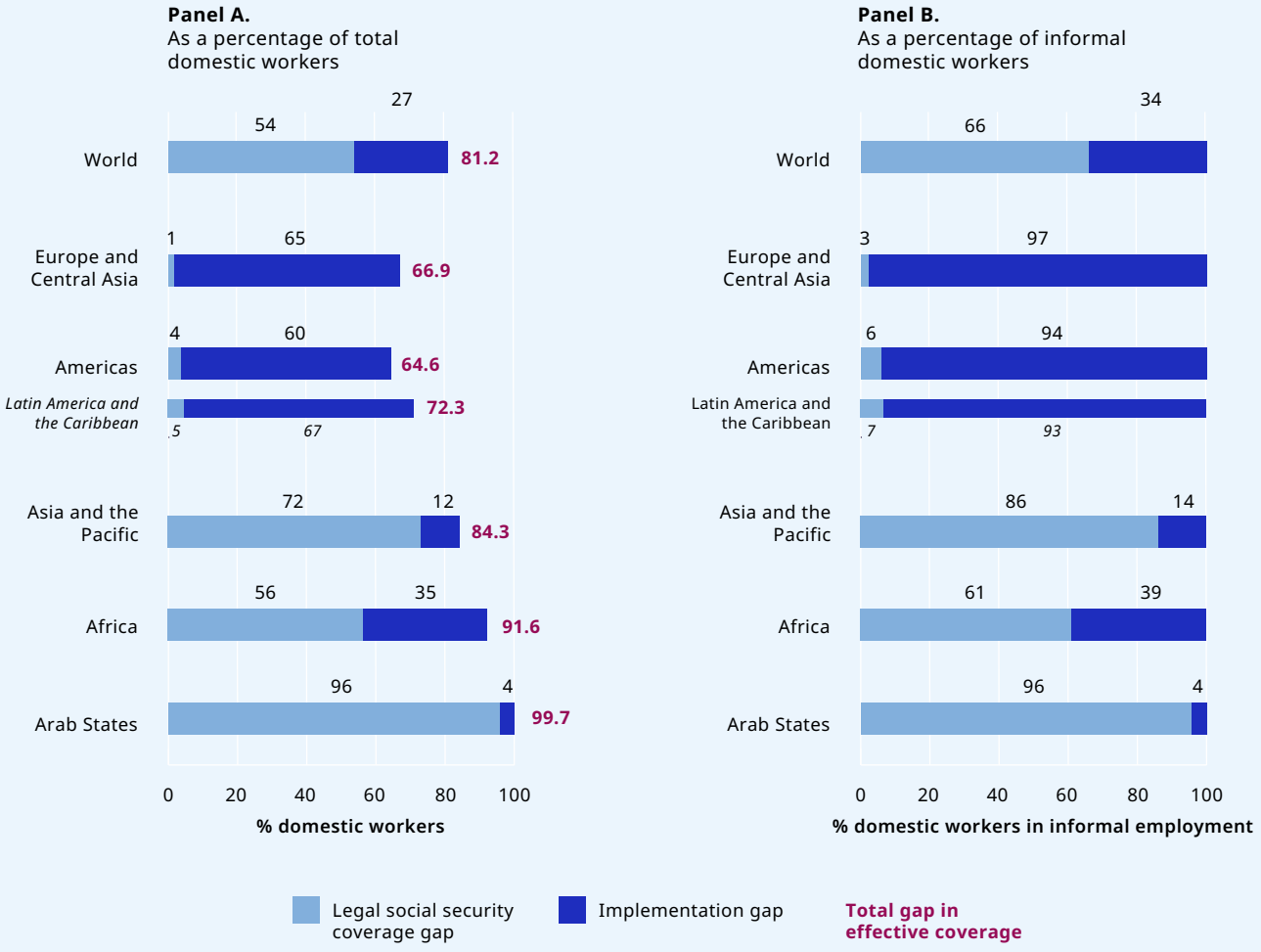
2 With respect to legal recognition, Chapter 3 detailed the extent to which domestic workers were recognized as workers under national labour laws. The percentage of domestic workers who are excluded from national labour laws represents a bare minimum number of domestic workers who are informal. Those who are legally covered have met the first criteria for being formally employed; however, domestic workers who are recognized within the scope of national labour laws may still be informal because they are excluded from social security laws.

3 The selection of pensions as an indicator of employment-related legal social security coverage is based on two main criteria: (a) the fact that such pension benefits (including old-age, invalidity and survivors pensions) exist in the majority of countries for at least some groups of workers, which is not the case for unemployment benefits, which still do not exist in many countries; and (b) pension benefits, more than any other branch of social security, are provided mainly or largely through contributory schemes (at least for some groups) and involve the employer's contribution. This is not the case for other types of benefit, such as family or health benefits, which are often provided through tax-financed mechanisms or highly subsidized. See figure 6.3, panel C for estimates of the extent of legal entitlement of domestic workers to a contributory pension.

At the global level, 53.9 per cent of all domestic workers are not legally entitled to pension coverage. Yet 81.2 per cent of all domestic workers are estimated to be in informal employment (figure 9.7, panel A). As such, 66 per cent of informal domestic workers (40.7 million) would require a first step towards formalization to be taken through their inclusion under the scope of pension schemes and other social security branches, along with any labour laws required to ensure the recognition of their employment relationship (figure 9.7, panel B). For the remaining 34 per cent of informal domestic workers (20.7 million) 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.

This approach to measuring the nature of the legal and implementation gaps provides insights into the first steps to take to reduce informality across regions. In some regions, informality appears to stem more from *de jure* exclusions from labour and social security laws, rather than from gaps in implementation. For example,

Figure 9.7 Source of the deficit of protection among domestic workers: Legal and implementation gaps, 2019 (percentages)



Note: Based on 126 countries with information on the extent of legal coverage and informal employment, representing 91.3 per cent of global employment and 97.4 per cent of the total number of domestic workers worldwide. The legal gap is measured as the absence of legal social security coverage through contributory mechanisms as presented in Chapter 6. The total gap in effective coverage is the proportion of domestic workers in informal employment as presented in figure 9.1.

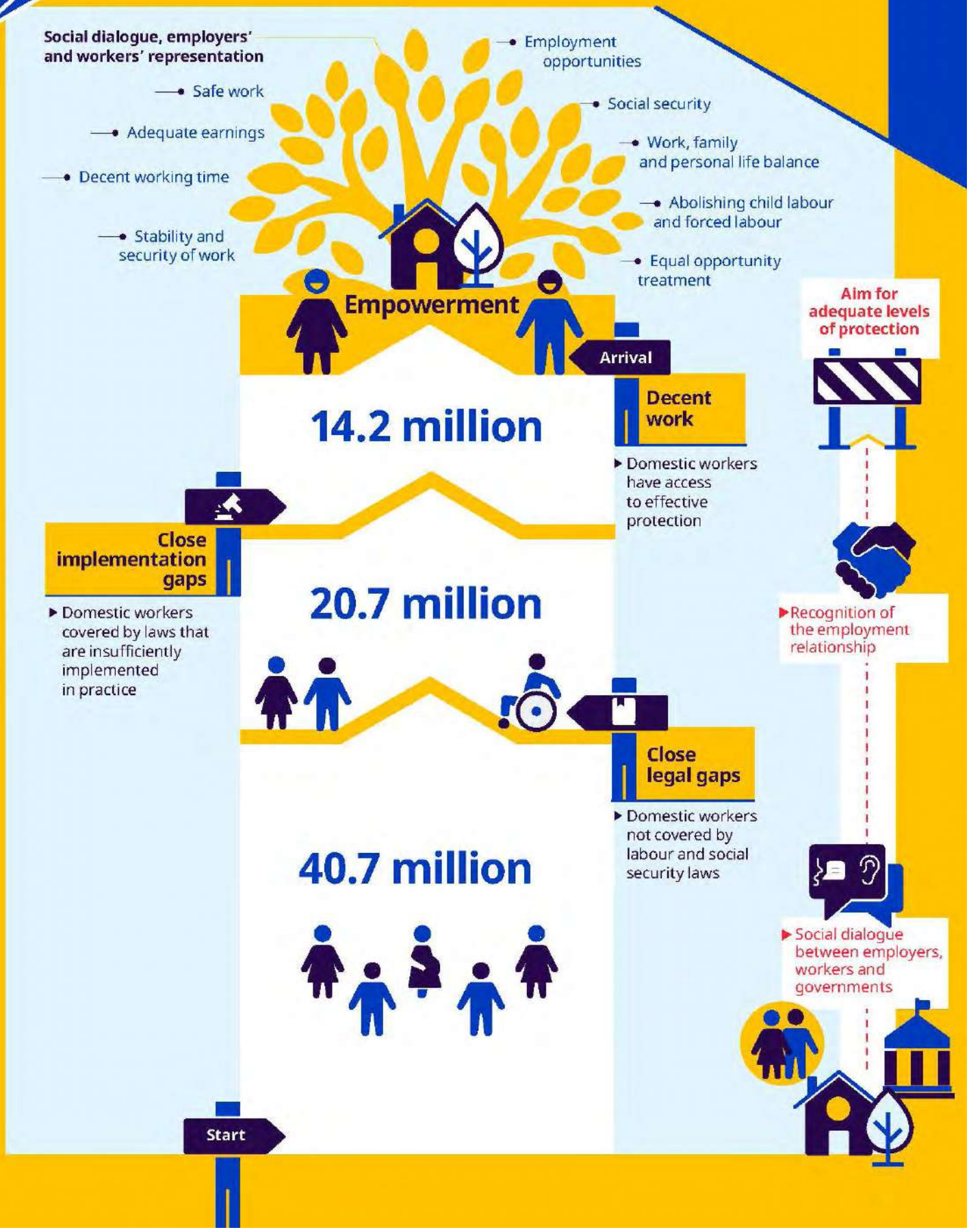
in the Arab States, 96 per cent of domestic workers in informal employment are informal primarily because of their exclusion from social security laws and labour laws. By virtue of these exclusions, such workers cannot be in formal employment, by definition. These figures point to a clear need for the inclusion of domestic workers in the scope of social security laws, as well as the need for the legal recognition of domestic workers in labour laws (see Chapter 3). In Asia and the Pacific, for the large majority of domestic workers in informal employment (86 per cent), their recognition as workers with legal rights and entitlements to social security would be a necessary first step to pave the way to formal employment.

However, even in regions in which domestic workers are almost fully included under the scope of labour and social security laws, rates of informality remain high. This is most visible in the Americas and in Europe and Central Asia, where the vast majority of domestic workers are covered by general labour laws (see Chapter 3) and social security laws (see Chapter 6). In these regions, up to 64.6 per cent and 66.9 per cent of domestic workers, respectively, remain informally employed. The major source of the deficit in protection stems from a lack of compliance with existing laws. Among informal domestic workers, only 3 per cent are informal due to their exclusion from contributory social security laws in Europe and Central Asia and only 6 per cent in the Americas (with a similar proportion of 7 per cent for Latin America and the Caribbean). Thus for the vast majority of informal domestic workers in those two regions (94 per cent in the Americas and 97 per cent in Europe and Central Asia), informality is due to gaps in implementation.

> Of all domestic workers in informal employment, 34 per cent are informal due only to gaps in implementation. The remaining 66 per cent of informal domestic workers would require a first step towards formalization to be taken through their inclusion under the scope of labour and social security laws.

In Africa, 56 per cent of domestic workers are excluded from labour and social security laws but 91.6 per cent of domestic workers are informal. This would suggest that for 61 per cent of domestic workers in informal employment in Africa, formalization would require first their inclusion under the scope of social security laws. For the remaining 39 per cent, who are already legally entitled to social security, informality results from a lack of application of laws resulting in the absence of effective social security coverage.

Making decent work a reality for domestic workers



▶ Formalizing domestic work

Identifying the extent of the three sources of informality – legal exclusion; lack of implementation; and insufficient levels of legal protection – can help direct efforts towards the formalization of domestic work. Depending on the situation, this means undertaking one or more of the following actions:

- extending legal coverage to those excluded;
- providing an adequate level of legal protection;
- ensuring effective compliance with laws and regulations.

Such actions involve the legal recognition of domestic workers as workers with associated labour rights and social security entitlements: social security registration; payment of contributions; declaration to the public authorities; and more importantly, effective access to labour protection and social security benefits. Practices such as establishing written contracts, and using pay slips and other forms of record-keeping can help enforce compliance. In taking the first two actions, a number of countries have adopted legal measures as a first step towards correcting the exclusions and insufficient levels provided by law. To ensure compliance, these countries have had to take a range of approaches, depending on what drives the low rates of compliance.

Because of the many possible drivers of non-compliant behaviour and its interactions with the legal framework, a strong diagnostic of the drivers of informality can help to focus strategies. In some cases, non-compliance can be driven by the costs and complexity of procedures. Eliminating obstacles through putting in place procedures and requirements that are reasonably simple for most households to follow and providing incentives to lower costs can enhance compliance by strengthening the ability to comply. However, what primarily matters is for formalization to provide access to real benefits, both for households as employers and for domestic workers. Therefore, in addition to strengthening the ability to comply it is essential to strengthen the willingness to comply. Willingness is not only a matter of individual choice but is also largely driven by awareness and perception of the fairness and accountability of institutions, including the availability and accessibility of adequate benefits, especially social security benefits.

People who engage in non-compliant behaviour might be doing so for various reasons, both conscious and unconscious. Legal research on behavioural ethics, which provides a useful framework for non-compliant behaviour generally (without reference to domestic work), places non-compliers into three categories, depending on their level of awareness of the illegality of their behaviour (table 9.2). The first group ("erroneous wrongdoers") are those who do not comply simply because they are not aware of their legal responsibilities. The second group is composed of "situational wrongdoers", who seek to maintain a moral self-image but may not comply because they are only partially aware of their obligations or have found a reasonable justification for their non-compliance. The third group, in contrast, deliberately do not comply and do not feel the need to justify their behaviour, morally or otherwise (Feldman 2018).

Provided that formal employment gives access to real benefits for both domestic workers and employers, through well-functioning, transparent and accountable institutions, information campaigns may suffice to promote compliance among the first group. They would also be an important though insufficient measure to promote compliance among the other non-compliers. Indeed, those in the second group tend to engage in motivated reasoning to justify their behaviour. They may include the justification that the non-compliance did not harm anyone, that it could have been worse, that their non-compliance was not their fault or that they were acting to

Table 9.2 Framework for non-compliant behaviour

	Level of awareness of illegality	Motivation toward the law
Erroneous wrongdoers	Unaware, blind-spot, situational unethicality	Intrinsic motivation, genuine morality
Situational wrongdoers	Partially aware, more likely to engage in motivated reasoning to avoid recognizing their own wrongdoing	Dissonance between intrinsic motivation to obey the law and desire to enhance profit; will use ethical justifications to solve this tension
"Bad", calculative people	Aware, deliberate, calculative	Extrinsic motivation

Source: Feldman (2018).

meet a higher ideal.[4] The role of social norms, meaning what people perceive to be typical and desirable behaviour in a given situation, also has an important influence on whether or not people comply (Yamin and Hobden, forthcoming). For this category, information campaigns must be paired with other measures to remove barriers to registration, simplify procedures and make formal employment more attractive. Developing an understanding of these self-justifications can help shape campaigns to promote formalization. Finally, those who wilfully do not comply may be doing so because they feel the laws are unjust or simply to outsmart the system. For this final category, it may be necessary to engage in fiscal incentives and punitive measures.

For the most part, however, promoting compliance with formal employment standards will require a combination of measures, including measures that aim to make public institutions more efficient and accountable; measures that aim to increase the benefits and reduce the costs of becoming and remaining formal; and measures that aim to increase the costs of becoming or remaining informal, such as punitive measures. As the full range of approaches to formalization is beyond the scope of this report, the approaches presented here will focus on measures to increase the benefits and reduce the costs of formal employment and/or increase the costs of informal employment, remove the sources of possible self-justification of non-compliant employers and promote the dissemination of information. For formal employment to take hold, it must be affordable and feasible and its benefits must outweigh its costs for both domestic workers and employers. For domestic workers, formal employment is desirable when it provides access to real protection – not only labour and social protection but also access to opportunities for professional advancement and social recognition. For employers, including households, formal employment becomes more desirable when the benefits outweigh the costs financially (in terms of the monetary costs of hiring formal or informal domestic workers, taking into account any fiscal incentives); socially (in terms of the extent of possible social repercussions of hiring a domestic worker informally); and legally (in terms of the extent of the punitive measures and the risk of the application of those measures).

To address the plurality of the drivers of informality, formalization efforts have taken employed a combination of enabling and punitive approaches (popularly referred to as carrots and sticks), including: (a) extending labour and social protection to groups of domestic workers; (b) simplifying registration procedures; (c) incentivizing formal over informal employment; (d) raising the awareness of both workers and

4 For a full list of justifications for deviant behaviour, see Apostolidis and Haeussler (2018).

employers of their rights and obligations; and (e) enforcing institutional capacity to identify labour rights violations. More recently, those involved in efforts to formalize domestic work and increase social security registration have also turned to the behavioural sciences for insight into the motivators of non-compliance and how to better design policies in order to promote formal employment. This section details some of the most common challenges to formalization and provides selected examples of how to overcome them.[5]

Closing legal gaps: Inclusion of all domestic workers under thescope of laws

As seen in Part II, a large share of domestic workers remain informal as a result of their exclusion from legal labour and social protections coverage, which many countries have addressed by revising or adopting laws so as to include domestic workers within their scope. At times, however, domestic workers are excluded from accessing their labour and social security rights and entitlements by provisions that limit the scope of application of these laws. Indeed, some countries have opted to exclude domestic workers from the scope of applicable labour and social security laws if they work for fewer than a given number of hours per week per household, work part-time or full-time, live in or out of the employer's or client's household or work for single or multiple employers (Lebrun, forthcoming). Such provisions can lead to an increase in informal employment by making informal work legal. For example, in Brazil, a law adopted in 2015 established that employers were only obliged to register with social security schemes domestic workers who worked more than two days a week. Following the adoption of this law, the rate of social security registration dropped from 33.2 per cent in 2016 to 27.3 per cent in 2019.[6]

By some estimates, around 2 million domestic workers in the European Union do not have access to rights and protection because of such provisions (Lebrun, forthcoming). In the Netherlands, households that employ domestic workers for fewer than four days a week are exempt from paying taxes on wages and social insurance premiums, thus excluding domestic workers from social insurance. Although they must still comply with the minimum wage and other labour rights, evidence suggests low levels of compliance owing to a lack of awareness and a lack of will (Panteia 2014, cited in Farvaque 2015).7 This provision was found to exclude 95 per cent of domestic workers whose services involve cleaning, washing, ironing and cooking; garden work; dog walking; and home help for the elderly and chronically ill (Farvaque 2015). Outside the European Union, in Turkey, Law No. 5510 on Social Securities and General Health Insurance absolves households who employ a domestic worker for less than ten days a month from paying social security premiums, except for premiums for workplace accidents and occupational disorders (Güler and Benli 2021).

Conversely, many countries have taken steps to extend legal coverage by eliminating or reducing legal thresholds on minimum working time, duration of employment or earnings. For example, Uruguay has extended legal coverage to domestic workers by allowing workers who work part-time or have multiple employers to enrol with the Social Protection Bank. Eligibility has been extended to those who work at least 13 days a month for a total of at least 104 hours and have earnings that are higher than a defined threshold. Since the change in eligibility conditions was introduced, registration rates have increased by 7 per cent (Lexartza, Chaves and Carcedo 2016). In Belgium, until 2014 domestic workers who worked for fewer than 4 hours per day for the same employer or fewer than 24 hours per week for one or more employers were not subject to social security contributions. As of October 2014, any citizen who employs domestic workers is

5 For further examples, see ILO (2016a).

6 DIEESE, "Trabalho doméstico no Brasil", 2021.

7 Netherlands, "Home service provision", 2015.

Figure 9.8 Domestic workers affiliated to social security in Argentina, by number of hours worked per week, 2003–2019 (percentages)

Source: Based on data from Argentina, *Encuesta Permanente de Hogares*.

considered an employer and is therefore required to pay social security contributions (Lebrun, forthcoming). In Argentina, prior to 2013, the relevant legislation (Decree Law 326/56 of 1956) did not require the registration of workers who worked less than 4 hours a day or less than 4 days a week for the same employer. In 2013, when Law 26,844 was enacted to repeal the 1956 Domestic Service Statute, it provided coverage for all domestic workers, regardless of the number of hours worked or number of households served. This meant that all workers, including those working fewer than 16 hours a week, had to register with the social security scheme. As shown in figure 9.8, this led to an increase in registration among domestic workers, although higher rates of formalization and growth are still observed for those who work more than 16 hours per week.

Finally, in Colombia[8] the number of domestic workers registered with the family compensation scheme increased from about 9,000 in April 2013 to nearly 90,000 by the end of 2014, following the adoption of Decree No. 721 of 2013, which provided for the registration of domestic workers working part time and for multiple employers to register with the social insurance scheme.

Some domestic workers are also excluded from specific rights. For example, in Spain domestic workers have a legal right to most branches of social security, with the exception of unemployment insurance. Following the onset of the COVID-19 pandemic and as a result of intensive advocacy efforts, the Government extended unemployment benefits to domestic workers who were already registered prior to the adoption of the special measure. It remains to be seen whether or not it will remain in place (ILO 2020b). In Austria, a service voucher system is in place in which households pay an additional 2 per cent of the value of the voucher as social security contributions to cover accident insurance for their employees and administrative costs; there is no coverage of health, pension or unemployment insurance (EFSI 2013). In contrast, in Belgium domestic workers are protected by all social security benefits (Manoudi et al. 2018).

8 Reported in ILO gap analysis.

Reducing the costs of formal employment

Policies that reduce the cost of formal employment through fiscal incentives, such as tax breaks or subsidies, are present in many countries in Europe and have shown positive impacts on formal employment as well as job creation, labour participation and work-life balance.[9] 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 have been supported through fiscal advantages or voucher systems. In France and Sweden, incentives have been combined with simplification measures and delivered through service vouchers. For example, since 2007 Sweden has been applying a tax discount that covers 50 per cent of the cost of domestic services, such as house-cleaning and gardening, that are provided through service providers, making formal domestic work significantly more financially attractive than informal domestic work. In 2009, simplification measures were also introduced, wherein purchasing households only paid their share of the costs and service providers requested the remainder directly from the Swedish Tax Authority. Between 2007 and 2012, the number of individuals who registered the purchase of household services increased from 46,000 to 492,000, almost doubling each year (Halldén and Stenberg 2014).

In France, a combination of tax benefits and direct subsidies for household employers and exemptions from social contributions for domestic workers has contributed to a decline in undeclared work by 30 percentage points between 1996 and 2015. A voucher system set up in 2006 to facilitate the process of registration payment of social contributions is also credited with these results. Most of the subsidies were directed at direct care services, whereas incentives used for indirect care services included tax reductions or credits. The gross cost of these policies was estimated at €11.5 billion (€7.2 billion of which went to the care sector and €4.3 billion to household support services). The revenue generated, including social contributions, VAT and payroll taxes, is estimated at €4.3 billion in direct care services and €4.4 billion in indirect care services (Manoudi et al. 2018). Brazil also saw an increase in social security registration of about 10 percentage points following the establishment of tax benefits to regularize domestic work, along with the adoption of Law No. 11,324 in 2006.[10]

Smaller-scale pilot projects have also shown the effect of subsidies on the willingness of employers to hire domestic workers formally. In Turkey, between 2015 and 2017 the Social Security Institution undertook a pilot project to test the effectiveness of subsidies, with the dual objectives of promoting female labour participation and reducing informality among domestic workers who provide childcare. The project targeted 5,000 mothers and 5,000 childcare givers. Mothers with children under the age of two were given financial support of €300 per month for up to two years to employ childcare givers. The financial assistance was provided on the condition that the mothers were working and that childcare providers were registered with the social insurance system and received the minimum wage. The project included home visits, which provided an opportunity to observe the working conditions of domestic workers. At the outset of the project, 89 per cent of beneficiary mothers were employing their childcare givers without insurance and many were paying salaries below the minimum wage. The pilot resulted in over 5,000 new registrations with the social security system, full compliance with the minimum wage and fewer requests for additional household tasks to be performed outside the worker's childcare duties. The project also had an impact on employers' perceptions of childcare services: interviews with participating mothers indicated that most planned to continue to employ a childcare giver at the same wage rate following the project, having gained awareness of the importance of professional and formal childcare services.[11]

9 For a synthetic review of policies in the European Union, see European Commission (2018).

10 DIEESE, O Emprego Doméstico no Brasil, Estudos e Pesquisas No. 68 (2013).

11 See FGB, "Technical assistance for Promoting Registered Employment through better guidance and inspection (PRE II)", and the following: http://www.sgk.gov.tr/projelerimiz/evdecocukbakimi/06_evde_cocuk_bakimi_strateji_belgesi.pdfhttp://www.fondazionebrodolini.it/en/projects/technical-assistance-promoting-registered-employment-through-better-guidance-and-inspection; http://www.sgk.gov.tr/wps/portal/sgk/tr/kurumsal/projelerimiz/evde_cocuk_bakimi_projesi; http://www.sgk.gov.tr/projelerimiz/evdecocukbakimi/06_evde_cocuk_bakimi_strateji_belgesi.pdf; https://www.sgkegitimlibakici.org/.

Simplification of procedures

Country-level experience also indicates that the reduction of transaction costs through the simplification of registration can also help to drive formalization. Simplification measures can be as simple as digitalizing a system, reducing the required paperwork or decentralizing procedures. In some cases, measures are taken specifically to facilitate the registration of domestic workers with multiple employers, a need that is uncommon in other sectors. With the increasing uptake of smartphones and the expansion of digital technology, some countries have made efforts to digitalize the process of registration.

In Costa Rica, the Government established a digital platform for registration and making contributions to social security, and undertook a broad awareness-raising campaign through multiple channels (box 9.2 and ILO 2019b). In addition to the electronic registration system referred to in Chapter 7 (social security), the IMSS in Mexico[12] established: (a) that registration of domestic workers to social security was obligatory; (b) that registration and payment was the exclusive responsibility of the employer; and (c) that domestic workers with multiple employers should have a single account to which employers can make their contributions without having to coordinate among themselves.

Box 9.2 Comprehensive package of measures in Costa Rica

In Costa Rica, in 2017 the Caja Costarricense de Seguro Social (CCSS), together with other institutions and representatives of domestic workers, launched a comprehensive social security coverage plan to increase the number of domestic workers who are registered to receive social security benefits as employees. The central feature of the package was a measure to make contributions more affordable for domestic workers and their employers by fixing a lower contributory rate, offset by state subsidies. The scheme also allowed for the registration of domestic workers with multiple employers. This system was facilitated in part through the development of a digital platform for registration and making contributions to social security. The Government also adopted measures to enforce compliance, including through random inspections and sanctions in case of non-compliance. The new measures were accompanied by a broad awareness-raising campaign through multiple channels.

Source: ILO (2019b).

Organizations of employers of domestic workers have also contributed significantly to helping households navigate registration procedures. In Italy, the Associazione Nazionale Famiglie Datori de Lavoro Domestico (DOMINA) helps employers to fulfil their legal obligations through advisory services on regularization and formalization of the employment relationship (ILO 2020e). In France, many of the simplification and fiscal incentive measures were the result of lobbying efforts by the Fédération des Particuliers Employeurs de France (FEPEM) (Lebrun, unpublished). In Mexico, the Centro de Apoyo y Capacitacion para Empleadas del Hogar (CACEH), the domestic workers' union, launched the digital application "Dignas",[13] which includes a calculator for estimating social contributions and provides information on how to register with the social security system.

12 ACUERDO número ACDO.AS2.HCT.220720/190.P.DIR.

13 See CACEH, "Dignas: Asistente para trabajadoras del hogar".

Increasing the costs of non-compliance through punitive measures

While lowering the costs of formal employment has proven to be an effective driver of formalization, it is also possible to achieve results by increasing the costs of non-compliance through punitive measures, such as fines or other penalties. For this approach to be effective, domestic workers and their employers must perceive that the public authorities have the capacity 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.

Challenges to formalizing domestic work through these means can include: the lack of a clear mandate to enter and inspect households; difficulty in detecting cases of non-compliance, in part due to the low number of complaints brought by domestic workers; the high cost of carrying out inspections in domestic work relative to the capacity of labour inspectorates; and the lack of training of inspectors, police officers, judges and other law enforcement personnel who may come into contact with domestic workers and their employers. The lack of record-keeping also limits the capacity of law enforcement officials to respond to complaints and resolve disputes.

Several countries have overcome these challenges in their efforts to deter non-compliance with the law. Labour inspectorates have been mandated to carry out visits to households in numerous countries, whether to respond to complaints, distribute information or spot-check compliance. In Uruguay, for example, the labour inspectorate conducts household visits to monitor legal compliance. Between 2007 and 2017, the number of inspectors assigned to respond to domestic work complaints ranged from 84 in 2007 to a peak of 101 in 2009, each year carrying out some 600 to 1,400 visits or other actions (Uruguay 2019). In Kenya and South Africa, household inspection visits are used to complement other methods, such as random visits to specific neighbourhoods to identify undeclared or underdeclared domestic workers (ILO 2015e). In South Africa, labour inspectors are permitted access to a home with the consent of the owner or occupier or with an authorization issued by the labour court upon written application by a labour inspector, who must state under oath or affirmation the reasons for the need to enter the workplace. For serious violations constituting criminal offences, such as child labour or forced labour, access can be gained by the police department, with or without a labour inspector. Typically, however, labour inspectors request access to the household by leaving calling cards or letters in mailboxes, or try to secure appointments through door-to-door campaigns. In Ireland, a similar approach is used, requesting meetings that can take place outside the household, and if employers do not comply with appointments, fines can be imposed (ILO 2015e).

Some countries have invested in the training of labour inspectors who specialize in domestic work issues, in order to better identify and address cases of non-compliance or abuse. While domestic work should be recognized as work like any other, a number of specific issues arise from the employment relationship, particularly with respect to complaints and disputes between workers and employers. For this reason, personnel tasked with monitoring and enforcing compliance can benefit from training on domestic work in order to carry out their assignments effectively. In the United Republic of Tanzania (mainland), for example, the Ministry of Labour and Employment and the Ministry of State President Office Labour and Public Service supported a training course provided by the ILO to improve labour inspection and dispute resolution in the domestic work sector. In total, 31 labour officers and inspectors were trained in labour inspection in the domestic work sector in January 2015, while 40 mediators and arbitrators were trained in dispute prevention and resolution in the domestic work sector in October 2015. These were achieved in accordance with the tripartite action plan for the United Republic of Tanzania (mainland) to improve working conditions and promote decent work for domestic workers.[14]

The enforcement of compliance also requires that domestic workers be able to bring complaints to

14 Available from the author on request.

the authorities and that these public institutions have the capacity to receive and carry out remedial measures to address those complaints. Many countries have established hotlines or specific bodies to receive and address complaints by domestic workers. In Bulgaria,[15] domestic workers have the opportunity to receive labour law advice or report violations to the labour inspection directorates, either on site, by post or by electronic means, and to seek the assistance of the Executive Agency of the General Labour Inspectorate on the Agency's hotline. Another way to ensure the capacity of public institutions to enforce labour and social security laws in domestic work is by establishing bodies that are specifically designated to cover the sector. For example, in Argentina, the Labour Court for Private Household Labour, which was established by Act 26844 in 2013 under the Ministry of Labour, Employment and Social Security, holds jurisdiction in the City of Buenos Aires for resolving any conflicts that occur between domestic workers and household employers (ILO 2019c).

Finally, the requirement to keep records, such as written contracts, payslips or other documentation of wages and hours worked, can also help public authorities to enforce compliance. For example, in France, beneficiaries of CESU (see Chapter 7, box 7.2) must keep copies of the vouchers used to pay their workers. In the Philippines, Portugal, South Africa and Zimbabwe, employers must provide domestic workers with detailed payslips. In Jordan, the law requires the employer to keep evidence of all monthly payments. This provides labour inspectors with helpful tools with which to address individual cases of abuse (ILO 2015e).

Making use of social norms and other behavioural insights

As shown above, traditional approaches to formalization, such as law enforcement, deterrence strategies or fiscal incentives, can sometimes lead to positive outcomes; however, by themselves they are not always sufficient. Deterrence and sanctions, in particular, are not always effective and can even have boomerang effects if they break trust between citizens and public authorities (Horodnic and Williams 2018). Conversely, research has found strong positive correlations between levels of declared work, collective perceptions of social norms and trust in government: "so long as individuals perceive that declared work does not represent the social norm, they will not comply" (Horodnic and Williams 2018, 9).

Particularly in the absence of clear guidance, employers of domestic workers are likely to shape their behaviour based on their perception of what the typical and desirable behaviour is in a given situation. In the absence of empirical evidence, people shape these perceptions based on the behaviours they observe in their surroundings and based on dominant narratives, whether or not these are accurate. The rules that describe what a certain reference group considers to be typical or desirable behaviour in a given situation is known as a social norm (Tankard and Paluck 2016). Since there is rarely empirical information on the actual rates of a given behaviour, social norms operate through people's beliefs and perceptions and are transmitted through reference groups and messengers who influence us the most: these can be family, peer groups, religious figures, celebrities, politicians or broader social networks. Although it is not always the case, people often prefer to adopt the behaviour of those whom they perceive as being within their group. While social norms can generate positive behaviours, such as recycling or following certain rules of hygiene, they can also lead to negative behaviours such as legal non-compliance, if this is understood as "normal" behaviour (Yamin and Hobden, forthcoming).

While empirical research is still under way, the high rates of informality, even in countries in which clear labour and social security laws are in place, suggest that there is a detrimental social norm of non-compliance in domestic work. Through casual observation, household employers can observe typical behaviour in the employment of domestic workers and make a decision on how to act on that basis. If the majority of people or the most influential people in one's environment

do not adopt formal employment practices, it is unlikely that one will depart from that norm. Moreover, even if they personally believe it is important to formally employ their domestic worker – in other words, if their personal norms differ from what they perceive as the social norm – employers still may not break from the social norm out of fear of reprisal from their reference groups. Conversely, domestic workers may not want to become formal if they observe that their peers are not in formal employment.

Since social norms influence behaviour, they can also act as a tool to change behaviour. Social norm interventions change behaviour by changing the perceptions that people have about what is typical and desirable behaviour. Such interventions have had significant impact in various real-world settings.

Social norms are frequently used in awareness-raising or behaviour-change communication campaigns. These campaigns make use of the information gathered on the existence of a social norm and the empirical evidence of behaviour to change people's perceptions of what is typical and desirable behaviour. One strategy to change social norms is to provide evidence of new behavioural trends. For instance, even if the rate of formalization is low, communication campaigns can emphasize the growth in the number of people registering their domestic workers. To build these campaigns, it is important to begin with a diagnosis of social norms in place. The first steps towards this end are being undertaken in Guatemala and Zambia.

Using social norms to influence behaviour is one example of how behavioural science can help in the design and implementation of laws and policies. As a discipline, behavioural science seeks to gain insights into people's actual behaviour by researching the psychological and contextual determinants of behaviour. These insights can then be used to design programmes and policies that are more likely to be effective. An example of how a behaviourally informed intervention increased social security registration in Argentina is provided in box 9.3.

▶ Box 9.3 Using behavioural insights to promote formal employment in Argentina

In Argentina, the Ministry of Labour used behavioural insights to promote compliance with social security registration. A behaviourally informed letter was written and sent to households above a certain income, reminding them of their obligation to register and providing them with the necessary information to do so. Focus group discussions conducted prior to the campaign had found that most employers saw themselves as good employers and did not see informal employment as a departure from that image of themselves; rather, employers justified their non-compliance by stating that it was the preference of their domestic workers not to be registered with the social security system. Meanwhile, focus group discussions among domestic workers revealed that they did in most cases wish to be formally employed. The letter reinforced the identity of employers as being good employers and drew attention to the fact that informal employment was not a behaviour consistent with being a good employer. Some 173,022 households were randomized into a control and a treatment group. The letter had a statistically significant positive impact of 0.23 per cent: an average of two more households per 1,000 registered their domestic workers after receiving the letter, representing an increase of 8.9 per cent in the rate of registration, as compared with the control group.

Source: Ohaco and Vello (2019).

Awareness-raising

Despite much progress in law and policy, the role of domestic workers in supporting households, labour market participation and economies remains largely invisible. Households who hire or otherwise benefit from the services of domestic workers often do not see themselves as employers with legal obligations or are unaware of their responsibilities. Domestic workers may not see themselves as workers with rights or may be unaware of their legal rights, particularly if they are poorly educated, come from remotes rural-areas or are migrant domestic workers, or if legal information is not available in a language in which they are literate.

When formalization is driven by a lack of knowledge or awareness of obligations, information campaigns can act as an important first step towards promoting formal employment arrangements. Such campaigns have been carried out in countries around the world, often carried out by the public authorities but also by employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist. These campaigns aim to reach domestic workers and employers through the media, such as radio and television, or by meeting them where they live, work or commute. For example, in South Africa, the Commission for Conciliation, Mediation and Arbitration collaborated with the South African Broadcasting Corporation to conduct a six-month radio campaign entitled "Make Your Rights Work for You". The campaign aimed to raise the awareness of vulnerable workers, including domestic workers, of their rights, potential vulnerabilities and what to do in case of unemployment, discrimination or complaints.

Public authorities have also mandated specific departments to carry out awareness-raising activities. For example, in Uruguay, since the entry into force of Law No. 18,065 in 2006, the labour inspectorate has been mandated to carry out regular awareness-raising campaigns targeting employers and domestic workers at the workplace. They visit workplaces with the primary goal of providing information on the law and regularizing the status of informal domestic workers (ILO 2015e). In Angola,[16] following the introduction of social security legislation to cover domestic workers, the Provincial Directorate of Public Administration, Labour and Social Security carried out a campaign in Lunda Sul Province aimed at registering domestic workers with the social security system.[17]

The role of employers' organizations and workers' organizations in reaching households and domestic workers with information on their rights and responsibilities has been essential. In Mexico, the National Union of Household Workers and CACEH ran an outreach campaign in 2019 targeting parks that domestic workers typically frequent. The campaign aimed to inform domestic workers of their rights and register them with the social security system. A similar campaign was carried out by UPACP, the domestic workers' union in Argentina. The union made use of mobile units targeting neighbourhoods with high concentrations of employers of domestic workers in order to inform domestic workers and employers of their rights and responsibilities and to provide information on how to register with social security schemes. Between 2018 and 2020, these units had reached some 10,000 domestic workers and employers.[18]

Another point of contact to reach employers of domestic workers is at their own workplaces. In Zambia, the Association of Employers of Domestic Workers collaborated with the NAPSA (see Chapter 7, box 7.4) to provide information on social security registration to employers of domestic workers in private enterprises. During the sessions, employers of domestic workers could raise any questions or concerns and could even register their domestic workers on the spot.

Information is also often disseminated through tools such as guides for workers and employers. For example, in Uruguay, the domestic workers' union, the Sindicato Único de Trabajadoras Domésticas, and the employers' association, the Liga de Amas de Casa, Consumidores y Usarios del Uruguay (LACCU), collaborated with the social security institute and a university to publish an information booklet on the rights and responsibilities of workers and employers. The booklet has become a key organizing tool for the union, which uses it in

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

17 See Portal de Angola, "Lunda Sul: Lançada campanha de inscrição dos trabalhadores doméstico", 14 February 2017.

18 Data provided by UPACP; on file with author.

seminars around the country. In Argentina, a guide for workers and employers was developed and disseminated in print and digital format through their organizations. Union Personal Auxiliar de Casas Particulares (UPACP), the domestic workers union, and the Sindicato de Amas de Casa de la Republica Argentina (SACRA), the organization of employers of domestic workers, distributed upwards of 20,000 guides to employers and domestic workers in 2018 alone. That same year through the union, another 70,000 workers and employers (in roughly equal shares) downloaded the digital version of the guide. A video clip produced by the union, summarizing the content of the guide, also received 100,000 views from workers and another 30,000 from employers.[19] Digital applications are increasingly being used to reach domestic workers. In Brazil, the "Laudelina" application was developed to provide information and help domestic workers calculate social security contributions.[20] A similar application called "Dignas" was developed in Mexico by the domestic workers' association CACEH.[21]

Skills training and professionalization

While skills training and professionalization are often cited as a means of formalization, the conditions under which they are undertaken are critical to ensuring this outcome. The theory goes that domestic work remains informal, in part, because it is still perceived as low-skilled work; therefore, if domestic workers are trained and perceived as skilled workers, households will be more willing to hire them formally and be more willing to pay for services provided. In a sense, skills training and professionalization seek to increase the value of domestic services. They can also increase the confidence of domestic workers by shifting their perception of themselves to that of skilled workers delivering a service of value to households. This approach can empower domestic workers and strengthen their ability to negotiate with their employers, whether to request that they be registered with the social security system, bargain for higher wages or ask for time off.

Where efforts to professionalize domestic work have resulted in formal employment and decent work, several conditions have been met. One observed practice is that training schools, whether run by domestic workers' unions or public vocational training centres, have simultaneously acted as a point of hire for household employers. When households approach the school to hire a trained domestic worker, they are requested to sign a contract that stipulates terms and conditions of employment that are in line with labour laws. For example, in Argentina a union-run school that trains domestic workers ensures that contracts are signed between the worker and the employing households when they are recruited through the school's hiring centre (ILO 2016e). To date, the school has trained 30,000 domestic workers.[22] Similarly, in Hong Kong (China), the Hong Kong Domestic Workers General Union (DWGU), an affiliate of the Hong Kong Confederation of Trade Unions, which organizes local domestic workers, implements a government-funded jobs-training programme for local domestic workers. The Confederation of Trade Unions Training Centre (CTUTC) provides more than 100 hours of skills training for women entering the labour market, including on cleaning, laundry, caring for infants and the elderly, negotiations and labour rights. Upon certification, domestic workers can be hired directly through the CTUTC, at which point employers are requested to sign a contract, the terms of which were set by domestic workers themselves through the DWGU. 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, while postnatal caregivers placed through the CTUTC earn double the wages of those placed by the Government referral agency (HKCTU 2015). The CTUTC has also maintained the highest job placement rate of any government-supported domestic workers job referral programme, even though their certified workers demand higher wages than others (ILO 2015c).

19 Data provided by UPACP, on file with author.

20 See Themis, "APP Laudelina".

21 See CACEH, "Dignas: Asistente para trabajadoras del hogar".

22 Data provided by UPACP; on file with the author.

Second, the training provided focuses on building the overall education and confidence of domestic workers. For example, the domestic workers' school in Argentina23 includes, in addition to professional skills training, educational courses for those who could not fully attend school as children on subjects such as computing, self-care and sex education. The Domestic Workers Association of Zimbabwe24 offers training to domestic workers that includes psychosocial support to empower domestic workers and ensure they have access to decent work. In Myanmar, a social enterprise and cooking school, "Three Good Spoons", developed a training course for domestic workers that includes capacity-building courses on labour rights, self-defence, financial management and life skills, in addition to the professional skills of cooking, cleaning, childcare, nutrition and hygiene. Three quarters of the graduates in 2019 found work as domestic workers with improved working and living conditions (ILO 2020d).

Within the public framework of sectoral vocational training, in France, the Institut de professionnalisation des emplois de la famille (IPERIA) was established in 2011, in part thanks to the advocacy work of FEPEM. In October 2018, a framework agreement between the Government, the two occupational branches of household employers and IPERIA was signed. It provides for the pursuit of an effective policy of professionalization of the sector, with an upstream study on the evolution of employment in the sector that will make it possible to develop an action plan on the evolution of employment and skills. Employers in this professional sector cover the salaries and training costs for domestic workers. The programme is financed through social contributions collected from employers and through funds from the Fonds paritaire de sécurisation des parcours professionnels. In 2017, more than 40,000 domestic workers participated in the training. The domestic workers' school in Argentina is also the result of a framework agreement with the Government, which finances a significant portion of the activities of the school. Since 2008, the school has signed five framework agreements with the Ministry of Labour, Employment and Social Security, which resulted in the training of some 30,000 domestic workers by 2020.

In recent years, the demand by households in Italy for private care services has significantly increased. This is mostly due to current socio-demographic trends, including the ageing of the Italian population, as well as the difficulties encountered by public services in catering to the needs of all citizens requiring direct support care. In order to ensure that workers are qualified and occupations standardized, the social partners have been cooperating with the national entity for standardization (UNI) with a view to establishing a set of objective and reliable criteria for the selection and training of domestic workers. The UNI[25] developed an occupational standard for domestic workers that defines the knowledge, skills and competences required for professionals working in family-care-related occupations. This standard defines the competencies and tasks for each of the three different occupations in the domestic work sector (housekeepers, carers and babysitters), in compliance with the European Qualifications Framework. It also provides objective criteria for the design and delivery of occupational training and for the recognition of prior learning.

Fair recruitment and the role of service providers

Public and private service providers, when appropriately regulated, play an important role in the efficient and equitable functioning of labour markets by matching available jobs with suitably qualified workers. Evidence in Europe suggests that well-regulated enterprises can play a role in the promotion of formalization of domestic work. As seen in several of the examples provided above, domestic workers employed by enterprises are more likely to enjoy social insurance. In China, the 10 per cent of domestic workers employed by private enterprises are the only domestic workers who have rights to the same extent as other employees (Minghui 2017).

Service providers have also played a productive role in some instances. For example, in Zambia, households that hire domestic workers through

23 See the UPACP/ESDU website, https://www.escuelaempleadas.com.ar/.

24 See ILO, "Domestic Workers Association of Zimbabwe wins the ILO Skills Innovators Challenge", 17 July 2020.

25 See Italy, ACCREDIA, " Maid, Babysitter, Caregivers: Accredited Certification Supports Families", 24 June 2020.

maid centres are asked to sign a contract covering minimum wages, working time, sick leave, maternity leave, severance pay and more, based on the 2011 statutory protections for domestic workers. These service providers distribute the code of conduct to employers, refer to it when setting contractual terms at the point of hire and agree to negotiate salaries above the minimum wage and to enforce the resulting contracts. The agencies report salaries of between 19 to 130 per cent above the statutory minimum wage and a high degree of compliance, despite a lack of systematic enforcement (Zambia Federation of Employers 2011).

Concerns have been raised, however, about the growing role of unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework. For example, one recurring problem among domestic workers is the charging of illegal fees for recruitment or placement, particularly among migrant domestic workers. Convention No. 189 makes explicit reference to the issue of the recruitment and regulation of private employment agencies (see box 9.4). In addition, Paragraph 23 of Recommendation No. 201 provides that: "Members should promote good practices by private employment agencies in relation to domestic workers, including migrant domestic

Box 9.4 Article 15 of Convention No. 189

1. **To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:**

   (a) determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;

   (b) ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;

   (c) adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;

   (d) consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and

   (e) take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.

2. **In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.**

workers, taking into account the principles and approaches in the Private Employment Agencies Convention, 1997 (No. 181), and the Private Employment Agencies Recommendation, 1997 (No. 188)".

The ILO General Principles and Operational Guidelines for Fair Recruitment, developed through a tripartite process in 2016, is an internationally recognized guidance document created to improve regulations and approaches to promoting fair recruitment and decent work.[26] The General Principles inform international organizations, national legislatures and social partners about how to ensure fair recruitment both within and between countries, whether directly by employers or through intermediaries.

Fair recruitment is also an important aspect of the formalization of domestic workers, including migrant workers. The regulation of service providers can be an important step in ensuring that decent work and fair recruitment standards are upheld.

Promoting the formalization of migrant domestic workers

In some countries, informal status is closely linked to status in migration and measures have therefore been taken to both regularize and formalize migrant domestic workers. In Costa Rica, many domestic workers are migrants, both temporary and as permanent residents, from Nicaragua. Since the adoption of the General Law on Migration and Foreigners (Law No. 8764) in 2010, measures have been established to facilitate the regularization of undocumented migrants, including key labour migration sectors (agriculture, construction and domestic service). The law requires social security registration in order for migrants to become regularized and has imposed fees on irregular stays that must be paid before beginning the regularization process. The law also requires that workers be subject to a contract (oral or written) and have social security contributions, regardless of the number of hours they work or the number of employers they have. This could explain why the proportion of migrant domestic workers registered with social security (43.6 per cent) is almost double that of national paid domestic workers (22.1 per cent) (CEPAL 2019).

Integrated approaches ensuring that formalization is of benefit to domestic workers and employers

Formalizing employment is a necessary condition to reach important objectives, including but not limited to the achievement of decent work. In this respect, it should be considered as a primary means of ensuring decent working and living conditions for domestic workers. However, if decent work remains elusive without formalization, action should be taken to ensure that formalization effectively enables the realization of decent work. Together with measures that target individuals (domestic workers and households as employers), institutions and political actors should ensure that formalization results in real protection by improving the accountability, effectiveness and transparency of institutions and providing adequate levels of benefits. This is an important condition for improving the perception of fairness of institutions, increasing the willingness to formalize and laying the foundation for a sustainable formalization.

> Addressing decent work deficits in the informal economy includes reducing vulnerabilities and increasing the capacity of domestic workers to enter the formal economy in a sustainable way.

26 See ILO, General Principles and Operational Guidelines for Fair Recruitment & Definition of Recruitment Fees and Related Costs, 2019.

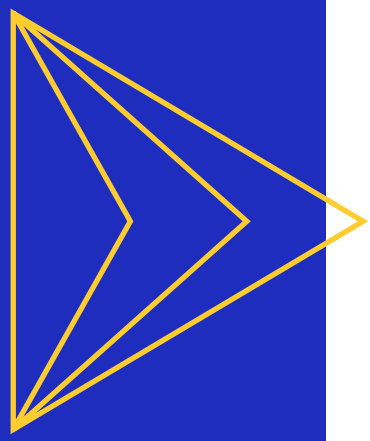
Many of the practices and interventions described above aim at strengthening the ability of domestic workers, as well as of household as employers, to enter the formal economy. Some of them contribute directly to formalization, while others support the process of formalization indirectly. Reducing decent work deficits in the informal economy is one of the results of formalization but is at the same time an enabling condition that facilitates the transition to formality and as such can be considered as part of the formalization process. Some domestic workers and some households have the potential to formalize in the short term, while for others this is not yet a realistic possibility. Addressing decent work deficits progressively reduces vulnerabilities and increases the capacity of workers and employers to enter the formal economy in a sustainable way.

For instance, providing domestic workers with basic social protection constitutes an enabling factor for their transition to formality by reducing their exposure to poverty, enhancing their access to healthcare and enabling them to envisage the development of opportunities rather than adopting short-term coping strategies.

Formalizing domestic work therefore involves adopting combined policies and measures that address not only their specific drivers of informality but also the transversal drivers of formalization, such as those that strengthen social security systems, compliance mechanisms or labour market institutions, access to education and skills and also, importantly, representation and social dialogue (see Chapter 10).

Chapter 10

Voice, representation and social dialogue



Freedom of association and the right to bargain collectively are ILO fundamental principles and rights at work. Around the world, domestic workers demonstrate and claim these fundamental rights by organizing collectively to improve their working conditions and earn respect.

As made visible across the chapters of Part III, employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist, have played a key role in achieving progress, both in law and in practice, towards the realization of decent work for domestic workers.

Through their lobbying efforts and social dialogue, many of them have contributed to the ratification of Convention No. 189 in more than 30 countries; driven the revision or adoption of laws and policies in the sector; or contributed to implementation, compliance and formalizing employment. Their role was no less visible following the outbreak of the COVID-19 pandemic, when domestic workers' organizations delivered humanitarian assistance to domestic workers who had lost their jobs and incomes, while employers' and workers' organizations together advocated for the application of emergency measures to domestic workers, sometimes by way of the employing households.

Freedom of association and the right to bargain collectively are ILO fundamental principles and rights at work. Around the world, domestic workers demonstrate and claim these fundamental rights by organizing collectively to improve their working conditions and earn respect. The ILO's supervisory bodies have long recognized that these two principles are valid for domestic workers too (ILO 2018h, paras 406-407), yet in most parts of the world this category of workers still lacks adequate legal protection to make them a reality (ILO 2010c).

Domestic workers and the households that employ them face numerous challenges to their effective organization and representation in bipartite and tripartite social dialogue. At the legal level, domestic workers and employing households sometimes fall outside the scope of laws on freedom of association and collective bargaining owing to the definition of workers, workplaces or even employers. In some cases, migrant domestic workers are excluded from the right to freedom of

association and collective bargaining.[1] Yet, Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), applies to all "workers and employers, without distinction whatsoever". Similarly, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), seeks to ensure that workers enjoy adequate protection against interference in the establishment, functioning and administration of their representative organizations, while the CEACR has consistently interpreted the Conventions as applicable to domestic workers (ILO 2010c).

The CEACR has also consistently interpreted these Conventions as requiring that legislative provisions concerning freedom of association, including the right to organize, be extended to domestic workers. For example, in 2008 it published individual observations to this effect on Bangladesh, Canada (Ontario), Eswatini, Haiti and Kuwait (ILO 2010c). The CEACR has also emphasized the importance of ensuring that domestic workers enjoy their rights to freedom of association and collective bargaining in practice (ILO 2010c). Indeed, beyond legal challenges there are also several practical obstacles: domestic workers and the households that employ them are dispersed in individual households, with individual employment relationships that, at first glance, would preclude the possibility of forming collectives with common interests that might engage in bargaining. Moreover, domestic workers and household employers in many countries still do not see themselves as workers and employers within an employment relationship, with associated rights and responsibilities. Domestic workers also have limited amounts of free time and often fear they might lose their jobs if they join a union (ILO 2015c).

▶ Domestic workers' organizations

Domestic workers' organizations face considerable challenges to effectively representing their membership. These include the procedures required to be officially registered as a recognized union; the labour-intensive process of organizing domestic workers one at a time; the low contributory capacity of domestic workers in terms of union dues; and the high levels of membership turnover as domestic workers move into and out of employment. When there is no formal group of employers of domestic workers, it also becomes impossible to engage in collective bargaining (ILO 2015c).

These challenges pose a threat to the achievement of decent work, a fact made evident by the good practices outlined in this report, many of which have been driven by employers' organizations and workers' organizations. Social dialogue is at the core of the ILO mandate as a key means of consensus-building around issues of significant import first and foremost to the workers and employers involved. It is also the means through which domestic workers and household employers have the possibility of gaining recognition as workers and employers in the world of work.

Since the adoption of Convention No. 189, significant changes have occurred in the extent to which domestic workers and employers are organized and in a position to represent the sector in social dialogue, including in collective bargaining. The "12 by 12" Campaign was first launched by the International Trade Union Confederation (ITUC) to achieve 12 ratifications of Convention No. 189 by 2012 and was subsequently renamed the "12 + 12" Campaign in order to continue to promote ratification. By 2016, the campaign had contributed significantly to labour law reforms around the world, including the ratification of Convention No. 189.

In 2013, domestic workers' organizations, which previously collaborated under the umbrella of the International Domestic Workers' Network, held the founding congress of the IDWF. Now an affiliate of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco

1 ILO, CEACR Case No. 2637 (Malaysia) 2008; Committee on Freedom of Association Case No. 2637 (Malaysia), 2008.

and Allied Workers' Association (IUF), the IDWF represents more than half a million domestic workers through 78 affiliates in 61 countries around the world. In carrying out its mission to build a strong, democratic and united global organization of domestic and household workers aiming 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. This has included the founding of new unions of domestic workers in countries such as Angola, Brazil, Colombia, Costa Rica, the Dominican Republic, Ghana, Guatemala, Egypt, Eswatini, Lebanon, Lesotho, Pakistan, Paraguay and Sri Lanka, to name a few (ITUC, IDWF and ILO 2016).

To establish their own representative organizations, domestic workers also face challenges in building and retaining membership and leadership. This is in part due to the high turnover of domestic workers in employment; their relative time poverty owing to their long hours of work; the difficulties of reaching domestic workers at the workplace to organize them; and their lack of experience as leaders, stemming from the position of most domestic workers as marginalized members of society.

To help address this gap, deep leadership training programmes in Latin America and the United States have helped to catalyse the growth and sustainability of domestic workers' organizations. In Latin America, the IDWF and the Latin American Confederation of Domestic Workers have launched a leadership training programme entitled "Liderazgo por Unidad, reNovacion, y Amplifiacion (LUNA)". The programme aims to support new leadership; build the technical and political capacities of these leaders to grow and sustain their organizations and the domestic worker movement at national, regional and global levels; build solidarity and a shared commitment between domestic worker leaders across the region; and develop a shared vision to unify, focus and motivate the movement. In 2019, the programme trained 48 domestic worker leaders from 26 organizations and 15 countries across Latin America over the course of three four-day retreats. Key to the programme was the fact that it trained participants in individual leadership skills, technical skills, organizational change and political analysis. It also included a mentorship component between new leaders and more experienced ones. Through the leaders trained, the programme resulted in nearly 10,000 new domestic worker members and 2,707 new leaders across the 26 organizations.[2]

The training was built on the basis of an earlier leadership training programme of the National Domestic Workers' Alliance (NDWA) in the United States, entitled "Strategy, Organizing, Leadership" (SOL). As a result of the programme, NDWA saw significant improvement in the organizational and leadership development capacities of the participating affiliates. Since the launch of the SOL programme, the total membership of NDWA's affiliates has increased threefold, from 10,000 to 30,000. Newer and smaller organizations have been able to create more robust leadership structures and teams, develop meaningful outreach and retention strategies, launch strategic campaigns and increase their membership and domestic worker leadership. Older organizations have been able to make needed shifts in leadership structures and organizational practices and have become more strategic and successful in their campaigns. At a movement level, the programme has had a major impact in increasing the pool of grass-roots leaders who are able to play a leadership role at national and international levels. Leaders who have passed through the SOL programme have a deep understanding of the national movement strategy, vision and values, and more confidence as leaders.[3]

> Trade union organizations have played an important role in supporting the organization of domestic workers.

Trade union organizations have also played an important role in supporting the organization of domestic workers. At the national level, they have provided training, advice and political support to domestic worker leaders to represent the sector in social dialogue, for example in Uruguay (ILO 2015c). At the international level, the IUF has played a key role in supporting the founding of IDWF. The ITUC has also supported the recognition of domestic work as a key sector of the care economy by including IDWF in the Global Union Group on Care, which brings together different segments of the care economy, including domestic workers. The Group includes the UNI Global Union, PSI, Education International, Women in Informal Employment: Globalizing and Organizing (WIEGO) and the IDWF, and advocates for more inclusive, accessible, resilient and caring economies through adequate investments in care that are directly connected to worker and patient outcomes. It also calls for policy initiatives to be linked to sectoral bargaining so as to ensure fair wages and decent working conditions across the health and care sectors and guarantee access to quality public health and care services for all.[4]

Employers' organizations

Although still rare, there are also an increasing number of organizations of employers of domestic workers, which have significantly contributed to the achievement of decent work by representing the collective voice of employers in social dialogue and by providing assistance to households in managing the employment relationship. The existence of these organizations has also facilitated 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 often work towards formalizing the sector in ways that result in improvements for domestic workers and employers alike.

Employers of domestic workers have broadly organized into one of three types of organizations:

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

> There are an increasing number of organizations of employers of domestic workers, which have significantly contributed to the achievement of decent work.

4 See, for example, ITUC et al., "Global Day of Action for Care: Unions and Civil Society Mobilising to Demand Investments in Care for Building More Inclusive, Accessible, Resilient, and Caring Economies", joint statement, 2020.

Organizations such as FEPEM, the Federazione Italiana Datori de Lavoro Domestico and DOMINA were each formed for the purpose of representing households in collective bargaining. In Brazil, the SEDESP was set up in 1989 with the objective of representing domestic employers and offering legal assistance about labour relations (Acciari 2021). More recently, in 2015, the Association of Employers of Domestic Workers in Zambia was founded with the objective of participating in social dialogue, disseminating information on domestic workers and their employers' rights and obligations and providing support to domestic workers in dispute settlements (ILO 2015f).

Organizations such as the Sindicato de Amas de Casa de la Republica Argentina (SACRA)[5] and LACCU, based in Argentina and Uruguay, respectively, were civil society groups formed to represent housewives, which were later called upon to represent employers in social dialogue (Pereyra 2018).

Since the 2000s, employers of domestic workers have also organized at the European level. In 2012, the European Federation of Family Employment (EFFE)[6] was founded to affirm the legal and administrative recognition of family services and jobs at the European level; promote the gathering of professional actors and experts in this sector in Europe; and foster the professionalization of employees in the sector of family services and jobs in the home. The objective of EFFE is specifically to strive for the recognition and development of the direct employment model (also called home or family employment) at the European level, as opposed to the model in which domestic workers are hired through companies with the guarantee of social rights.

The EFFE is now the second regional organization of employers of domestic workers, but the first to represent households specifically. In contrast, the European Federation for Services to Individuals was established in 2006 as the representative body for federations and companies involved in the development of personal services in Europe. It has affiliates in 22 countries that offer services to households in the form of domestic work, including social benefits and voucher programmes. They advocate for tax and social incentives and provide skills training to their workforce.

In addition, in some European countries, particularly Belgium and France, companies that place domestic workers have also formed associations (ILO 2015d).

Employers' organizations 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 have helped to address informality in the sector by providing model or standard written contracts and increasing access to social insurance schemes. Services typically fall into six broad categories:

- awareness-raising and/or information-sharing
- administrative and regularization assistance
- social insurance
- legal advice
- dispute resolution
- research.

Two Swedish organizations, Almega and KFO, offer management and leadership training to build individual employers' capacity to manage their obligations within the employment relationships and improve their knowledge of pertinent legislation in the sector. Employers' organizations in Belgium,[7] Brazil,[8] France,[9] Italy[10] and Uruguay[11] all provide administrative support, tax and contractual advice and provide model employment contracts and guides for employers

5 See SACRA website, http://sacra.org.ar/.

6 See EFFE, "Home Employment", 2020.

7 See ILO (2016a).

8 See Acciari (2021).

9 See Lebrun (unpublished).

10 See ILO (2020e).

11 See ILO (2016a).

on good employment practices. Employers of domestic workers also rely on their organizations to provide dispute mediation services and legal counsel. For instance, FEPEM[12] and DOMINA[13] both offer legal and technical support to assist employers and workers in reaching agreement to resolve complaints.

One key success factor in France and Italy is the capacity of the employers' organizations to collect data on the sector. Both the FEPEM in France[14] in 2007 and DOMINA in Italy[15] in 2018 established observatories that collect and analyse data to gain a better understanding of the sector in order to set policy campaigns and objectives. This function is critical to the campaigns of both organizations to raise awareness about the household as an economic and political actor, while valuing the model of employment between private individuals and domestic workers. Such information is also critical to advocate for public subsidies, an area of great import to organizations of employers in both countries.

Bipartite agreements

When representative organizations of domestic workers and of their employers exist, the conditions are in place for the negotiation and conclusion of bipartite agreements or other agreements, including collective bargaining agreements. The collective bargaining agreements that result from such negotiations often result in more adapted wages, better working conditions and benefits for domestic workers, while also establishing employment practices that work towards formalization. The collective bargaining agreement in Italy, for example, sets conditions of work and employment, defines the system of industrial relations in the sector and outlines a range of services relating to the employment and welfare of domestic workers. This includes support for recruitment; the establishment of labour contracts; the settlement of labour disputes; and legal, tax compliance and other administrative services (ILO 2020e).

In Brazil, the first collective bargaining agreement was signed in São Paulo in 2017 between the STDMSP and the SEDESP (see also box 7.1). The negotiation itself was a success, not only in view of the long struggle and the initiatives that preceded it but also because it included provisions that granted domestic workers better conditions than those included in the Law 150/2015, including a higher minimum wage rate; a daily minimum wage rate; a wage scale for live-in domestic workers according to their role and function; measures to limit working time for live-in domestic workers; provision of employment, injury and life insurance; and recognition of a national domestic workers' day, 27 April, as a holiday. Importantly, the agreement introduced a union tax equivalent to one day's work and an annual contribution to the employers' association (Acciari 2021).[16]

Collective bargaining agreements can also be concluded with associations representing private-sector actors in the field of domestic work. Such is the case in Belgium and France. In Belgium, collective bargaining agreements have been concluded between employers' organizations (Federgon; the Fédération Wallonne des Entreprises d'Insertion); the platform Agences Locales pour l'Emploi; and workers' organizations (the Fédération Générale du Travail de Belgique; the CSC Food and Services Union, affiliated to the Confederation of Christian Trade Unions; and the Centrale générale des syndicats libéraux de Belgique). These agreements were channelled

12 See Lebrun (unpublished).

13 See ILO (2020e).

14 See Lebrun (unpublished).

15 DOMINA, Annual Report, 2020.

16 Collective Labour Agreement 2021/2022, signed on 1 March 2021.

through Joint Committee 322.01 since 2005, when the service voucher system was set up.[17] Similar agreements exist in France (ILO 2015d).

In addition to the services provided to families and domestic workers, employers' organizations and trade unions have established, through bipartite agreements, entities that service the sector as a whole. In Italy, for instance, the social partners concluded a bipartite agreement to create an entity, the CASSACOLF,[18] which through a fund supports a voluntary welfare system that supplements public welfare (see also Chapter 6, box 6.2). Funding is used to finance supplementary health and insurance schemes and to sponsor training, information and other activities for members. Supplementary welfare services include childbirth allowances; financial refunds of costs related to surgery or other medical services; and reimbursement of maternity-related expenses incurred by domestic workers. In France, the FEPEM and trade union organizations have set up four main institutes: for social dialogue (Conseil National Paritaire du Dialogue Social (CoSMoS);[19] social protection (Institute for Research in Circular Economy and Environment (IRCEM));[20] training and professionalization (IPERIA);[21] and advisory services to households hiring domestic workers (Fédération Mandataires).[22]

Finally, in Qatar, a bipartite labour–management (or joint) committee has also been established by Qatar Manpower Solutions Co. (WISA), a public company set up in April 2019 to address the growing labour market needs of households for part-time, live-out and urgent domestic work services. To fulfil those needs, WISA offers a range of employment options for households seeking domestic work services such as cleaning, cooking, driving, childcare and elderly care services on a part-time or full-time basis. The Ministry of Administrative Development, Labour and Social Affairs and the ILO Project Office supported WISA in establishing a labour–management committee (a joint committee), in line with the Labour Law No. 14 of 2004 and Ministerial Decision No. 21 of 2019, to regulate the conditions and procedures of the election of workers' representatives to joint committees. One female worker representative and one male worker representative were elected by WISA workers to represent them in the established joint committee with management representatives. Comprising equal numbers of workers and management representatives, joint committees make a major contribution, through social dialogue, to improving labour relations, preventing and addressing conflict and promoting organizational effectiveness and workers' well-being.

> Collective bargaining agreements often result in more adapted wages, better working conditions and benefits for domestic workers, while also establishing employment practices that work towards formalization.

17 The service voucher system is partly subsidized and allows for only limited tasks to be performed for a household: cleaning; washing and ironing; cooking; and shopping. The workers under this system are covered by collective labour agreements concluded within Joint Committee 322.01. See also Belgium, Titres-Services Wallonie, "Quelles tâches puis-je effectuer dans le cadre des titres-services?" Domestic workers directly employed by a household perform household tasks, such as cleaning, washing and ironing, cooking and shopping, as well as childcare and basic elderly care for members of the household. They are covered by collective labour agreements concluded byJoint Committee No. 323 on the management of buildings, real estate agents and domestic workers. See also Belgium, Ministry of Labour, "Contrat de travail domestique".

18 See EBINCOLF website, https://ebincolf.it/ ; and CASSACOLF website, http://www.cassacolf.it/.

19 See CoSMoS website, http://cosmos.asso.fr/actu/commission-paritaire-nationale-de-dialogue-social-7992.

20 See IRCEM website, https://www.ircem.com/.

21 See IPERIA website, https://www.iperia.eu/.

22 See Fédération Mandataires website, https://www.federation-mandataires.fr/.

Chapter 11

Impacts of and responses to the COVID-19 pandemic

Domestic workers have been some of the worst-hit workers during the COVID-19 pandemic, which exacerbated working conditions that were already poor, as detailed in Chapters 7 to 10 above. Their vulnerability both to the virus (owing to the nature of their work) and to loss of jobs and incomes has put their lives and livelihoods at great risk. While all domestic workers have faced such risks, domestic workers in informal employment have been particularly vulnerable. Those who have remained employed often already lived with their employers or were asked to live with them in order to reduce possible exposure to the virus. Others who remained in employment have faced heightened risks of catching the virus through working for multiple households. In fact, one of the first deaths from COVID-19 in Brazil was a domestic worker who contracted the virus from her employer, who had returned from a trip to Italy infected with it (ILO 2020a; ILO 2020b).

For many domestic workers who do not have guaranteed access to adequate healthcare, contracting the virus can indeed pose a threat to their lives; yet most domestic workers, 81.2 per cent of whom work in informal employment, have no access to income replacement or support measures because of their informal status. For those domestic workers in informal employment who have not continued to go to work, whether at the request of employers or for reasons of personal choice or compliance with confinement measures, staying home has meant losing their livelihoods (ILO 2020a; ILO 2020b).

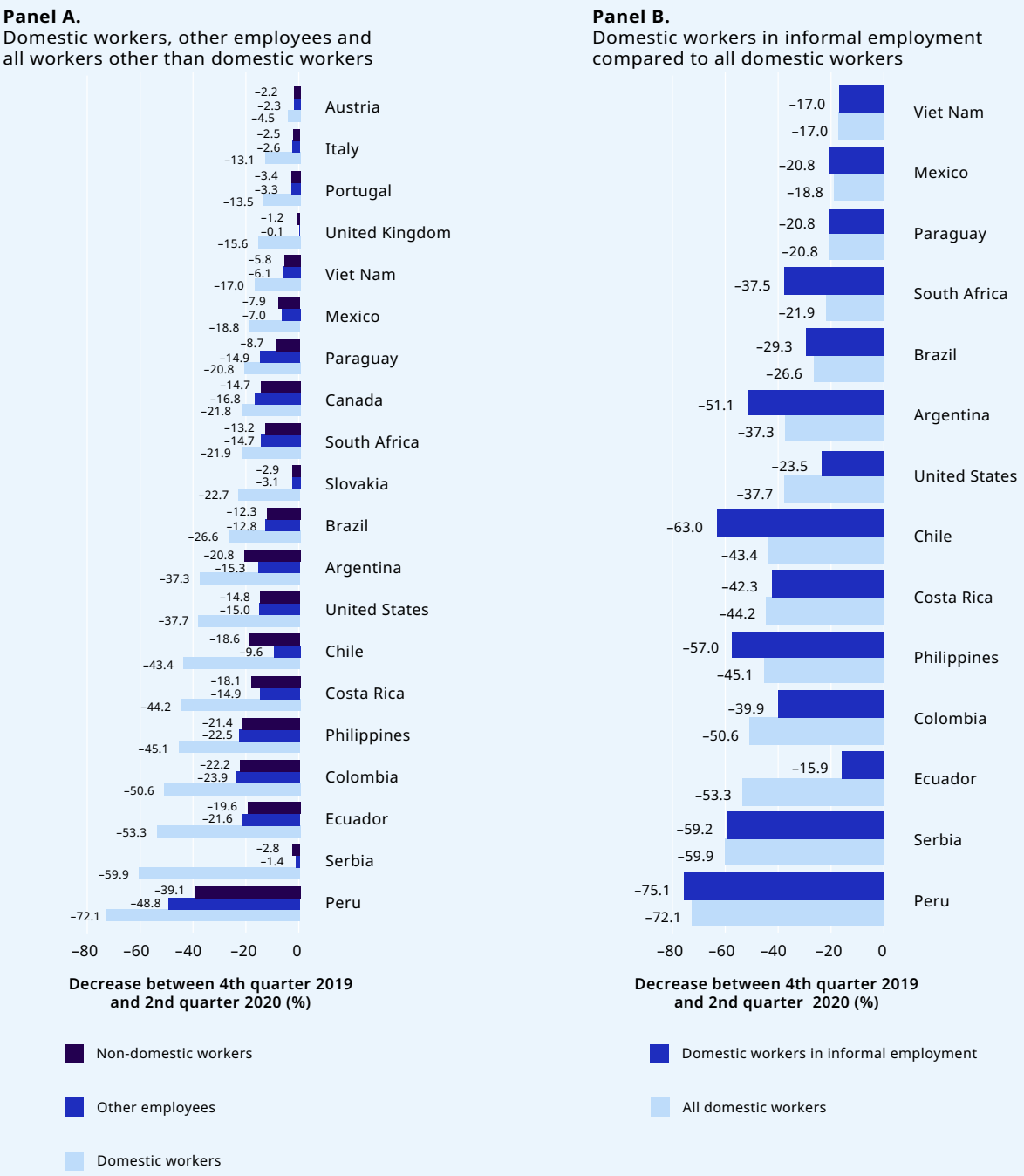
This chapter details the specific impacts of the COVID-19 pandemic on the employment, hours and incomes of domestic workers, based on national labour force statistics from 20 countries representing every region. To estimate the impact on domestic workers, data on employment, working time and wages were taken from the fourth quarter of 2019 and compared with that of the second quarter of 2020 – a peak period of lockdown in most parts of the world. The situation of domestic workers was compared with that of employees and the larger population of workers generally. The situation of informal domestic workers was also compared with that of domestic workers generally. Following the assessment of the impact of the pandemic on domestic workers, the discussion turns to measures taken by governments, employers' organizations and workers' organizations to protect domestic workers from the effects of the pandemic.

▶ Impact of the COVID-19 pandemic on employment, working time and wages

While virtually all workers have seen their working lives affected by the COVID-19 pandemic, 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 have been more affected than most.

Domestic workers have been much more likely to lose their jobs during the pandemic, compared to other employees and other workers. Taking as a reference the last quarter of 2019 and comparing it to the level observed in the second quarter of 2020, the number of domestic workers decreased drastically and to a greater extent than other employees in all countries under review. The drop in the number of domestic workers has ranged from 5 per cent to about 20 per cent in most European countries covered, as well as in Canada and South Africa. In most countries covered in the Americas, job losses among domestic workers have ranged from 25 per cent to about 50 per cent, reaching over 70 per cent in Peru (figure 11.1, panel A). Job loss among other employees over the same period has been systematically lower, at less than 15 per cent in most countries with the exception of Peru, and less than 5 per cent in countries in Europe and Asia and the Pacific.

Figure 11.1 Decrease in the number of domestic workers between the fourth quarter of 2019 and the second quarter of 2020 (percentages)



Source: ILO calculations drawing on national household surveys (as listed in Annex 3 unless otherwise specified) as follows: (i) based on quarterly data and comparing second quarter of 2020 to fourth quarter of 2019 in Argentina, Austria, Brazil, Chile, Costa Rica, Ecuador, Italy, Mexico (comparison of third quarter of 2020 with fourth quarter of 2019), Paraguay, Peru, Philippines, Portugal, Serbia, Slovakia and Viet Nam; (ii) based on monthly data and comparing April 2020 to January 2020 in Canada, Colombia (Current Population Survey) and the United States.

In countries where not all domestic workers are in informal employment, job losses have hit domestic workers in informal employment more than most workers. This is notably the case in Argentina, Chile, the Philippines and South Africa (figure 11.1, panel B).

While some domestic workers have lost their jobs, others have seen a reduction in their working hours; both groups have seen a dramatic reduction in the total amount of wages received (the sum of wages among all domestic workers). The combination of those who have lost their jobs (whether temporarily or permanently) and those who have seen a reduction in the number of hours of work has resulted in a greater decrease in the total number of hours of work (considering all domestic workers) than that experienced by other employees and workers. In the second quarter of 2020 (April for Canada, Colombia and the United States), this decrease was about 50 per cent or more in 13 out of the 20 countries under review (figure 11.2, panel A). Again, the drop in the number of hours is more pronounced for domestic workers than for other employees; however, the difference is smaller for working hours than for job losses. As a result, the decrease in the total amount of wages received by domestic workers has been from 1.5 times to five times greater than that experienced by other employees (figure 11.2, panel B). This decrease is the smallest in Italy and Portugal and reaches over 70 per cent in Ecuador and Peru. The loss of wages is a result of the huge number of jobs and hours lost and the widespread lack of wage support to compensate for the reduced hours of those still employed.

> Domestic workers have been much more likely to lose their jobs in the pandemic, compared to other employees and other workers.

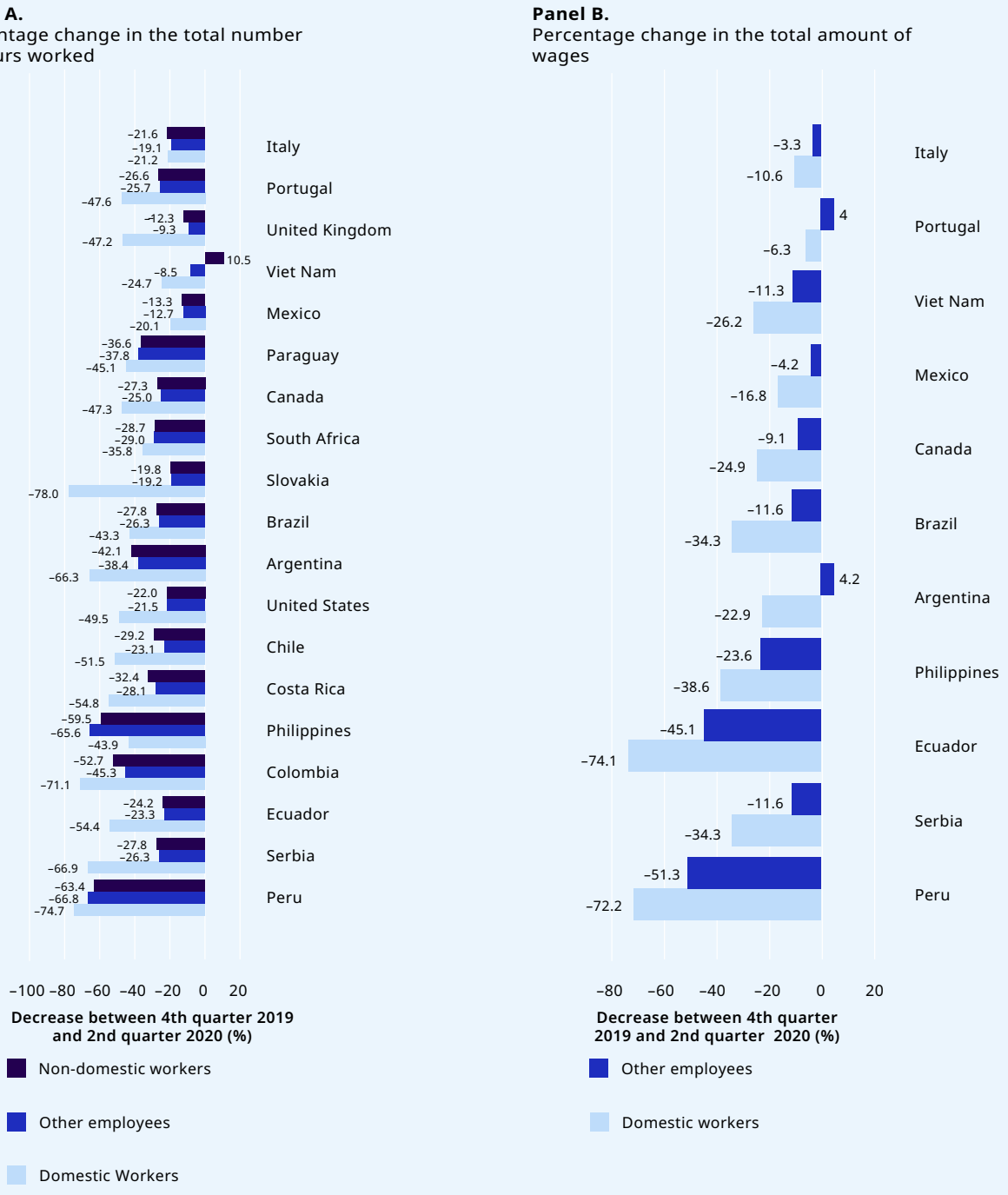
> The decrease in the total amount of wages received by domestic workers has been from 1.5 times to five times greater than that experienced by other employees.

▶ Other impacts

While domestic workers have suffered comparatively higher rates of job loss during the pandemic, many domestic workers have continued to go to work. Even if they did not lose hours, many of these domestic workers have nonetheless been significantly affected. For the most part, domestic workers have not had access to personal protective equipment (PPE) despite the fact that they have been providing essential services to numerous households, often working with vulnerable clients. Many domestic workers, formal or informal, also lack access to adequate healthcare, leaving them at a particularly high risk should they fall ill.

Some domestic workers have also found themselves working longer and more intense hours as a result of school closures and more rigorous cleaning chores. Live-in domestic workers have been perhaps the most likely to retain their jobs but work longer hours, staying in confinement with their employers. The additional cleaning chores have often been performed without access to PPE such as rubber gloves.

Figure 11.2 Decrease in the total number of hours worked and the total amount of wages among domestic workers and other workers between the fourth quarter 2019 and the second quarter 2020 (percentages)



Note: As for figure 11.1.

In other cases, employers have stopped paying their live-in domestic workers because of their own financial circumstances or a belief that domestic workers do not need their salaries anyway since they cannot go out. 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 living in the street 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 falling victim to trafficking. These practices are demonstrative of the discrimination faced by many domestic workers. Restrictions on international mobility have prevented these migrant domestic workers from returning home to their families (ILO 2020a).

▶ Challenges and good practices

The impact of the COVID-19 pandemic on domestic workers has been widespread, threatening lives and livelihoods; it has also been protracted and remains ongoing at the time of preparation of this report. The data presented above reflect a reality as recent as mid-2020, while confinement measures were in place in many countries. While some governments, as well as employers' and workers' organizations, have taken measures to protect domestic workers from the pandemic, in reality their situation remains highly precarious. Given the high incidence of informality and the nature of their work providing indirect and direct care services, protecting domestic workers in the short term will require the extension of emergency measures such as income support and replacement to all domestic workers, including those in informal employment; the provision of PPE; and guidance on OSH standards during the pandemic. In the longer term, the particular vulnerability of informal domestic workers points to the urgent need to formalize their jobs, starting with their inclusion under all applicable labour and social security laws and taking measures to implement and enforce compliance with these laws.

Only a few countries have extended emergency measures to domestic workers. In France,[1] the Government has provided financial support to household employers of domestic workers to cover up to 80 per cent of the cost of domestic services during the pandemic. In Belgium,[2] domestic workers who were formally employed under the service voucher system have benefited from temporary unemployment schemes under the emergency measures. In Spain,[3] where even formal domestic workers were previously excluded from unemployment insurance, measures have been taken to give domestic workers access to unemployment insurance during the pandemic. The emergency measures have been made accessible to domestic workers who were already registered with social security, while domestic workers have been able to receive the same percentage of their salary as other workers; however, given the low wages of domestic workers, this benefit has often not been sufficient to keep them out of poverty.

Many measures have been achieved as a result of mobilization by employers' and workers' organizations. For example, in Italy[4] domestic workers were initially excluded from emergency

1 See France, CESU, "COVID19- Foire aux questions: Dispositif ciblé d'activité partielle", 23 April 2021; and France, CESU, "Comment obtenir mes attestations d'activité partielle?", 23 March 2021.

2 Convention collective de travail N° 147 of 18 March 2020.

3 Real Decreto-ley 11/2020, de 31 de marzo, por el que se adoptan medidas urgentes complementarias en el ámbito social y económico para hacer frente al COVID-19.

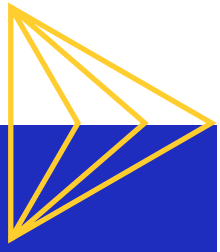
4 Law Decree No. 34 of 19 May 2020.

income support measures; however, following pressure from employers' and workers' organizations, a decree was issued in May 2020 to provide PPE for domestic workers and extend short-term income support for domestic workers who are in a formal employment relationship in cases of reduced hours of work. These provisions, however, exclude "live-in domestic workers" from the compensation and do not afford the same level of compensation as that granted to other workers. In Chile[5] too, the union SINTRACAP lobbied the Government, demanding that domestic workers be given the right to unemployment insurance and guaranteed access to emergency family income. Following the campaign, domestic workers have been included in the emergency measures, granting them the right to access benefits if their activities were suspended by mutual agreement or as a result of an act or declaration by the authorities.

To cover the sector effectively, the measures taken must be accessible to informal domestic workers. In Argentina,[6] all domestic workers, whether in informal or formal employment and whether they are providing essential services or not, have had effective access to income support measures amounting to 10,000 Argentine pesos (about US$150) for the month of April 2020

5 Law No. 21.232 of 6 June 2020, sole art. 1.

6 infobae, "Empleadas domésticas y el beneficio extra de $10.000: quiénes lo podrán cobrar, quiénes no y qué trámite hay que hacer", 24 March 2020.



Protecting domestic workers in the short term will require the extension of emergency measures such as income support and replacement to all domestic workers, including those in informal employment; the provision of PPE; and guidance on OSH standards during the pandemic. In the longer term, the particular vulnerability of informal domestic workers points to the urgent need to formalize their jobs, starting with their inclusion under all applicable labour and social security laws and taking measures to implement and enforce compliance with these laws.

(Decree No. 260/20), in addition to their full salary, whether or not they have gone to work. Governments have also supported similar measures in France and Spain.[7]

Some measures have also been taken to protect migrant workers in informal employment or irregular migration status specifically. Such measures are vital for many domestic workers in Europe, for instance. The decree issued in Italy includes provisions for the formalization of agricultural and domestic workers, two sectors in which migrant workers are over-represented. Informal migrant workers in these sectors whose permit expired after the end of October 2019 have been allowed to obtain an initial six-month renewal, which may be subsequently extended if they have entered into a formal employment relationship. To protect migrant workers, including migrant domestic workers, Portugal[8] has suspended visa applications and has ensured full access to healthcare for migrant workers, including migrant domestic workers, with an irregular migration status.

In some cases, specific provisions have been made to provide domestic workers with PPE or give them OSH guidance in the light of the COVID-19 pandemic. Such provisions have been included in the emergency measures taken in France[9] and Italy,[10] while in Peru[11] a new law on domestic work, which was promulgated during the pandemic, includes a specific provision under which the employer must provide domestic workers with PPE and a safe environment in which to work. It is also specified that the same provisions will apply for any future epidemic.

The COVID-19 pandemic has also made visible the vulnerability of domestic workers to exposure to biological hazards. Domestic workers often work for multiple households and in close proximity with the persons in the households in which they work. Because of the nature of the services they provide, they are often considered essential and continue to be called to work. When they are informally employed, without the possibility of benefiting from income-replacement measures, they may also feel compelled to go to work despite the risks. To compound these risks, domestic workers are often unable to physically distance in their workplaces and are not provided with the necessary PPE. They may also be unaware if a person in the household has the virus and risks transmitting it. Many of these risks are not specific to the pandemic but also apply to many other communicable diseases and other biological hazards.

To take account of the biological hazard of the COVID-19 pandemic, several countries have also developed OSH guidance for the return to work during the pandemic. More often than not, these efforts have been driven by employers' and workers' organizations. For example, in Latin America, a guide on OSH during the pandemic that was initially published in Mexico has been used as a reference for domestic workers' unions across Latin America, which have used it as a tool for advocacy with the objective of turning its guidance into a legally enforceable protocol. In Belgium,[12] the social partners representing the domestic work sector have negotiated the adoption of a sectoral guide on OSH in the time of COVID-19. Within the framework of a collective agreement, a sectoral training fund has been created to provide training sessions for domestic workers on work-related ergonomics (cleaning and ironing); safety and hygiene; training on the prevention of back pain; and safety regarding cleaning products (EFSI 2020). Such training can ensure that they are prepared for the job and able to discuss risks with their employers. In Belgium,[13] under the sectoral training fund referred to in Chapter 8, a training course has been developed for the heads of service voucher enterprises on OSH prevention measures of relevance to domestic workers and clients, following the onset of the pandemic.

7 See France, Ministry for the Economy and Finance, "Particulier employeur: tout savoir sur les services à la personne", 23 November 2020; and El País, "Trabajo ultima un subsidio extraordinario para las empleadas domésticas", 24 March 2020.

8 Order No. 3863–B/2020 of 27 March 2020.

9 Decree No. 2020–293 of 23 March 2020.

10 Law-Decree No. 18 of 17 March 2020 (Cura Italia).

11 Law 31047 (2020), art. 6.

12 See Belgium, Guide sectoriel pour lutter contre la propagation du COVID-19 au travail , pp. 33–35.

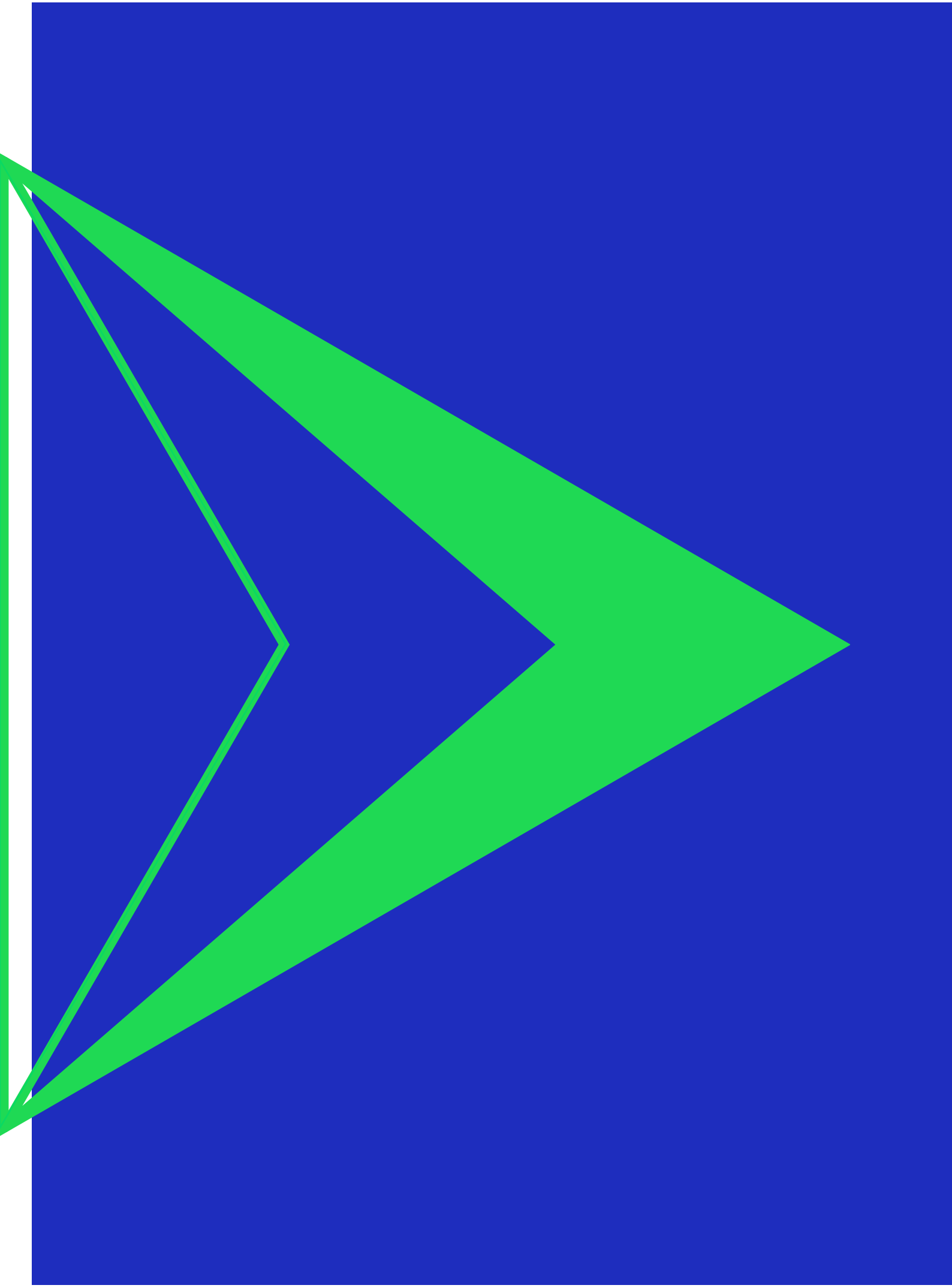
13 See Belgium, "Fonds de Formation Sectoriel des Titres-Services".

Many of these efforts have been combined with mass media campaigns to ensure that household employers and domestic workers are aware of applicable measures. To ensure that information reaches domestic workers and their employers, the Government of Qatar has launched an SMS campaign communicating the health and rights of domestic workers during the pandemic. In Latin America, governments in many countries have launched campaigns to promote the rights of domestic workers and the registration of domestic workers with social security (Mexico); protect employment (Ecuador); and generally inform employers and workers of their rights and responsibilities during the pandemic (Colombia and Costa Rica) (UN-Women, ILO and ECLAC 2020).

Finally, for the domestic workers most affected by the pandemic, domestic workers' organizations in countries around the world have mobilized to deliver food packages and other assistance. In the United States, the NDWA[14] has established an emergency relief fund to support domestic workers who have lost their jobs, distributing funds to more than 40,000 nannies, house-cleaners and home-care workers between March and December 2020. At the global level, the IDWF[15] has launched the Solidarity Fund to Fight the COVID-19 Pandemic, with the objective of enabling at least 150,000 domestic workers and their families to cope with and survive the crisis by providing food, PPE, hygiene products and emergency cash assistance to domestic workers in need. Funds have also been allocated to support domestic workers' organizations delivering this assistance in countries around the world.

14 See NDWA, "Support for Workers : How Coronavirus Impacts Workers ".

15 See IDWF, "IDWF Solidarity Fund to Fight COVID-19".



Conclusion

Conclusion

By adopting Convention No. 189 in 2011, ILO Member States set out to make decent work a reality for domestic workers, which requires:

a. legal recognition of domestic workers in labour and social security laws, affording adequate levels of protection that are, at a minimum, no less favourable than those enjoyed by other workers; and

b. the effective implementation of those laws.

This report has shown the extent to which, ten years after the adoption of Convention No. 189, decent work has become a reality for domestic workers. The report has provided a measure of the extent to which domestic workers enjoy legal coverage (meaning their inclusion under key labour and social security laws) and the extent to which they enjoy effective coverage (meaning that they can effectively access their rights and protections in reality). The report has provided an estimate of the number of domestic workers, their share in informal employment and their actual working conditions, as a measure of the extent to which decent work has become a reality for domestic workers. Importantly, it has provided a measure of the share of domestic workers who lack effective coverage due to a lack of implementation of applicable laws and policies, as well as those for whom legal gaps must first be addressed before turning to the question of implementation. Finally, the report has provided guidance on how to close both legal and implementation gaps and has presented some country practices that have contributed to doing so.

Summary of the situation of domestic workers

Around the world, there are 75.6 million domestic workers over the age of 15. Women continue to make up the majority of the sector (76.2 per cent), although this share varies significantly across regions. In Latin America and the Caribbean, 91 per cent of domestic workers are women, while in the Arab States, men outnumber women and represent 63.4 per cent of the sector.

Domestic workers remain some of the most vulnerable workers in the economy. This is due in part to the lack of effective protections, the fact that the work takes places within the private sphere of the household, where public authorities have little access, and the lack of voice and representation. Live-in and migrant domestic workers can be particularly vulnerable. These vulnerabilities result in significant decent work deficits. Only one in five domestic workers enjoys effective employment-related, social security coverage. Domestic workers are more likely to work very short or very long hours and earn just 56.4 per cent of the average monthly wages of other employees. They are also overexposed to OSH risks and to violence and harassment, which is a widespread phenomenon that is deeply embedded in patterns of society and too often seen as normal.

Informal employment is one of the main sources of the vulnerability of domestic workers. Some 81.2 per cent of them are in informal employment, which is twice the share of informal employment among other employees (39.7 per cent). Domestic workers in informal employment face some of the worst working conditions. They do not benefit from employment-related social security and are even more likely than formal domestic workers to work very short or very long hours. The COVID-19 pandemic has highlighted the particular vulnerability of informal domestic workers. While all domestic workers have been disproportionately exposed to catching the virus, informal domestic workers have also been among the workers least likely to have access to social insurance, including unemployment insurance, income support or other emergency measures adopted to address the consequences of the

pandemic. Informal domestic workers have faced a disproportionate impact on their employment, working hours and wages, as compared to other employees and workers.

Domestic work remains an important economic sector, particularly among women, although in some regions it also employs a sizeable group of men. Female domestic workers make up 11.3 per cent of female employment in Latin America and the Caribbean and 32.4 per cent in the Arab States.

Demand for domestic work is likely to grow. Moreover, as a job-intensive sector that provides essential services to households, domestic work could present a significant source of employment for the COVID-19 pandemic recovery. But the question remains: under what conditions will the sector grow and what steps must be taken to ensure that domestic workers enjoy decent work now and in the future?

Identifying sources of vulnerability

Making decent work a reality for domestic workers means ensuring that they all have effective access to rights and protections. In this report, informality was used as the main indicator of such effective access to rights and protection. Three sources of informality were identified, two of which were quantifiable. The three sources of informality were:

- exclusion from labour and social security laws
- lack of implementation or compliance with labour and social security laws
- insufficient or inadequate levels of legal protection.

Of the 61.4 million domestic workers in informal employment, 66 per cent will require a first step towards formalization to be taken through their inclusion in the scope of pension schemes and other social security branches, as well as in the scope of any labour laws that are required to ensure the recognition of their employment relationship. This is a prerequisite for the implementation of these laws. For the remaining 34 per cent of informal domestic workers, who are already included in the scope of social security and labour laws, the source of informality is the lack of application of such laws in practice. These percentages vary across regions but remain too high overall. While the level of protection was not quantifiable, Part II of this report was able to assess the level of legal protection afforded to domestic workers versus workers generally with respect to working time, wages and maternity leave and cash benefits. It did not, however, assess the overall level of protection afforded. Indeed, while domestic workers might be legally covered by the same minimum wage level as that enjoyed by other workers, that minimum wage level may be set too low.

Paving the way forward

Effective access to rights and protections includes access to freedom of association and the right to collective bargaining and adequate remuneration. This requires closing legal and implementation gaps and ensuring that the level of protection is adequate both for domestic workers and for workers generally.

Convention No. 189 calls on Member States to ensure that domestic workers enjoy rights and protections that are equivalent to those enjoyed by workers in general. Since the adoption of the Convention, much progress has been made in enacting laws that extend rights and protections to domestic workers, notably in the areas of working time, wages and maternity protection. But for an effective improvement to be achieved, laws and regulations must also be implemented fully. The following points provide a summary of the gaps in the policy areas covered by this

report, followed by a summary of the approaches that countries have taken to close them. While the recommendations are organized by policy area, it is important that measures be taken with a view to protecting domestic workers coherently and comprehensively, across all areas included in Convention No. 189.

1. Legal coverage

The legal recognition of domestic workers as workers is a prerequisite for affording them rights and protection and the first step towards formalizing domestic work. Since 2011, thanks to the extension of laws and policies to cover domestic workers, there has been a decrease of 16.3 percentage points in the number of domestic workers who are wholly excluded from the scope of labour laws and regulations. Domestic workers are totally excluded from coverage in only 8.3 per cent of the countries reviewed, most of them in the Arab States and Asia and the Pacific. There has been a growing tendency to cover domestic workers through both general labour law and specific labour laws or subordinate regulations. Regardless of the approach, social dialogue has served to achieve such recognition and ensure that levels of protections are adequate, particularly when such dialogue includes the participation of employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist. Indeed, when laws covering domestic workers exist, they tend to ensure levels of protection that are equivalent to those enjoyed by workers generally. Only a small percentage of domestic workers are afforded lower levels of protection.

Progress made in ensuring legal coverage of domestic workers that is equal to that of workers generally varies by policy area. The most progress has been made in the area of working time, starting with periods of weekly rest. Thanks to the adoption or revision of laws and policies since 2011, 48.9 per cent of domestic workers are entitled to periods of weekly rest that are at least as long as those enjoyed by workers generally, an increase of 21 percentage points. In contrast, there has been only a small increase in domestic workers' entitlement to maternity leave (4.7 percentage points) and maternity cash benefits (3.6 percentage points) on an equal footing with other workers, with the result that only 45.6 per cent and 41.2 per cent of domestic workers, respectively, are legally entitled to these rights. The least progress has been made in terms of minimum wage coverage, with an increase of only 2.9 percentage points in the number of domestic workers who are entitled to the same minimum wage as workers generally, with the result that only 35 per cent of domestic workers enjoyed such rights in 2020.

Gaps in legal coverage remain significant across all areas. Of the countries reviewed for this report, about 30 per cent impose no limits on normal weekly hours of work and 11 per cent of countries provide no legal right to paid annual leave. In one third of the countries reviewed, domestic workers do not enjoy equal rights with respect to minimum wage (9.3 per cent) or do not enjoy minimum wage coverage at all (22.2 per cent). With respect to social security, nearly half of all domestic workers are legally covered by at least one branch of social security but only 6 per cent are covered by all of them. Finally, while the report did not measure legal gaps with respect to OSH and violence and harassment, it appears relatively clear that much work remains to be done to ensure that domestic workers fall within the scope of application of such laws.

2. Closing legal gaps: Working time, wages, social security, OSH and violence and harassment

Looking forward, efforts must continue to close these legal gaps. To that end, laws on working time should be established with due consideration for applicable minimum wages, taking into account the various working arrangements in the domestic work sector to prevent domestic workers from needing to work excessive hours in order to take home an adequate amount of pay. Live-in domestic workers, in particular, are highly exposed to excessive working hours without adequate compensation. Laws on working time and wages do not always afford them the same levels of protection as their live-out counterparts. Prevention of excessive working hours for live-in

domestic workers, through the establishment of periods of daily rest and the regulation of overtime pay and compensatory rest periods, is still required to improve the living and working conditions of many, as is the limitation of payments in kind. The right to rest must also be upheld by ensuring that domestic workers are free to dispose of their time as they please during their rest periods, including the right to leave the household during such periods.

Fixing an adequate minimum wage for domestic workers is feasible, as demonstrated by the many countries that have already done so. It requires taking into account the specificities of the sector, including the working hours, whether domestic workers reside with their household employers, the households' capacity to pay, the needs of workers and their families, and regional differences in the cost of living. To ensure affordability and avoid potential negative impacts on employment, some countries have opted to take a gradual approach to extending minimum wage coverage. In a small but growing number of countries, such wages have even been fixed through collective bargaining, showing significant promise in achieving wages that are adapted to the sector.

Urgent measures must also be taken to extend the scope of social security laws, as well as maternity leave and maternity cash benefits, to include domestic workers. Social security benefits must be sufficient and at least equal to those enjoyed by workers generally. Eligibility criteria must also be set so as to ensure access to benefits. Governments should also ensure that domestic workers are covered by OSH laws. Such laws can mandate household or other employers to indicate OSH risks to domestic workers and provide PPE, and those measures can be supplemented with guides on OSH risks and prevention measures for use by public authorities, employers and domestic workers.

Finally, eliminating violence and harassment in domestic work will require those behaviours to become both legally and socially unacceptable. In closing legal gaps, domestic workers must be covered by labour laws, social security laws and OSH laws, as well as equality and non-discrimination laws. Applicable laws must also cover all forms of violence and harassment to which domestic workers are exposed in their world of work. For example, while criminal laws might apply to some forms of violence and harassment and would apply to domestic workers, they often do not cover the more frequent forms of violence and harassment to which domestic workers are exposed.

3. Closing implementation and compliance gaps

Implementation gaps directly affect 34 per cent of informal domestic workers in the world, who are presumed to be covered by social security and labour laws but do not enjoy effective coverage; however, such gaps will also become relevant to other domestic workers as existing legal gaps begin to close.

Closing implementation gaps can be facilitated by the development of adequate regulation but must also be complemented with public awareness campaigns and building the capacity of public institutions to monitor and enforce compliance. To promote compliance with working time and wage regulations, governments have developed tools such as time sheets, work schedules and payslips, to facilitate monitoring and enforcement. Efforts have also been made, including by employers' organizations and workers' organizations, to raise public awareness of applicable wages. Indeed, achieving full compliance with the minimum wage among domestic workers would contribute to reducing overall wage inequality, have a visible effect of reducing household inequality, reduce relative poverty among domestic workers' households and contribute to reducing relative poverty overall.

To ensure compliance with social security laws and policies, governments have worked to remove administrative barriers, simplify registration and contribution procedures and facilitate access to benefits, including through the use of digital technology. Social security contributions need to be adapted to the capacity of household employers and domestic workers and complemented, where appropriate, by subsidies or other fiscal incentives, while ensuring that benefits are no less favourable than those enjoyed by workers generally. As for regulation

in other areas, the promotion of awareness helps to promote compliance. Behavioural insights and design can also help to design systems that take into account the behaviour of employers of domestic workers and domestic workers. Finally, inspections-mechanisms must be adapted to allow for inspections of private households as the workplaces of domestic workers.

For the implementation and enforcement of OSH laws, it is also important to establish the conditions under which labour inspectors are allowed access to the household and to build the capacity of the labour inspectorate to carry out awareness-raising and inspections. Finally, the implementation of applicable laws on violence and harassment also requires ensuring access to justice by: strengthening the capacity of institutions to prosecute cases; providing avenues for domestic workers to bring complaints and be protected from reprisals; allowing human rights and other organizations to denounce cases of violence and harassment; and protecting whistle-blowers. Measures must also ensure access to remedies by allowing complaints to be brought (safely), not only under criminal law but also under labour, OSH and equality and non-discrimination laws. It is also important to build the capacity of enforcement by mandating labour inspectors, judges and other stakeholders to address violence and harassment, including through household inspections and stopping work; and training them in identifying risks of violence and harassment. Finally, it is important to denormalize violence and harassment in domestic work by identifying and naming its various manifestations and raising public awareness that such behaviour is both socially and legally unacceptable. Such measures have included public awareness campaigns, the publication of guides and informational materials and the dissemination of information through hotlines.

4. Formalization as a means to make decent work a reality for domestic workers

Formalization is both a means of, and a necessary condition for, achieving decent working and living conditions. In adopting formalization policies, Recommendation No. 204 calls on Member States to adopt coherent and integrated strategies to facilitate the transition to the formal economy, targeting multiple drivers of informality at the same time.

The key first step towards formalization is the legal recognition of domestic workers as workers under labour and social security laws and the legal recognition of the employment relationship, as detailed above. Closing legal gaps, however, is only the first step. Once domestic workers are covered by labour and social security laws, implementation remains a significant source of informality. To close the implementation gap and promote formalization, governments, employers' organizations and workers' organizations have adopted a range of approaches that target domestic workers, households and service providers, as well as actions on the part of institutions and the political environment, in order to ensure that formalization results in real protection.

Households, employers and governments have worked to reduce the financial and transaction costs of formal employment through fiscal incentives such as tax breaks or subsidies, as well as to simplify procedures for managing registration and contributions to social security, including through digital technologies. They have also sought to increase the costs of non-compliance, including through punitive measures enforced by inspectorates and other relevant public authorities. Skills training and professionalization can also promote formal employment, particularly when training institutes simultaneously act as hiring agents for household employers, so that they can ensure the signing of contracts in line with labour laws.

When informality is driven by a lack of knowledge or awareness of obligations, information campaigns can act as an important first step towards promoting formal employment arrangements. Such campaigns have been carried out in countries around the world, often by the public authorities but also by employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist. These organizations also provide important guidance and services to domestic workers and households on how to comply with their obligations. Particularly in the absence of

clear guidance, employers of domestic workers are likely to shape their behaviour according to their perception of what is typical and desirable behaviour among employers.

Finally, actions should be taken by institutions and the political environment to ensure that formalization results in effective benefits. Such actions involve improving the accountability, effectiveness and transparency of institutions and providing adequate levels of benefits. Not only are they an important condition for improving the perception of the fairness of institutions and increasing the willingness of workers and employers to formalize, but they also form the basis of a sustainable formalization.

5. Voice and representation

Freedom of association and the right to collective bargaining are fundamental principles and rights to which all workers, including domestic workers, are entitled. Yet, domestic workers and their employers face considerable barriers to joining and forming organizations. Where they exist, organizations of domestic workers and of their employers have participated in social dialogue, leading to significant advances in decent work in the sector. To promote the voice and representation of domestic workers, deep leadership training has helped domestic workers to establish their own representative organizations and build and retain membership. Workers' organizations have also played an important role in supporting the organization of domestic workers by providing domestic worker leaders with the training, advice and political support to represent their sector in social dialogue.

Employers' organizations, in particular organizations of employers of domestic workers, have also contributed to decent work for domestic workers. Both have contributed to successful tripartite social dialogue, leading to the adoption of laws and policies in the sector. When representative organizations of domestic workers and of their employers exist, the conditions are in place for the negotiation and conclusion of bipartite or other agreements, including collective bargaining agreements. The collective bargaining agreements that result from such negotiations often bring about more competitive wages, better working conditions and benefits for domestic workers, while also establishing employment practices that contribute to formalization. These organizations have also facilitated joint advocacy for increased public investment in domestic work as well as promoted formal employment through services to private households.

In this regard, the role of employers' and workers' organizations, including organizations of domestic workers and of their employers, where they exist, is fundamental. To facilitate the existence of these organizations, barriers to the freedom of association must be removed.

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Annex 1. Classification of countries/territories by income group (per capita gross national income)

Developing
(low-income: US$1,005 or less)

Afghanistan
Benin
Burkina Faso
Burundi
Central African Republic
Chad
Comoros
Democratic People's Republic of Korea
Democratic Republic of the Congo
Eritrea
Ethiopia
Gambia
Guinea
Guinea-Bissau
Haiti
Liberia
Madagascar
Malawi
Mali
Mozambique
Nepal
Niger
Rwanda
Senegal
Sierra Leone
Somalia
Tanzania (United Republic of)
Togo
Uganda
Zimbabwe

Emerging
(middle-income/lower-middle-income: US$1,006 to US$3,955)

Angola
Armenia
Bangladesh
Bhutan
Bolivia (Plurinational State of)
Cabo Verde
Cambodia
Cameroon
Congo
Côte d'Ivoire
Djibouti
Egypt
El Salvador
Eswatini
Georgia
Ghana
Guatemala
Honduras
India
Indonesia
Jordan
Kenya
Kyrgyzstan
Lao People's Democratic Republic
Lesotho
Mauritania
Mongolia
Morocco
Myanmar
Nicaragua
Nigeria
Occupied Palestinian Territory
Pakistan
Papua New Guinea
Philippines
Republic of Moldova
Sao Tome and Principe
Solomon Islands
Sri Lanka
Sudan
Syrian Arab Republic
Tajikistan
Timor-Leste
Tunisia
Ukraine
Uzbekistan
Vanuatu
Viet Nam
Western Sahara
Yemen
Zambia

Emerging
(upper-middle-income: US$3,956 to US$12,235)

Albania
Algeria
Argentina
Azerbaijan
Belarus
Belize
Bosnia and Herzegovina
Botswana
Brazil
Bulgaria
China
Colombia
Costa Rica

Croatia
Cuba
Dominican Republic
Ecuador
Equatorial Guinea
Fiji
Gabon
Guyana
Iran (Islamic Republic of)
Iraq
Jamaica
Kazakhstan
Lebanon
Libya
Malaysia
Maldives
Mauritius
Mexico
Montenegro
Namibia
North Macedonia
Panama
Paraguay
Peru
Romania
Russian Federation
Saint Lucia
Saint Vincent and the Grenadines
Samoa
Serbia
South Africa
Suriname
Thailand
Tonga
Turkey
Turkmenistan
Venezuela (Bolivarian Republic of)

Developed

(high-income: US$12,236 or more)

Australia
Austria
Bahamas
Bahrain
Barbados
Belgium
Brunei Darussalam
Canada
Channel Islands
Chile
Cyprus
Czechia
Denmark
Estonia
Finland
France
French Polynesia
Germany
Greece
Guam
Hong Kong (China)
Hungary
Iceland
Ireland
Israel
Italy
Japan
Kuwait
Latvia
Lithuania
Luxembourg
Macau (China)
Malta
Netherlands
New Caledonia
New Zealand
Norway
Oman
Poland
Portugal
Puerto Rico
Qatar
Republic of Korea
Saudi Arabia
Singapore
Slovakia
Slovenia
Spain
Sweden
Switzerland
Taiwan (China)
Trinidad and Tobago
United Arab Emirates
United Kingdom
United States
United States Virgin Islands
Uruguay

Annex 2. Classification of countries/territories by region

Africa

Northern Africa

Algeria
Egypt
Libya
Morocco
Sudan
Tunisia
Western Sahara

Sub-Saharan Africa

Central Africa
Angola
Cameroon
Central African Republic
Chad
Congo
Democratic Republic of the Congo
Equatorial Guinea
Gabon
Sao Tome and Principe

Eastern Africa
Burundi
Comoros
Djibouti
Eritrea
Ethiopia
Kenya
Madagascar
Malawi
Mauritius
Mozambique
Rwanda
Somalia
Tanzania (United Republic of)
Uganda
Zambia
Zimbabwe

Southern Africa
Botswana
Eswatini
Lesotho
Namibia
South Africa

Western Africa
Benin
Burkina Faso
Cabo Verde
Côte d'Ivoire
Gambia
Ghana
Guinea
Guinea-Bissau
Liberia
Mali
Mauritania
Niger
Nigeria
Senegal
Sierra Leone
Togo

Americas

Latin America and the Caribbean

The Caribbean
Bahamas
Barbados
Cuba
Dominican Republic
Haiti
Jamaica
Puerto Rico
Saint Lucia
Saint Vincent and the Grenadines
Trinidad and Tobago
United States Virgin Islands

Central America
Belize
Costa Rica
El Salvador
Guatemala
Honduras
Mexico
Nicaragua
Panama

South America
Argentina
Bolivia (Plurinational State of)
Brazil
Chile
Colombia
Ecuador
Guyana
Paraguay
Peru
Suriname
Uruguay
Venezuela (Bolivarian Republic of)

Northern America
Canada
United States

Arab States

Bahrain
Iraq
Jordan
Kuwait

Lebanon
Occupied Palestinian Territory
Oman
Qatar
Saudi Arabia
Syrian Arab Republic
United Arab Emirates
Yemen

Asia and the Pacific

Eastern Asia

China
Democratic People's Republic of Korea
Hong Kong (China)
Japan
Macau (China)
Mongolia
Republic of Korea
Taiwan (China)

South-Eastern Asia and the Pacific

Pacific Islands
Australia
Fiji
French Polynesia
Guam
New Caledonia
New Zealand
Papua New Guinea
Samoa
Solomon Islands
Tonga
Vanuatu

South-Eastern Asia
Brunei Darussalam
Cambodia
Indonesia
Lao People's Democratic Republic
Malaysia
Myanmar
Philippines
Singapore
Thailand
Timor-Leste
Viet Nam

Southern Asia
Afghanistan
Bangladesh
Bhutan
India
Iran (Islamic Republic of)
Maldives
Nepal
Pakistan
Sri Lanka

Europe and Central Asia

Central and Western Asia

Central Asia
Kazakhstan
Kyrgyzstan
Tajikistan
Turkmenistan
Uzbekistan

Western Asia
Armenia
Azerbaijan
Cyprus
Georgia
Israel
Turkey

Eastern Europe
Belarus
Bulgaria
Czechia
Hungary
Poland
Republic of Moldova
Romania
Russian Federation
Slovakia
Ukraine

Northern, Southern and Western Europe

Northern Europe
Channel Islands
Denmark
Estonia
Finland
Iceland
Ireland
Latvia
Lithuania
Norway
Sweden
United Kingdom

Southern Europe
Albania
Bosnia and Herzegovina
Croatia
Greece
Italy
Malta
Montenegro
North Macedonia
Portugal
Serbia
Slovenia
Spain

Northern, Southern and Western Europe
Austria
Belgium
France
Germany
Luxembourg
Netherlands
Switzerland

Annex 3. National sources: List of household surveys

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Afghanistan	2017	Living Conditions Survey	●			
Albania	2019	Labour Force Survey	●			
Angola	2009	Inquérito Integrado sobre o Bem-estar da População	●		●	●
Argentina	2019	Encuesta Permanente de Hogares	●		●	●
Armenia	2019	Labour Force Survey	●			●
Australia	2019	Australian Bureau of Statistics. Labour Force, Australia, Detailed. Table 06. Employed persons by Industry sub-division of main job (ANZSIC) and Sex. Direct link: https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia-detailed/aug-2020/6291006.xls.	●			
Austria	2018	European Union Labour Force Survey	●			
Bahrain	2019	Labour Market Regulatory Authority. Bahrain Labour Market Indicators (http://blmi.lmra.bh/). Table 06 By sex, citizenship, economic activity (EMS) and Table 80 Domestic Workers. Available at: http://blmi.lmra.bh/2019/06/data/lmr/Table_72.xlsx	●			
Bangladesh	2017	Labour Force Survey	●	●	●	●
Belgium	2018	European Union Labour Force Survey	●			
Benin	2011	Enquête Modulaire Intégrée sur les Conditions de Vie des Ménages	●			
Bolivia (Plurinational State of)	2019	Encuesta de Hogares	●		●	●
Bosnia and Herzegovina	2019	Labour Force Survey	●	●		●
Botswana	2012	Labour Force Survey	●	●		●
Brazil	2019	Pesquisa Nacional por Amostra de Domicílios Contínua	●	●	●	●
Brunei Darussalam	2019	Labour Force Survey	●	●	●	●
Bulgaria	2018	European Union Labour Force Survey	●			
Burkina Faso	2018	Enquête Régionale Intégrée sur l'Emploi et le Secteur Informel	●			
Burundi	2013	Enquête sur les conditions de vie des ménages	●		●	
Cabo Verde	2015	International Maritime Organization	●			
Cambodia	2019	Labour Force Survey	●	●	●	
Cameroon	2014	Quatrième Enquête Camerounaise auprès des Ménages	●	●	●	
Canada	2018	Labour Force Survey	●			
Chad	2019	Enquête Harmonisée sur les Conditions de Vie des Ménages	●		●	

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Chile	2019	Encuesta Nacional del Empleo	●	●	●	
China	2014	China Household Income Project and administrative sources	●			
Colombia	2019	Gran Encuesta Integrada de Hogares	●		●	●
Comoros	2014	Enquête sur l'emploi et le secteur informel aux Comores	●	●	●	
Congo	2009	Enquête sur l'emploi et le secteur informel	●			
Congo, Democratic Republic of	2012	Enquête sur l'emploi, le secteur informel et sur la consommation des ménages (Enquête 1–2–3)	●		●	
Cook Islands	2019	Labour Force Survey	●	●	●	
Costa Rica	2019	Encuesta Nacional de Hogares	●		●	●
Côte d'Ivoire	2017	Enquête Régionale Intégrée sur l'Emploi et le Secteur Informel	●		●	
Croatia	2018	European Union Labour Force Survey	●			
Cyprus	2018	European Union Labour Force Survey	●			
Czechia	2018	European Union Labour Force Survey	●			
Denmark	2018	European Union Labour Force Survey	●			
Djibouti	2017	Quatrième Enquête Djiboutienne Auprès des Ménages pour les Indicateurs Sociaux	●	●	●	●
Dominican Republic	2019	Labour Force Survey	●	●		●
Ecuador	2019	Encuesta Nacional de Empleo, Desempleo y Subempleo	●	●	●	●
Egypt	2018	Labour Force Survey	●	●	●	
El Salvador	2019	Encuesta de Hogares de Propósitos Múltiples	●	●	●	●
Estonia	2017	European Union Labour Force Survey	●			
Eswatini	2016	Labour Force Survey	●	●	●	
Ethiopia	2013	Labour Force Survey	●	●	●	●
Fiji	2016	Employment and Unemployment Survey	●			
Finland	2018	European Union Labour Force Survey	●			
France	2018	European Union Labour Force Survey	●			
Gambia	2018	Labour Force Survey	●		●	
Georgia	2019	Labour Force Survey	●			
Germany	2018	Eurostat. Employment by sex, age and detailed economic activity (from 2008 onwards, NACE Rev. 2 two digit level) Direct link: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egan22d&lang=en.	●			
Ghana	2015	Labour Force Survey	●	●	●	●
Greece	2018	European Union Labour Force Survey	●			
Guatemala	2019	Encuesta Nacional de Empleo e Ingresos	●		●	●

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Guinea	2019	Enquête Régionale Intégrée sur L'Emploi et le Secteur Informel	●	●	●	
Guyana	2018	Labour Force Survey	●	●		
Haiti	2012	Enquête sur les conditions de vie des ménages	●		●	
Honduras	2017	Encuesta de Hogares de Propósitos Múltiples	●	●	●	
Hong Kong (China)	2019	Census and Statistics Department, Immigration Department. Quarterly Report on General Household Survey. Available at: https://www.statistics.gov.hk/pub/B10500012020QQ02B0100.pdf (table 1.1 and table 1.1a).	●			
Hungary	2018	European Union Labour Force Survey	●			
Iceland	2017	European Union Labour Force Survey	●			
India	2019	Periodic Labour Force Survey	●		●	
Indonesia	2018	National Labour Force Survey	●		●	
Iran, Islamic Republic of	2018	Labour Force Survey	●	●		
Iraq	2012	Household Socio Economic Survey	●			
Ireland	2018	European Union Labour Force Survey	●			
Israel	2017	Labour Force Survey	●			
Italy	2017	European Union Labour Force Survey	●			
Jamaica	2016	Labour Force Survey	●	●	●	
Japan	2010	Japanese General Social Surveys		●		
Jordan	2019	Labour Force Survey	●	●	●	
Kiribati	2015	Census	●	●		
Kosovo[5]	2019	Labour Force Survey	●			
Kuwait	2019	Public Authority for Civil Information	●			
Kyrgyzstan	2018	Labour Force Survey	●	●		
Lao People's Democratic Republic	2017	Labour Force Survey		●		
Latvia	2018	European Union Labour Force Survey	●			
Lebanon	2019	Labour Force Survey	●			
Lesotho	2019	Labour Force Survey	●			●
Liberia	2010	Labour Force Survey	●			●
Lithuania	2018	European Union Labour Force Survey	●			
Luxembourg	2018	European Union Labour Force Survey	●			
Madagascar	2015	Enquête Nationale sur l'Emploi et le Secteur Informel	●			

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Malawi	2013	Labour Force Survey	●	~		
Malaysia	2019	Department of Statistics Malaysia Official portal. Labour Force Survey. Distribution by economic activity available at: https://www.dosm.gov.my/v1/uploads/files/3_Time%20Series/LFS_1982-2019/12.TABLE-12.xls.	●			
Maldives	2016	Household Income and Expenditure Survey	●	●		
Mali	2018	Enquête Modulaire et Permanente auprès des Ménages	●	●	●	
Malta	2018	European Union Labour Force Survey	●			
Mauritania	2017	Enquête Régionale Intégrée sur l'Emploi et le Secteur Informel	●		●	
Mauritius	2018	Continuous Multi-Purpose Household Survey	●			
Mexico	2019	Encuesta Nacional de Ocupación y Empleo	●	●	●	
Micronesia	2014	Household Income, Consumption and Expenditure Survey	●	●		
Mongolia	2019	Labour Force Survey	●	●		
Montenegro	2019	Labour Force Survey	●	●		
Morocco	2010	Morocco Household and Youth Survey	●			
Mozambique	2015	Inquérito aos Orçamentos Familiares	●			
Myanmar	2019	Labour Force Survey	●	●		
Namibia	2018	Labour Force Survey	●	●	●	●
Nepal	2017	Labour Force Survey	●	●	●	
Netherlands	2018	European Union Labour Force Survey	●			
Nicaragua	2014	Encuesta Nacional de Hogares sobre la Medición del Nivel de Vida	●	●		
Niger	2017	Enquête Régionale Intégrée sur l'Emploi et le Secteur Informel	●	●		
Nigeria	2016	Living Standards Measurement Study	●	●	●	
North Macedonia	2019	Labour Force Survey	●	●		
Norway	2018	European Union Labour Force Survey	●			
Pakistan	2018	Labour Force Survey	●		●	
Panama	2019	Encuesta de Mercado Laboral	●		●	●
Paraguay	2019	Encuesta Permanente de Hogares Continua			●	●
Peru	2019	Encuesta Nacional de Hogares	●	●		●
Philippines	2018	Labour Force Survey	●	●	●	
Poland	2018	European Union Labour Force Survey	●			
Portugal	2018	European Union Labour Force Survey	●			

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Qatar	2019	Planning and Statistics Authority. Labour Force Survey 2019 report. Available at: https://www.psa.gov.qa/en/statistics/Statistical%20Releases/Social/LaborForce/2019/2_Labour_Force_2019_AE.pdf.	●			
Republic of Korea	2019	Labour Force Survey	●			
Republic of Moldova	2018	Labour Force Survey	●			
Romania	2018	European Union Labour Force Survey	●			
Russian Federation	2019	Labour Force Survey	●			
Rwanda	2018	Labour Force Survey	●	●	●	
Saint Lucia	2019	Labour Force Survey	●			
Samoa	2017	Labour Force Survey	●	●		
Saudi Arabia	2019	General Authority for Statistics (Kingdom of Saudi Arabia). Labour Force Survey report 2020, available at: https://www.stats.gov.sa/en/815-0.	●			
Senegal	2015	Enquête Nationale sur l'Emploi au Sénégal	●	●	●	
Serbia	2019	Labour Force Survey	●	●		
Seychelles	2019	Labour Force Survey	●	●		●
Sierra Leone	2014	Labour Force Survey	●	●		
Slovakia	2018	European Union Labour Force Survey	●			
Slovenia	2018	European Union Labour Force Survey	●			
Somalia	2019	Labour Force Survey	●			
South Africa	2019	Quarterly Labour Force Survey	●	●		
Spain	2017	European Union Labour Force Survey	●			
Sri Lanka	2018	Labour Force Survey	●	●	●	
Sudan	2011	Labour Force Survey	●			
Suriname	2016	Suriname Survey of Living Conditions 2016	●			
Sweden	2017	European Union Labour Force Survey	●			
Switzerland	2018	Eurostat. Employment by sex, age and detailed economic activity (from 2008 onwards, NACE Rev. 2 two digit level) Direct link: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egan22d&lang=en.	●			
Tajikistan	2009	Living Standards Measurement Study	●	●		
Tanzania (United Republic of)	2014	Labour Force Survey	●	●	●	
Thailand	2018	Informal Employment Survey	●	●		

Country/ territory	Year	Survey name	ISIC[1]	ISCO[2]	Relationship[3]	Status[4]
Timor-Leste	2013	Labour Force Survey	●	●		
Togo	2017	Enquête Régionale Intégrée sur l'Emploi et le Secteur Informel	●	●	●	
Tonga	2018	Labour Force Survey	●	●		
Trinidad and Tobago	2016	Continuous Sample Survey of Population	●		●	
Tunisia	2014	Labour Market Panel Survey	●	●	●	
Turkey	2018	Labour Force Survey	●			
Tuvalu	2016	Household Income and Expenditure Survey	●			
Uganda	2017	Labour Force Survey	●	●	●	
United Arab Emirates	2018	Labour Force Survey	●	●	●	
United Kingdom	2018	Labour Force Survey	●	●		
United States	2019	Current Population Survey	●	●		
Uruguay	2019	Encuesta Continua de Hogares	●	●	●	
Venezuela (Bolivarian Republic of)	2017	Encuesta de Hogares por Muestreo	●		●	
Viet Nam	2018	Labour Force Survey	●	●		
West Bank and Gaza Strip	2019	Labour Force Survey	●			
Yemen	2014	Labour Force Survey	●	●	●	
Zambia	2018	Labour Force Survey	●	●		
Zimbabwe	2019	Labour Force Survey	●			

Note:

For countries marked in red, data are based on secondary sources (national statistical office survey reports or administrative data).

● Criteria used for the estimates of the number of domestic workers. For more details, see Annex 4.

1 International Standard Industrial Classification of All Economic Activities (ISIC). Use code 97 (ISC4): Activities of households as employers of domestic personnel (and corresponding code 95 for ISIC3).

2 The ISCO is used only if available at four digits and with the exception of the unit group 9111 in ISCO-08 or 9131 in ISCO-88 (Domestic Cleaners and Helpers), used only in combination with the place of work (employer's or client's home).

3 Relationship to head of household: identification of live-in domestic workers.

4 Status in employment: available mainly in Latin America, where domestic workers are identified as a distinct category in the question assessing for employment status.

5 As defined in United Nations Security Council resolution No. 1244 of 1999.

Annex 4. Methodological annex: Identifying domestic workers, representation of countries covered for global estimates

The statistical definition of domestic workers and their identification through labour force surveys

The approach adopted in this report to identify domestic workers in national labour force surveys follows the statistical definition of domestic workers provided in the resolution concerning statistics on work relationships adopted at the 20th International Conference of Labour Statisticians (ICLS) (ILO 2018b) and recommended in the conceptual framework for statistics on work relationships (ILO 2018i).

The estimates presented in this report capture "domestic workers" as established in the 20th ICLS definition, wherein domestic workers are defined as:

> "workers of any sex employed for pay or profit, including in-kind payment, who perform work in or for a household or households to provide services mainly for consumption by the household. The work may be performed within the household premises or in other locations". (ILO 2018b, para. 104)

Based on the statistical definition of domestic work and domestic workers, the ICLS established the following categories of domestic workers in employment.

(a) **domestic employees,** defined as all workers engaged directly as employees of households to provide services mainly for consumption by the household members, irrespective of the nature of the services provided including:

(i) live-in domestic employees;

(ii) live-out domestic employees.

(b) **Domestic workers employed by service providers.** Domestic workers employed by service providers are employees of economic units such as agencies that provide domestic services to households.

(c) **Domestic service providers employed for profit.** Domestic service providers employed for profit provide domestic services to private households as independent workers or dependent contractors.

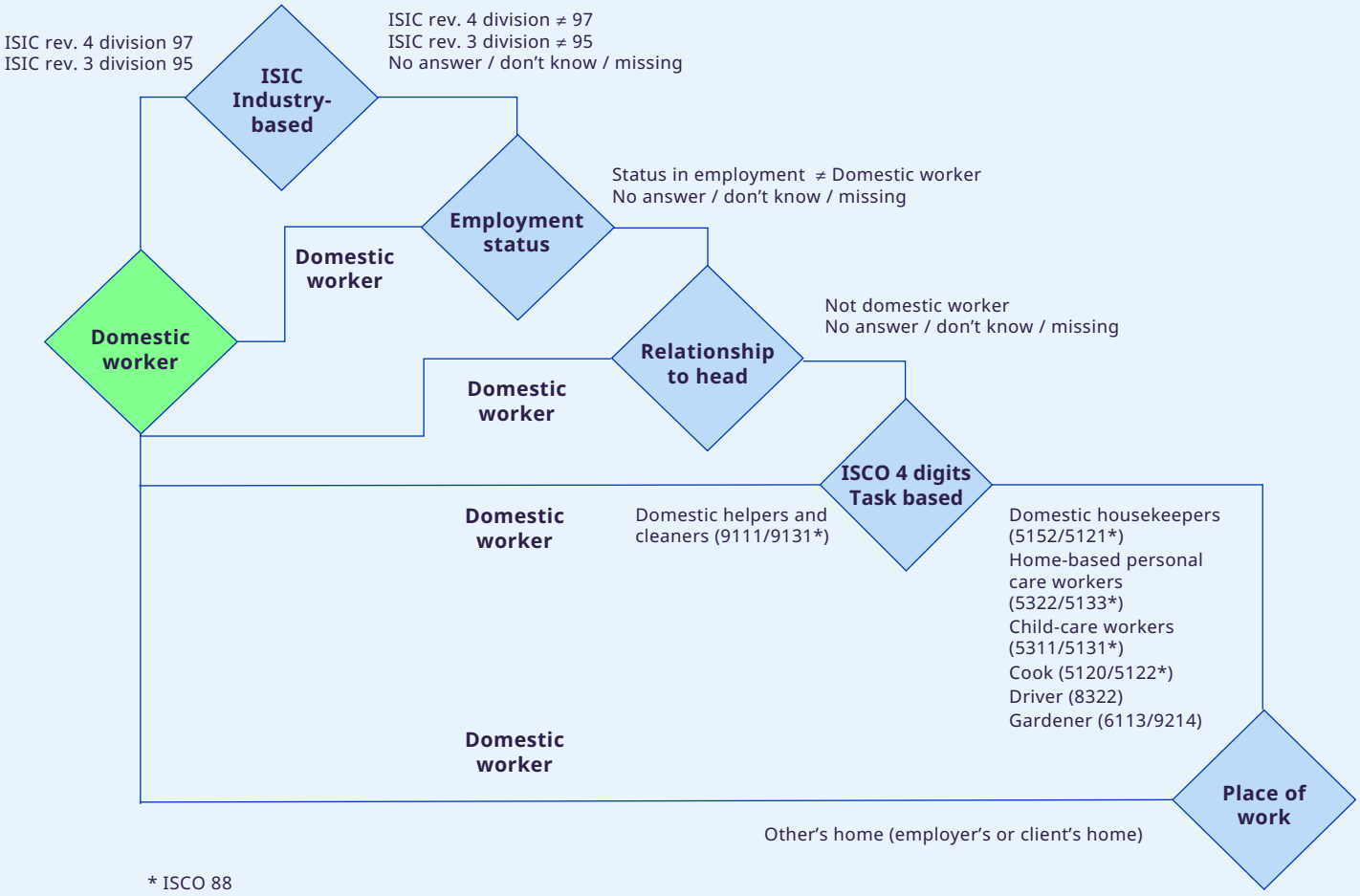
Workers in employment who provide services within or for a household or households, but who are not employed directly by a household, are considered to be domestic workers if the nature of the work performed mainly comprises domestic services such as cleaning, childcare, personal care, food preparation, gardening, driving and security.

For the purpose of estimating the total number of domestic workers, irrespective of self-declared employment status, a multi-step set of approaches was adopted. The four approaches used to measure domestic workers in household surveys were:

1. the industry-based approach;
2. the approach based on status in employment;
3. the approach based on the relationship to the head of the household; and
4. the occupation- or task-based approach, in combination with information on the place of work.[1]

1 In line with the criteria stated in the ICLS resolution (ILO, 2018b, para. 109), namely economic activity, occupation and place of work, as well as other criteria included in The Definition of Domestic Work and Domestic Workers for Statistical Purposes (ILO 2018i), namely relationship to head of household and domestic workers considered as a separate category in status in employment.

Figure A4.1 Estimating domestic workers using labour force surveys



* ISCO 88

Each step captures domestic workers not yet identified in previous steps and contributes to the classification of domestic workers into domestic workers directly employed by households (live-in and live-out domestic workers) and domestic workers employed by or through service providers (see figure A4.1).

The first three approaches (1–3) identify domestic workers who are directly employed by households, while the additional domestic workers identified through the task-based approach (4) are considered to be domestic workers employed by or through service providers. A rough approximation of the number of domestic workers employed by entities other than households is therefore obtained by subtracting the number of domestic workers directly employed by the household (approaches 1, 2 and 3) from the total number of domestic workers (ILO 2018i).

In doing so, the three categories ((a)-(c)) mentioned in the ICLS resolution were captured. For the reasons explained in the methodological section of Part I, those domestic workers in category (c) were then assimilated to employees.

As a consequence, the two main categories of domestic workers captured in these estimates, as envisaged in Convention No. 189 and further discussed in this report, include:

1. domestic workers in direct employment, wherein the household directly employs the domestic worker; and
2. domestic workers employed by or through service providers. This category includes domestic workers who are employees of service providers, as well as those who may be categorized as independent workers or dependent contractors because the person doing the domestic work is not an employee of the household.

Each of the four approaches is presented below under the two broad categories of domestic workers: those directly employed by households and those employed by or through service providers.

Identifying domestic workers directly employed by households

These first three approaches primarily capture domestic workers under group (a) in the statistical definition.

Industry-based approach

The primary method of identifying domestic workers to date has been the industry-based approach, using division 97 of the International Standard Industrial Classification (ISIC), Revision 4 or ISIC, Revision 3.1, division 95.[2] Division 97 identifies "Activities of households as employers of domestic personnel", such as: maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable lads, chauffeurs, caretakers, governesses, babysitters, tutors, secretaries, etc. It allows the domestic personnel employed to state the activity of their employer in censuses or studies, even though the employer is an individual. The product produced by this activity is consumed by the employing household. This class excludes: provision of services such as cooking, gardening, etc. by independent service providers (companies or individuals) (ILO 2018i).

The preference for this approach is that it removes any doubt as to whether the person is performing their tasks in a private household as a domestic worker, as opposed to an establishment like a hotel or restaurant. When using the microdata, however, it is possible to capture domestic workers who self-declared as "independent workers", typically own-account workers, also stating that they perform their task in a private household. The reasoning behind this is that domestic workers are often not recognized as working within an employment relationship, irrespective of their actual status in employment. In such circumstances, one can assume that most of them should actually be considered as employees.

2 See UNDESA, International Standard Industrial Classification, Rev. 4 (2008), division 97. This definition is identical to that of UNDESA, International Standard Industrial Classification of all Economic Activities (ISIC), Revision 3.1. (2002), division 95, despite the slight modification to the title "Activities of private households as employers of domestic staff".

By specifying that the domestic services must be consumed by the employing household, the intention is to exclude domestic workers who are employed by third parties. While there is evidence to suggest that some statistical agencies include such domestic workers under this coding, the extent of this practice is unknown. The industry-based approach alone is therefore unlikely to provide comprehensive statistics on domestic workers in employment, given the increasing tendency of domestic workers in some regions to be employed by service providers. An activity classification approach may also exclude employees who provide domestic services to households when these cannot be distinguished from unincorporated enterprises, such as family farms (ILO 2018i).

Status in employment approach

To complement the identification of domestic workers directly employed by households using the industry-based approach (ISIC), the status-in-employment classification (International Classification of Status in Employment (ICSE-93))[3] or self-identification was used when available. In some countries, domestic workers are treated as a subset of employees or are represented as a separate substantive category in the status-in-employment classification. In other countries, domestic workers are represented as a separate variable. In most of these countries, the collection of information on domestic workers is based on self-identification, either as part of the status-in-employment question or as part of a sequence of questions used to measure status-in-employment and related variables. Countries that treat domestic workers as an important category in the classification of employment status present them to respondents as a category in the employment status question (ILO 2018i). Although this approach is very useful and, for many countries, produces figures similar to those of the industry-based approach, this distinction is not commonly made outside Latin America (see Annex 3).

Household roster approach

This third approach uses a question about the relationship of each person residing in the household dwelling to the head of the household and allows the identification of live-in domestic workers. In the context of global estimates, this approach complements the identification of domestic workers directly employed by households who are not yet captured through the industry-based or status-in-employment approaches. Importantly, it also allows, whenever available, the distinction to be made between live-in domestic employees and live-out domestic employees (see results from countries in Annex 8). Those two groups are recognized as important subcategories of domestic employees in the 20th ICLS resolution, due to the high vulnerability among live-in domestic workers (ILO 2018b). This approach can only be used to complement other approaches as it only includes domestic workers who are considered to be household members, in other words those who live in the employing household. As such, this approach does not identify domestic workers who do not live in the same dwelling as their employer (ILO 2018i).

Identifying domestic workers employed by or through service providers

One limitation to the three approaches presented above is that domestic workers who have an employment contract with a service provider are largely omitted. In many countries, however, service providers play an important role in placing domestic workers, for instance in Europe, where multi-employer arrangements are quite common, particularly for personal care services. In such cases, domestic workers providing services to households through service providers are usually counted as care workers in health and social work or in education and are therefore not captured as domestic workers. The present estimates sought to count this group by combining the above classifications with the task-based approach, using the International Standard Classification of Occupations (ISCO-88 and ISCO-08)[4] combined with the information on the place of work.

3 See ILO, Resolution concerning the International Classification of Status in Employment (ICSE), adopted by the Fifteenth International Conference of Labour Statisticians (1993).

4 See ILO, International Standard Classification of Occupations: ISCO-08, Vol. 1, Structure, Group Definitions and Correspondence Tables (2012); and ILO, "International Standard Classification of Occupations (ISCO-88)".

Task-based approach

Under ISCO-88 and ISCO-08, there are several occupations that could qualify as domestic work, including both direct and indirect care services and other forms of domestic work. The issue with the task-based approach is that it does not necessarily capture the nature of the workplace, which is our defining characteristic of domestic work. Only one unit group, "Domestic cleaners and helpers" (9111 in ISCO-08 or 9131 in ISCO-88), defines the client's or employer's home as the workplace. As a result, workers in other unit groups may not be part of the target population of domestic workers. For example, ISCO-08 unit group 5152, "Domestic housekeepers", includes operators of small accommodation establishments without employees, who in some countries may outnumber domestic workers. The corresponding unit group 5121 in ISCO-88, "Housekeepers and related workers", includes workers who organize, supervise and perform housekeeping functions in hotels, clubs, boarding schools and other institutions as well as in private households.

To make use of these unit groups therefore requires the addition of a control variable, namely, that the workplace is the client's or employer's home, in order to qualify them as domestic workers. Thus, applying the task-based approach is only possible when microdata are available at the four-digit ISCO level and the question about the place of work includes the options "employer's home" or "client's home". For the purposes of these estimates, microdata at the four-digit level were available for 67 countries.[5]

When controlling for place of work, therefore, ISCO allows us to distinguish domestic workers quite clearly, whether or not they are employed directly by the household. Table A4.1 summarizes the occupations retained from ISCO. It was not possible, however, to produce global or regional estimates exclusively for domestic workers employed by or through service providers. Instead, country-level data distinguishing between direct employment and employment by or through service providers are presented where available (see Annex 7).

▶ Table A4.1 Occupations retained from ISCO

Occupations	Unit group in ISCO 2008	Unit group in ISCO 1988	Additional criteria considered
Indirect care			
Domestic cleaners and helpers	9111	9131	—
Domestic housekeepers	5152	5121	**Place of work:** Client's or employer's home
Cooks	5120	5122	
Gardeners	9214/ 6113	6113	
Drivers	8322	8322	
Direct care			
Home-based personal care workers	5322	5133	
Child-care workers	5311	5131	
Companions and valets	5162	5142	

Note: See International Standard Classification of Occupations (ISCO-88 and ISCO-08). The titles of retained occupations provided in the first column refer to unit group titles used in ISCO-08.

5 It should be noted that using this approach does cause some difficulties in comparability with countries for which this level of data is not available.

Identifying domestic workers who provide non-residential care to households

A final approach to identifying domestic workers, which is not, however, included as part of global and regional estimates, is division 88 in ISIC, Revision 4, "Social work activities without accommodation".[6] Division 88 includes the provision of a variety of social assistance services directly to clients. It is a large category that, taken as a whole, spreads well beyond typical notions of domestic work. The classification includes social, counselling, welfare, referral and similar services that are aimed at the elderly and disabled in their homes or elsewhere and carried out by public or private organizations, national or local self-help organizations and specialists providing counselling services. Activities can include visiting the elderly and disabled, day-care activities for the elderly or for handicapped adults, and vocational rehabilitation and rehabilitation activities for disabled persons, provided that the educational component is limited. It excludes persons who live with the persons to whom they deliver the above care; day-care activities for handicapped children; funding and administration of compulsory security programmes; and other social work activities without accommodation.

As such, part of division 88 in ISIC, Revision 4 can be used to obtain information on live-out domestic workers who work for third parties (whether public, for profit or not for profit) to provide direct and indirect care services to households for the elderly and disabled (881, 8810). When microdata are available at the five-digit level at the national level (which goes beyond the maximum level of detail at four digits adopted in the International Classification), they can be crossed with the variable indicating that the activity is carried out in a client's or employer's home, thus narrowing the scope to a near approximation of domestic work. Microdata at this level, however, are only available in some countries, making this a difficult classification to use for comparability across countries. It was therefore left out of the global estimate.

Summary

Although none of the approaches described above is likely, on its own, to identify all domestic workers, the cumulative use of the four approaches, combined with the place of work, allows the identification of domestic workers as per the definition of Convention No. 189 and aligned with the statistical definition of domestic workers in the resolution concerning statistics on work relationships.[7] This combined approach attempts to capture both domestic employees and domestic workers employed by or through service providers (whether self-declared as employees or independent workers), as well as indirect and direct care work and other work that is understood as domestic work in various countries. Table A4.2 summarizes the main classifications or questions used for each approach, the categories of domestic workers covered, the types of activities represented and some of the limitations.

6 See UNDESA, International Standard Industrial Classification, Rev. 4 (2008), division 88.

7 It should be noted that, for the present estimates, domestic workers who self-declared as independent workers (normally captured in category (c) of the statistical definition) were identified and included as part of domestic workers but counted as employees. They represented 4.7 per cent of the total number of domestic workers with a proportion twice as high among men as among women domestic workers.

▶ **Table A4.2 Statistical picture of domestic workers as per Convention No. 189**

Approach	Industry-based	Status in employment	Relationship to head	Task-based (and place of work)		Industry-based (detailed) and place of work
	Used estimating domestic workers for global estimates					**Not included**
Classification/question	▶ Division 97 in ISIC Revision 4 ▶ Division 95 in ISIC Revision 3.1	ICSE-93 when domestic workers are identified as a separate category	Household roster: question related to the relationship to head	**ISCO-08** ▶ Unit group 9111 ▶ Unit groups: 5152, 5120, 9214/ 6113, 8322 (controlling for client's or employer's home as place of work) **ISCO-88** ▶ Unit group 9131 ▶ Unit groups: 5121, 5122, 6113, 8322 (controlling for client's or employer's home as place of work)	▶ Unit groups: 5322, 5311, 5162 (controlling for client's or employer's home as place of work) ▶ Unit groups 5131, 5133, 5142 (controlling for client's or employer's home as place of work)	▶ Division 88 in ISIC, Revision 4 ▶ 8532 Division in ISIC, Revision 3.1 Ideally, however, requires information at the five-digit level that is not harmonized at the international level but is part of the adaptation of the classification at the country level or regional level
Status	Domestic workers in direct employment			Direct employment or Employment by or through service providers		Employment through a third party limited to non-residential care activities (NACE 88.101 et 88.919 in the case of Europe)
Activities	Direct and indirect care			Indirect care	Direct care	Direct care
Limitations	▶ Does not adequately capture those working through third parties (service providers)			▶ Data not always available at the four-digit level ▶ Too broad in scope if not controlled for place of work as the client's or employer's home		▶ Too broad in scope if there is no means of obtaining information at the five-digit level

To enhance international comparability, all country estimates are based on this common set and combination of operational criteria (providing their availability in datasets). As a result, statistics are, as much as possible, comparable across countries and regions, but the ILO's country estimates of the number of domestic workers (as presented in Annex 5) might differ from national ones when they exist. This is, in particular, the case if national official figures are based on administrative sources. Administrative records can provide useful information but tend to exclude the vast majority of domestic workers in informal employment or domestic workers that are not documented, notably in the case of migrant domestic workers.[8]

Number and representation of countries covered for global and regional estimates

For the global estimates, the above approach to identifying domestic workers was applied to microdata from national household surveys of 145 countries used as a main source.[9] For an additional 10 countries, for which labour force survey data were not available, data from secondary sources were used. These ten countries are indicated in red in the list of sources detailed in Annex 3. Country data for the latest available year are presented in Annex 5. Taken together, those 155 countries represent 79.9 per cent of the 187 ILO Member States and 95.4 per cent of the world's working population in 2019 (table A4.3).

Access to the microdata allowed for a unified approach to identifying, as far as possible, all domestic workers. Ultimately, it paved the way to crossing these data with other data from household and labour force surveys covered in this report, namely, informal employment, working time and wages, using a single harmonized approach across all countries.

8 In Jordan, for instance, according to official statistics provided by the Jordanian Ministry of Labour, there were 60,803 documented migrant domestic workers in 2019. Based on the labour force survey, the total estimated number is more than four times higher (220,430) but aims at including all domestic workers (documented or not, whether informal or formal).

9 The ILOSTAT microdata sets have been used in a large number of countries as a basis to apply the approach described in this Annex.

Table A4.3 Coverage of the ILO's statistical database on domestic workers, 2019

	Number of countries covered	Country coverage (percentages)	Employment coverage (percentages)
World	**155**	**79.9**	**95.4**
By broad region and subregion			
Africa	**44**	**80.0**	**90.0**
Northern Africa	4	57.1	80.0
Sub-Saharan Africa	40	83.3	91.7
Americas	26	78.8	98.6
Latin America and the Caribbean	24	77.4	97.7
Northern America	2	100.0	100.0
Arab States	**10**	**83.3**	**86.1**
Asia and the Pacific	**31**	**72.1**	**98.0**
Eastern Asia	5	62.5	96.8
South-Eastern Asia and the Pacific	17	68.0	97.3
Southern Asia	9	90.0	99.9
Europe and Central Asia	**44**	**86.3**	**87.1**
Northern, Southern and Western Europe	29	96.7	99.9
Eastern Europe	8	80.0	83.1
Central and Western Asia	7	63.6	57.3
By income group			
Low-income countries	**23**	**79.3**	**88.2**
Middle-income countries	**83**	**80.6**	**96.0**
Lower-middle-income countries	41	80.4	93.4
Upper-middle-income countries	42	80.8	97.9
High-income countries	**49**	**79.0**	**96.2**

Enumerating domestic workers remains a challenge for national statistical offices around the world. Although labour force and household surveys are usually based on representative samples of all households in a country and capture all forms of employment – whether declared or undeclared, formal or informal – they have several weaknesses. First, national labour force surveys do not capture data for domestic workers under 15 years of age in most countries, so these estimates focus on those domestic workers aged 15 and over. Second, there are various approaches to identifying domestic workers in questionnaires. Not all of them include the set of questions or the level of detail necessary to apply the complementary four main approaches that have been described above. Third, employment-related questions used to identify domestic workers usually focus on the main job, excluding from the scope of the estimates domestic work performed in addition to the main job. Fourth, the surveys are administered by interviewers who may or may not have received the proper training to identify domestic work, which can lead to errors in coding activities of respondents. Fifth, respondents themselves may not consider themselves as domestic workers or be aware of having that status. This is particularly the case in countries in which domestic workers tend to be seen as part of the extended family, whether or not they are actually relatives. Finally, while the surveys capture informal employment, it is possible that some respondents might be reluctant to disclose their activity to a government official, for instance out of shame or if they are working in an irregular migration status.

These limitations imply that the present estimates are a conservative take on the true number of domestic workers.

Global and regional estimates

Global estimates on the number and proportions of domestic workers refer to 2019, to domestic workers aged 15 years old and over and for whom domestic work is their main job. The current estimates have a benchmark year of 2019 and input data range from 2009 to 2019, with 67 per cent of the countries referring to 2018 or 2019. Benchmark employment data from 2019 are derived from the ILO modelled estimates series.[10]

Given that countries with missing data represent less than 5 per cent of global employment, for each indicator, global and regional estimates of proportions (such as the share of domestic workers in total employment or as a percentage of total employees) result from the weighted average of national proportions for the latest year available (as indicated in Annex 3). Regional and global estimates are weighted by the denominator of the indicator under consideration, using 2019 data from ILO modelled estimates series for total employment by sex, status in employment and sectors, as appropriate. When absolute numbers are presented in this report, they refer to 2019 by multiplying the estimated regional or global proportions by absolute numbers for 2019 from ILO modelled estimates, as appropriate.

Regional groupings retained in this report refer to two levels – ILO broad regions and ILO broad subregions[11] – and classification of countries by income group is based on the World Bank's classification of countries into four groups.

10 See ILO, "ILO Modelled Estimates and Projections: Data Considerations and Methodological Approach". The update from November 2020 has been used in this report.

11 See ILO, "Country Groupings by ILO Region and WB Income Group".

Annex 5. Statistical annex: Number of domestic workers and percentages of total employment by sex, latest available year

		Number of domestic workers			Percentages of total employment			
Regions/ countries/ territories	Year	Total	Women	Men	Total	Women	Men	Gender gap[1]
Africa | Northern Africa								
Egypt	2018	457 388	122 783	334 605	1.8	2.6	1.6	1.0
Morocco	2010	130 730	102 905	27 825	1.6	7.6	0.4	7.2
Sudan	2011	1 481	1 481	–	<0.1	0.1	<0.1	0.1
Tunisia	2014	19 233	17 043	2 190	0.6	2.4	0.1	2.3
Africa | Sub-Saharan Africa								
Angola	2009	103 513	90 823	12 690	1.9	3.4	0.4	2.9
Benin	2011	41 332	34 830	6 501	1.4	2.3	0.5	1.8
Botswana	2012	76 674	55 872	20 802	12.4	19.5	6.2	13.3
Burkina Faso	2018	59 158	44 572	14 586	1.4	2.3	0.6	1.7
Burundi	2013	77 449	18 325	59 124	2.1	0.9	3.6	–2.7
Cabo Verde	2015	7 884	7 714	171	6.6	13.1	0.3	12.8
Cameroon	2014	129 115	96 947	32 168	1.5	2.4	0.7	1.6
Chad	2019	15 588	8 471	7 117	0.4	0.4	0.3	0.1
Comoros	2014	2 549	2 120	429	1.5	3.2	0.4	2.8
Congo	2009	9 639	4 113	5 526	1.9	1.4	2.4	–1.0
Congo, Democratic Republic of the	2012	191 618	134 369	57 249	0.7	1.0	0.4	0.6
Côte d'Ivoire	2017	132 055	113 991	18 064	1.7	3.7	0.4	3.3
Djibouti	2017	3 581	1 729	1 853	4.3	8.4	3.0	5.4
Eswatini	2016	34 898	22 079	12 820	6.6	7.9	5.1	2.7
Ethiopia	2013	1 168 730	862 761	305 968	3.3	5.3	1.6	3.7
Gambia	2018	4 269	2 053	2 217	1.0	1.3	0.8	0.5
Ghana	2015	70 757	44 360	26 397	0.8	0.9	0.6	0.3
Guinea	2019	30 924	29 880	1 044	1.0	2.1	0.1	2.0
Lesotho	2019	87 165	61 413	25 752	16.7	24.9	9.4	15.6
Liberia	2010	56 366	28 006	28 360	5.2	5.2	5.3	–0.1
Madagascar	2015	152 457	99 220	53 236	1.4	1.8	0.9	0.9
Malawi	2013	82 870	50 723	32 148	1.4	1.7	1.1	0.6
Mali	2018	82 906	68 173	14 733	1.4	2.7	0.4	2.2
Mauritania	2017	43 278	29 657	13 621	5.7	10.4	2.8	7.5
Mauritius	2018	24 365	20 478	3 887	4.5	9.9	1.2	8.7
Mozambique	2015	186 213	115 911	70 302	1.9	2.2	1.5	0.7
Namibia	2018	81 895	53 789	28 106	11.3	14.8	7.8	7.0
Niger	2017	16 970	12 238	4 732	0.8	1.9	0.3	1.6

Regions/ countries/ territories	Year	Number of domestic workers			Percentages of total employment			
		Total	Women	Men	Total	Women	Men	Gender gap[1]
Nigeria	2016	313 042	205 278	107 764	0.5	0.7	0.4	0.4
Rwanda	2018	226 243	125 283	100 960	7.0	8.9	5.6	3.3
Senegal	2015	193 242	172 255	20 987	5.3	12.3	0.9	11.3
Seychelles	2019	1 939	1 443	496	4.0	5.9	2.1	3.8
Sierra Leone	2014	34 438	19 330	15 108	4.0	4.2	3.7	0.5
Somalia	2019	25 025	11 715	13 310	2.0	2.9	1.6	1.3
South Africa	2019	1 335 343	1 027 575	307 768	8.1	14.1	3.3	10.8
Tanzania (United Republic of)	2014	309 595	225 475	84 120	1.5	2.2	0.8	1.4
Togo	2017	21 807	17 509	4 298	1.0	1.6	0.4	1.2
Uganda	2017	260 286	156 361	103 925	2.9	4.0	2.0	2.0
Zambia	2018	97 104	62 575	34 528	3.5	5.9	2.0	3.9
Zimbabwe	2019	55 040	21 366	33 674	1.9	1.7	2.1	–0.4
Americas | Latin America and the Caribbean								
Argentina	2019	980 027	932 190	47 837	8.1	17.8	0.7	17.1
Bolivia, Plurinational State of	2019	125 051	118 845	6 206	2.3	4.9	0.2	4.7
Brazil	2019	6 276 316	5 781 594	494 722	6.8	14.2	1.0	13.3
Chile	2019	340 460	308 638	31 822	4.0	8.7	0.6	8.1
Colombia	2019	669 113	615 822	53 291	3.2	7.1	0.4	6.7
Costa Rica	2019	161 426	142 243	19 183	7.7	17.2	1.5	15.7
Dominican Republic	2019	319 793	286 924	32 869	6.9	15.2	1.2	14.0
Ecuador	2019	273 043	250 492	22 551	3.5	7.6	0.5	7.1
El Salvador	2019	170 000	145 653	24 348	5.8	12.0	1.4	10.6
Guatemala	2019	388 240	353 837	34 403	5.6	15.6	0.7	14.9
Guyana	2018	9 352	5 999	3 353	3.7	6.1	2.2	3.9
Haiti	2012	73 930	48 434	25 496	2.0	3.0	1.2	1.8
Honduras	2017	135 083	117 379	17 704	3.7	8.4	0.8	7.6
Jamaica	2016	56 433	44 947	11 486	4.9	8.9	1.8	7.1
Mexico	2019	2 374 731	2 163 573	211 158	4.3	10.1	0.6	9.4
Nicaragua	2014	118 707	99 571	19 137	4.4	9.8	1.2	8.6
Panama	2019	88 656	79 123	9 533	4.6	9.9	0.9	9.0
Paraguay	2019	257 520	241 205	16 315	7.6	17.2	0.8	16.4
Peru	2019	439 340	417 641	21 699	2.4	4.8	0.2	4.6
Saint Lucia	2019	2 511	2 325	187	3.0	6.0	0.4	5.6
Suriname	2016	4 392	3 527	865	2.3	4.7	0.8	3.9
Trinidad and Tobago	2016	51 230	21 117	30 113	8.4	8.2	8.5	–0.3
Uruguay	2019	122 239	103 151	19 088	7.9	15.0	2.2	12.7
Venezuela, Bolivarian Rep. of	2017	505 865	436 807	69 058	3.5	7.4	0.8	6.6

(continued overleaf)

Regions/ countries/ territories	Year	Number of domestic workers			Percentages of total employment			Gender gap[1]
		Total	Women	Men	Total	Women	Men	
Americas | Northern America								
Canada	2018	802 280	432 626	369 655	4.3	4.9	3.8	1.1
United States	2019	1 909 829	1 691 561	218 268	1.2	2.3	0.3	2.0
Arab States								
Bahrain[2]	2019	86 349	63 203	23 146	14.5	83.8	4.4	79.4
Iraq	2012	13 331	1 785	11 546	0.2	0.2	0.2	0.0
Jordan	2019	220 430	51 787	168 643	9.7	15.8	8.6	7.2
Kuwait[2]	2019	744 845	372 945	371 900	25.4	49.1	17.1	32.0
Lebanon	2019	125 570	116 167	9 403	7.9	24.0	0.9	23.1
Occupied Palestinian Territory	2019	728	596	132	0.1	0.4	<0.1	0.4
Qatar[2]	2019	176 956	110 693	66 263	8.4	38.9	3.6	35.2
Saudi Arabia[2]	2019	3 690 719	1 168 606	2 522 113	27.6	45.9	23.3	22.7
United Arab Emirates[2]	2018	890 032	624 748	265 284	12.3	46.1	4.5	41.6
Yemen	2014	15 505	1 657	13 848	0.4	0.6	0.4	0.2
Asia and the Pacific | Eastern Asia								
China	2014	22 012 023	18 867 919	3 144 104	2.9	5.6	0.7	4.8
Hong Kong (China)[2]	2019	334 175	331 025	3 150	8.4	16.7	0.2	16.5
Japan	2010	1 140 898	999 107	141 791	1.8	3.6	0.4	3.2
Mongolia	2019	4 166	2 936	1 230	0.4	0.5	0.2	0.3
Republic of Korea	2019	74 706	72 406	2 300	0.3	0.6	<0.1	0.6
Asia and the Pacific | South-Eastern Asia and the Pacific								
Australia[2]	2019	98 724	91 454	7 270	0.1	0.1	<0.1	0.1
Brunei Darussalam	2019	9 784	8 987	796	4.4	10.5	0.6	9.9
Cambodia	2019	67 118	41 441	25 677	0.9	1.1	0.6	0.5
Fiji	2016	9 277	7 830	1 447	2.8	7.2	0.7	6.5
Indonesia	2018	1 228 017	1 036 703	191 314	1.0	2.2	0.3	1.9
Kiribati	2015	1 095	522	573	3.9	4.4	3.6	0.9
Lao People's Democratic Republic	2017	24 703	20 768	3 935	1.4	2.5	0.4	2.1
Malaysia[2]	2019	104 300	91 432	12 468	0.7	1.6	0.1	1.4
Micronesia	2014	1 382	1 056	326	3.9	7.6	1.5	6.2
Myanmar	2019	253 508	71 304	182 204	1.2	0.8	1.4	–0.7
Philippines	2018	1 960 129	1 658 673	301 456	5.1	11.0	1.3	9.7
Samoa	2017	945	686	258	2.3	5.0	0.9	4.1
Thailand	2018	289 760	199 825	89 935	0.8	1.1	0.4	0.7
Timor-Leste	2013	3 312	1 209	2 103	1.7	1.9	1.7	0.2
Tonga	2018	56	35	21	1.5	2.1	1.0	1.1
Tuvalu	2016	23	7	16	0.6	0.6	0.6	0.0
Viet Nam	2018	250 383	236 057	14 326	0.5	0.9	0.1	0.9

Regions/ countries/ territories	Year	Number of domestic workers			Percentages of total employment			
		Total	Women	Men	Total	Women	Men	Gender gap[1]
Asia and the Pacific | Southern Asia								
Afghanistan	2017	147 766	11 971	135 795	2.3	0.9	2.7	–1.8
Bangladesh	2017	1 517 932	1 055 183	462 749	2.5	5.7	1.1	4.6
Cook Islands	2019	264	146	118	3.1	3.6	2.5	1.1
India	2019	4 764 018	2 870 801	1 893 217	1.3	3.5	0.7	2.9
Iran, Islamic Republic of	2018	78 472	31 063	47 409	0.3	0.7	0.2	0.5
Maldives	2016	2 376	1 636	740	1.7	2.9	0.9	2.1
Nepal	2017	67 029	35 702	31 327	0.9	1.4	0.7	0.6
Pakistan	2018	827 802	458 936	368 866	1.4	3.6	0.8	2.8
Sri Lanka	2018	234 913	85 198	149 715	2.9	3.1	2.8	0.3
Europe and Central Asia | Northern, Southern and Western Europe								
Albania	2019	6 636	6 546	90	0.5	1.2	<0.1	1.2
Austria	2018	7 876	6 856	1 019	0.2	0.3	<0.1	0.3
Belgium	2018	1 616	1 193	423	<0.1	0.1	<0.1	–
Bosnia and Herzegovina	2019	2 752	2 622	129	0.3	0.9	<0.1	0.8
Croatia	2018	1 019	903	117	0.1	0.1	<0.1	0.1
Denmark	2018	1 931	1 867	64	0.1	0.1	<0.1	0.1
Estonia	2017	205	86	118	<0.1	<0.1	<0.1	–
Finland	2018	8 195	5 946	2 249	0.3	0.5	0.2	0.3
France	2018	370 362	343 467	26 895	1.4	2.6	0.2	2.4
Germany[2]	2018	217 900	205 300	12 600	0.5	1.1	0.1	1.0
Greece	2018	29 828	28 954	874	0.8	1.8	<0.1	1.8
Ireland	2018	8 535	7 800	735	0.4	0.8	0.1	0.7
Italy	2017	763 434	668 059	95 375	3.3	6.9	0.7	6.2
Kosovo[3]	2019	664	165	499	0.2	0.2	0.2	0.0
Latvia	2018	128	128	–	<0.1	<0.1	<0.1	–
Lithuania	2018	1 793	1 268	525	0.1	0.2	0.1	0.1
Luxembourg	2018	5 592	5 300	292	2.0	4.1	0.2	3.9
Malta	2018	2 136	1 833	303	0.9	1.9	0.2	1.7
Montenegro	2019	889	716	173	0.4	0.7	0.1	0.5
Netherlands	2018	12 397	11 329	1 068	0.1	0.3	<0.1	0.3
North Macedonia	2019	2 542	2 324	217	0.3	0.7	<0.1	0.7
Norway	2018	834	504	330	<0.1	<0.1	<0.1	–
Portugal	2018	108 763	106 066	2 696	2.2	4.5	0.1	4.3
Serbia	2019	16 854	14 365	2 489	0.6	1.1	0.2	1.0
Slovenia	2018	152	152	–	<0.1	<0.1	<0.1	–
Spain	2017	615 479	538 978	76 500	3.3	6.3	0.7	5.6
Sweden	2017	876	815	61	<0.1	<0.1	<0.1	–
Switzerland[2]	2018	50 200	43 900	6 300	1.1	2.0	0.3	1.8
United Kingdom	2018	48 134	33 668	14 466	0.1	0.2	0.1	0.1

(continued overleaf)

Regions/ countries/ territories	Year	Number of domestic workers			Percentages of total employment			Gender gap[1]
		Total	Women	Men	Total	Women	Men	
Europe and Central Asia | Eastern Europe								
Bulgaria	2018	11 854	8 624	3 231	0.4	0.6	0.2	0.4
Czechia	2018	38 189	28 909	9 280	0.7	1.2	0.3	0.9
Hungary	2018	3 756	2 260	1 496	0.1	0.1	0.1	0.1
Poland	2018	27 774	25 748	2 025	0.2	0.3	<0.1	0.3
Moldova, Republic of	2018	2 894	2 664	230	0.4	0.7	0.1	0.6
Romania	2018	50 534	39 180	11 354	0.6	1.0	0.2	0.8
Russian Federation	2019	162 046	132 900	29 145	0.2	0.4	0.1	0.3
Slovakia	2018	3 692	3 456	236	0.1	0.3	<0.1	0.3
Europe and Central Asia | Central and Western Asia								
Armenia	2019	5 291	3 671	1 619	0.5	0.8	0.3	0.5
Cyprus	2018	13 933	13 094	839	3.4	6.9	0.4	6.5
Georgia	2019	17 995	17 829	166	1.1	2.2	<0.1	2.2
Israel	2017	68 552	59 621	8 931	1.8	3.3	0.4	2.9
Kyrgyzstan	2018	8 973	6 591	2 382	0.4	0.7	0.2	0.6
Tajikistan	2009	119 815	22 496	97 319	6.1	3.1	7.9	-4.8
Turkey	2018	181 395	169 473	11 923	0.6	1.9	0.1	1.8

– = nil or negligible

[1] The gender gap is the difference between the proportion of women domestic workers in total women's employment and the corresponding proportion for men.

[2] Based on secondary sources of data (published survey results and administrative records).

[3] As defined in United Nations Security Council resolution No. 1244 of 1999.

Note:

With the exception of the ten countries for which figures are based on secondary sources (see Annex 3), all estimates are based on the set and combination of operational criteria along the four approaches presented in Annex 4. As a result, statistics are, as much as possible, comparable across countries and regions, but the ILO's country estimates of the number of domestic workers in this table might differ from national ones, where they exist. This is in particular the case if national official figures are based on administrative sources.

Annex 6. Global and regional estimates: Absolute numbers and percentages

Table A6.1 Number of domestic workers and their share in total employment and among all employees, by sex and by region, 2019

	Number of domestic workers (thousands)			Share of domestic workers in total employment (percentages)			Share of domestic workers among employees (percentages)		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
World	**75 630**	**57 656**	**17 973**	**2.3**	**4.5**	**0.9**	**4.5**	**8.8**	**1.7**
– Without China	53 749	38 943	14 806	2.1	4.1	0.9	3.9	7.4	1.7
Africa	**9 608**	**6 568**	**3 041**	**2.1**	**3.3**	**1.2**	**7.3**	**15.8**	**3.4**
Northern Africa	915	433	482	1.4	3.2	0.9	2.1	4.7	1.5
Sub-Saharan Africa	8 693	6 135	2 558	2.2	3.4	1.2	9.2	18.2	4.2
Americas	17 612	15 677	1 935	3.7	7.7	0.7	5.1	10.0	1.0
Latin America and the Caribbean	14 844	13 524	1 320	5.1	11.3	0.8	8.4	17.8	1.3
Northern America	2 768	2 153	615	1.5	2.6	0.6	1.7	2.7	0.7
Arab States	**6 586**	**2 412**	**4 175**	**12.3**	**32.4**	**9.0**	**14.8**	**34.6**	**10.6**
Asia and the Pacific	**38 304**	**30 022**	**8 282**	**2.0**	**4.4**	**0.7**	**4.6**	**10.0**	**1.5**
– Without China	16 424	11 309	5 115	1.4	3.3	0.6	3.5	7.3	1.6
Eastern Asia	24 308	20 881	3 427	2.7	5.3	0.7	5.2	10.7	1.2
– Without China	2 428	2 168	260	1.9	3.8	0.4	0.0	0.0	0.0
South-Eastern Asia and the Pacific	4 810	3 873	937	1.4	2.6	0.5	2.8	5.8	0.9
Southern Asia	9 186	5 268	3 918	1.4	3.6	0.8	4.8	13.1	2.5
Europe and Central Asia	**3 518**	**2 978**	**540**	**0.8**	**1.6**	**0.2**	**1.0**	**1.9**	**0.3**
Northern, Southern and Western Europe	2 356	2 101	255	1.1	2.2	0.2	1.3	2.5	0.3
Eastern Europe	363	295	68	0.3	0.5	0.1	0.3	0.5	0.1
Central and Western Asia	799	582	218	1.1	2.1	0.5	1.6	3.2	0.8

Note: Estimates of the total number of domestic workers are based on data from 155 countries representing 95.4 per cent of global employment (see Annex 3 for the list of countries and sources and Annex 4 for the methodology).

(continued overleaf)

Table A6.2 Number of domestic workers and their share in total employment and among all employees, by sex and by country income group, 2019

	Number of domestic workers (thousands)			Share of domestic workers in total employment (percentages)			Share of domestic workers among employees (percentages)		
	Total	Women	Men	Total	Women	Men	Total	Women	Men
World	**75 630**	**57 656**	**17 973**	**2.3**	**4.5**	**0.9**	**4.5**	**8.8**	**1.7**
Low-income	**5 259**	**3 280**	**1 979**	**2.1**	**3.0**	**1.4**	**9.9**	**20.1**	**5.3**
Middle-income	**56 941**	**45 763**	**11 178**	**2.3**	**5.0**	**0.7**	**5.1**	**11.2**	**1.5**
Lower-middle-income	16 773	11 014	5 760	1.6	3.5	0.8	4.9	11.8	2.2
Upper-middle-income	40 168	34 749	5 418	2.9	5.9	0.7	5.2	11.1	1.2
High-income	**13 430**	**8 614**	**4 816**	**2.2**	**3.3**	**1.4**	**2.6**	**3.6**	**1.6**

Note: As for table A6.1.

Table A6.3 Number of domestic workers in informal employment and their share in informal employment, by sex and by region, 2019

	Number of domestic workers in informal employment (thousands)			Share of domestic workers in informal employment (percentages)		
	Total	Women	Men	Total	Women	Men
World	**61 409**	**45 830**	**15 579**	**81.2**	**79.5**	**86.7**
– Without China	42 312	29 531	12 782	78.7	75.8	86.3
Africa	**8 806**	**5 969**	**2 836**	**91.6**	**90.9**	**93.3**
Northern Africa	854	391	464	93.3	90.3	96.1
Sub-Saharan Africa	7 951	5 579	2 373	91.5	90.9	92.8
Americas	11 374	10 391	983	64.6	66.3	50.8
Latin America and the Caribbean	10 728	9 846	882	72.3	72.8	66.8
Northern America	646	545	101	23.3	25.3	16.4
Arab States	**6 568**	**2 404**	**4 164**	**99.7**	**99.7**	**99.7**
Asia and the Pacific	**32 307**	**25 105**	**7 201**	**84.3**	**83.6**	**87.0**
– Without China	13 209	8 806	4 403	80.4	77.9	86.1
Eastern Asia	20 107	17 214	2 893	82.7	82.4	84.4
– Without China	1 010	915	95	41.6	42.2	36.6
South-Eastern Asia and the Pacific	3 428	2 750	678	71.3	71.0	72.3
Southern Asia	8 771	5 141	3 630	95.5	97.6	92.7
Europe and Central Asia	**2 354**	**1 960**	**394**	**66.9**	**65.8**	**73.0**
Northern, Southern and Western Europe	1 519	1 367	151	64.4	65.1	59.4
Eastern Europe	187	152	35	51.4	51.4	51.6
Central and Western Asia	649	441	208	81.3	75.9	95.7

Note: Estimates of informal employment among domestic workers are based on data from 138 countries representing 91.8 per cent of global employment. Estimates of informal employment follow the ILO harmonized definition. Employees are considered informally employed if their employer does not contribute to social security on their behalf or, in the case of a missing answer to the question in the household survey that the employer does not contribute, if they do not benefit from paid annual leave or sick leave. In the case of independent domestic workers, they are in informal employment if their activity (economic unit) is a non-incorporated private enterprise without a formal bookkeeping system or not registered with relevant national authorities.

Annex 7. Employment of domestic workers directly by households and indirect employment by or through service providers (selected countries)

		Number of domestic workers			Distribution between direct and indirect employment (percentages)	
		Total	Direct	Indirect	Direct	Indirect
Africa						
Botswana (2012)	Total	76 674	46 624	30 050	60.8	39.2
	Women	55 872	30 353	25 519	54.3	45.7
	Men	20 802	16 271	4 531	78.2	21.8
Burkina Faso (2018)	Total	59 158	41 080	18 078	69.4	30.6
	Women	44 572	31 372	13 200	70.4	29.6
	Men	14 586	9 708	4 878	66.6	33.4
Cameroon (2014)	Total	129 115	122 297	6 818	94.7	5.3
	Women	96 947	93 123	3 824	96.1	3.9
	Men	32 168	29 174	2 994	90.7	9.3
Comoros (2014)	Total	2 549	1 860	689	73.0	27.0
	Women	2 120	1 468	652	69.2	30.8
	Men	429	392	37	91.4	8.6
Côte d'Ivoire (2017)	Total	132 055	130 745	1 310	99.0	1.0
	Women	113 991	113 929	62	99.9	0.1
	Men	18 064	16 815	1 249	93.1	6.9
Egypt (2018)	Total	457 388	181 313	276 075	39.6	60.4
	Women	122 783	61 627	61 156	50.2	49.8
	Men	334 605	119 687	214 918	35.8	64.2
Eswatini (2016)	Total	34 898	4 364	30 534	12.5	87.5
	Women	22 079	2 562	19 517	11.6	88.4
	Men	12 820	1 802	11 018	14.1	85.9
Ethiopia (2013)	Total	1 168 730	1 125 124	43 606	96.3	3.7
	Women	862 761	834 011	28 750	96.7	3.3
	Men	305 968	291 112	14 856	95.1	4.9
Ghana (2015)	Total	70 757	59 604	11 153	84.2	15.8
	Women	44 360	38 747	5 613	87.3	12.7
	Men	26 397	20 857	5 540	79.0	21.0
Guinea (2019)	Total	30 924	24 686	6 238	79.8	20.2
	Women	29 880	23 642	6 238	79.1	20.9
	Men	1 044	1 044	0	100.0	0.0
Malawi (2013)	Total	82 870	73 294	9 576	88.4	11.6
	Women	50 723	44 833	5 890	88.4	11.6
	Men	32 148	28 461	3 687	88.5	11.5

		Number of domestic workers			Distribution between direct and indirect employment (percentages)	
		Total	Direct	Indirect	Direct	Indirect
Mali (2018)	Total	82 906	63 546	19 360	76.6	23.4
	Women	68 173	55 126	13 047	80.9	19.1
	Men	14 733	8 420	6 313	57.2	42.8
Namibia (2018)	Total	81 895	71 807	10 088	87.7	12.3
	Women	53 789	46 704	7 085	86.8	13.2
	Men	28 106	25 103	3 003	89.3	10.7
Niger (2017)	Total	16 970	5 203	11 767	30.7	69.3
	Women	12 238	2 026	10 212	16.6	83.4
	Men	4 732	3 177	1 555	67.1	32.9
Nigeria (2016)	Total	313 042	253 813	59 229	81.1	18.9
	Women	205 278	166 147	39 131	80.9	19.1
	Men	107 764	87 666	20 098	81.3	18.7
Rwanda (2018)	Total	226 243	223 090	3 153	98.6	1.4
	Women	125 283	124 263	1 020	99.2	0.8
	Men	100 960	98 827	2 133	97.9	2.1
Senegal (2015)	Total	193 242	146 307	46 935	75.7	24.3
	Women	172 255	130 354	41 901	75.7	24.3
	Men	20 987	15 953	5 034	76.0	24.0
Seychelles (2019)	Total	1 939	756	1 183	39.0	61.0
	Women	1 443	441	1 002	30.6	69.4
	Men	496	315	181	63.5	36.5
Sierra Leone (2014)	Total	34 438	30 271	4 167	87.9	12.1
	Women	19 330	16 574	2 756	85.7	14.3
	Men	15 108	13 697	1 411	90.7	9.3
South Africa (2019)	Total	1 335 343	1 306 977	28 366	97.9	2.1
	Women	1 027 575	1 006 595	20 980	98.0	2.0
	Men	307 768	300 382	7 386	97.6	2.4
Tanzania (United Rep. of) (2014)	Total	309 595	297 553	12 042	96.1	3.9
	Women	225 475	214 553	10 922	95.2	4.8
	Men	84 120	83 000	1 120	98.7	1.3
Togo (2017)	Total	21 807	12 817	8 990	58.8	41.2
	Women	17 509	11 906	5 603	68.0	32.0
	Men	4 298	912	3 386	21.2	78.8
Tunisia (2014)	Total	19 233	13 989	5 244	72.7	27.3
	Women	17 043	13 989	3 054	82.1	17.9
	Men	–	–	–	–	–
Uganda (2017)	Total	260 286	257 177	3 109	98.8	1.2
	Women	156 361	155 504	857	99.5	0.5
	Men	103 925	101 674	2 251	97.8	2.2
Zambia (2018)	Total	97 104	73 112	23 992	75.3	24.7
	Women	62 575	46 835	15 740	74.8	25.2
	Men	34 528	26 277	8 251	76.1	23.9

		Number of domestic workers			Distribution between direct and indirect employment (percentages)	
		Total	Direct	Indirect	Direct	Indirect
Americas						
Argentina (2019)	Total	980 027	925 465	54 562	94.4	5.6
	Women	932 190	886 812	45 378	95.1	4.9
	Men	47 837	38 653	9 184	80.8	19.2
Brazil (2019)	Total	6 276 316	6 251 616	24 700	99.6	0.4
	Women	5 781 594	5 763 283	18 311	99.7	0.3
	Men	494 722	488 333	6 389	98.7	1.3
Dominican Republic (2019)	Total	319 793	262 907	56 886	82.2	17.8
	Women	286 924	241 130	45 794	84.0	16.0
	Men	32 869	21 777	11 092	66.3	33.7
Ecuador (2019)	Total	273 043	216 614	56 429	79.3	20.7
	Women	250 492	205 169	45 323	81.9	18.1
	Men	22 551	11 445	11 106	50.8	49.2
El Salvador (2019)	Total	170 000	164 812	5 188	96.9	3.1
	Women	145 653	143 337	2 316	98.4	1.6
	Men	24 348	21 475	2 873	88.2	11.8
Guyana (2018)	Total	9 352	7 997	1 355	85.5	14.5
	Women	5 999	4 786	1 213	79.8	20.2
	Men	3 353	3 210	143	95.7	4.3
Honduras (2017)	Total	135 083	126 343	8 740	93.5	6.5
	Women	117 379	108 639	8 740	92.6	7.4
	Men	17 704	17 704	0	100.0	0.0
Jamaica (2016)	Total	56 433	54 744	1 689	97.0	3.0
	Women	44 947	43 846	1 101	97.6	2.4
	Men	11 486	10 898	588	94.9	5.1
Peru (2019)	Total	439 340	439 082	258	99.9	0.1
	Women	417 641	417 641	0	100.0	0.0
	Men	21 699	21 441	258	98.8	1.2
Suriname (2016)	Total	4 392	2 359	2 033	53.7	46.3
	Women	3 527	1 494	2 033	42.4	57.6
	Men	865	865	0	100.0	0.0
United States (2019)	Total	1 909 829	820 755	1 089 074	43.0	57.0
	Women	1 691 561	746 692	944 869	44.1	55.9
	Men	218 268	74 062	144 206	33.9	66.1
Uruguay (2019)	Total	122 239	104 508	17 731	85.5	14.5
	Women	103 151	92 944	10 207	90.1	9.9
	Men	19 088	11 564	7 524	60.6	39.4

		Number of domestic workers			Distribution between direct and indirect employment (percentages)	
		Total	Direct	Indirect	Direct	Indirect
Arab States						
Iraq (2012)	Total	13 331	12 180	1 151	91.4	8.6
	Women	1 785	1 185	600	66.4	33.6
	Men	11 546	10 995	551	95.2	4.8
Lebanon (2019)	Total	125 570	124 226	1 344	98.9	1.1
	Women	116 167	115 116	1 051	99.1	0.9
	Men	9 403	9 110	293	96.9	3.1
United Arab Emirates (2018)	Total	890 032	882 835	7 197	99.2	0.8
	Women	624 748	618 431	6 317	99.0	1.0
	Men	265 284	264 404	880	99.7	0.3
Yemen (2014)	Total	15 505	15 311	194	98.7	1.3
	Women	1 657	1 520	137	91.7	8.3
	Men	13 848	13 792	56	99.6	0.4
Asia and the Pacific						
Bangladesh (2017)	Total	1 517 932	1 252 761	265 171	82.5	17.5
	Women	1 055 183	960 708	94 475	91.0	9.0
	Men	462 749	292 053	170 696	63.1	36.9
Brunei Darussalam (2019)	Total	9 784	9 585	199	98.0	2.0
	Women	8 987	8 789	198	97.8	2.2
	Men	796	796	0	100.0	0.0
Cambodia (2019)	Total	67 118	38 045	29 073	56.7	43.3
	Women	41 441	25 111	16 330	60.6	39.4
	Men	25 677	12 934	12 743	50.4	49.6
Cook Islands (2019)	Total	264	195	69	73.9	26.1
	Women	146	110	36	75.3	24.7
	Men	118	85	33	72.0	28.0
Iran, Islamic Republic of (2018)	Total	78 472	40 119	38 353	51.1	48.9
	Women	31 063	24 364	6 699	78.4	21.6
	Men	47 409	15 755	31 654	33.2	66.8
Japan (2010)	Total	1 140 898	1 015 517	125 381	89.0	11.0
	Women	999 107	899 590	99 517	90.0	10.0
	Men	141 791	115 927	25 864	81.8	18.2
Kiribati (2015)	Total	1 095	479	616	43.7	56.3
	Women	522	299	223	57.3	42.7
	Men	573	180	393	31.4	68.6
Maldives (2016)	Total	2 376	1 976	400	83.2	16.8
	Women	1 636	1 401	235	85.6	14.4
	Men	740	575	165	77.7	22.3
Mongolia (2019)	Total	4 166	2 570	1 596	61.7	38.3
	Women	2 936	1 340	1 596	45.6	54.4
	Men	1 230	1 230	0	100.0	0.0

		Number of domestic workers			Distribution between direct and indirect employment (percentages)	
		Total	Direct	Indirect	Direct	Indirect
Myanmar (2019)	Total	253 508	94 705	158 803	37.4	62.6
	Women	71 304	55 798	15 506	78.3	21.7
	Men	182 204	38 907	143 297	21.4	78.6
Nepal (2017)	Total	67 029	32 971	34 058	49.2	50.8
	Women	35 702	20 172	15 530	56.5	43.5
	Men	31 327	12 798	18 529	40.9	59.1
Samoa (2017)	Total	945	838	107	88.7	11.3
	Women	686	600	86	87.5	12.5
	Men	258	238	20	92.2	7.8
Sri Lanka (2018)	Total	234 913	181 635	53 278	77.3	22.7
	Women	85 198	71 173	14 025	83.5	16.5
	Men	149 715	110 462	39 253	73.8	26.2
Thailand (2018)	Total	289 760	191 119	98 641	66.0	34.0
	Women	199 825	156 325	43 500	78.2	21.8
	Men	89 935	34 794	55 141	38.7	61.3
Timor-Leste (2013)	Total	3 312	408	2 904	12.3	87.7
	Women	1 209	231	978	19.1	80.9
	Men	2 103	178	1 925	8.5	91.5
Tonga (2018)	Total	56	27	29	48.2	51.8
	Women	35	20	15	57.1	42.9
	Men	21	7	14	33.3	66.7
Viet Nam (2018)	Total	250 383	201 936	48 447	80.7	19.3
	Women	236 057	192 257	43 800	81.4	18.6
	Men	14 326	9 679	4 647	67.6	32.4
Europe and Central Asia						
Bosnia and Herzegovina (2019)	Total	2 752	1 820	932	66.1	33.9
	Women	2 622	1 691	931	64.5	35.5
	Men	129	129	0	100.0	0.0
Kyrgyzstan (2018)	Total	8 973	3 081	5 892	34.3	65.7
	Women	6 591	1 881	4 710	28.5	71.5
	Men	2 382	1 200	1 182	50.4	49.6
North Macedonia (2019)	Total	2 542	596	1 946	23.4	76.6
	Women	2 324	489	1 835	21.0	79.0
	Men	217	107	110	49.3	50.7
Serbia (2019)	Total	16 854	12 170	4 684	72.2	27.8
	Women	14 365	10 019	4 346	69.7	30.3
	Men	2 489	2 151	338	86.4	13.6

– = nil or negligible

Note: Detailed sources are available in Annex 3. A description of the method used to classify domestic workers into those directly employed by households ("Direct employment") and those employed by or through service providers ("Indirect employment"), see Annex 4.

Annex 8. Live-in and live-out domestic workers (percentage of total domestic workers)

	Live-in domestic workers				Live-out domestic workers		
	Total	Women	Men	Gender gap (women – men, percentage points)	Total	Women	Men
Africa							
Angola	0.3	0.3	–	0.3	99.7	99.7	100.0
Burkina Faso	32.2	39.4	11.0	28.4	67.8	60.6	89.0
Burundi	77.9	76.3	78.3	–1.9	22.1	23.7	21.7
Cabo Verde	6.9	7.1	–	7.1	93.1	92.9	100.0
Cameroon	11.3	8.6	19.2	–10.6	88.7	91.4	80.8
Chad	21.8	9.1	37.3	–28.2	78.2	90.9	62.7
Comoros	1.9	–	10.9	–10.9	98.1	100.0	89.1
Congo, Democratic Republic of the	11.1	9.6	14.5	–4.9	88.9	90.4	85.5
Côte d'Ivoire	53.9	59.7	16.1	43.6	46.1	40.3	83.9
Egypt	0.6	2.1	0.1	2.0	99.4	97.9	99.9
Eswatini	12.4	11.3	14.0	–2.7	87.6	88.7	86.0
Ethiopia	28.8	21.0	51.0	–30.0	71.2	79.0	49.0
Gambia	37.4	38.9	35.6	3.3	62.6	61.1	64.4
Ghana	6.2	6.8	5.5	1.3	93.8	93.2	94.5
Guinea	18.3	17.8	37.2	–19.3	81.7	82.2	62.8
Mali	62.2	67.8	37.3	30.5	37.8	32.2	62.7
Mauritania	18.3	9.2	32.8	–23.6	81.7	90.8	67.2
Namibia	22.7	21.6	24.9	-3.3	77.3	78.4	75.1
Nigeria	31.8	48.9	5.6	43.3	68.2	51.1	94.4
Rwanda	81.6	85.3	75.2	10.1	18.4	14.7	24.8
Senegal	15.9	16.5	10.5	6.0	84.1	83.5	89.5
Tanzania (United Republic of)	76.6	72.9	86.0	–13.1	23.4	27.1	14.0
Togo	46.9	56.4	13.2	43.2	53.1	43.6	86.8
Tunisia	6.6	7.4	–	7.4	93.4	92.6	100.0
Uganda	70.6	66.0	79.6	–13.6	29.4	34.0	20.4
Latin America and the Caribbean							
Argentina	1.1	1.1	0.9	0.2	98.9	98.9	99.1
Bolivia (Plurinational State of)	7.5	7.7	2.1	5.7	92.5	92.3	97.9
Brazil	1.0	1.0	1.3	–0.4	99.0	99.0	98.7

(continued overleaf)

Annex 8 (concl.)

	Live-in domestic workers				Live-out domestic workers		
	Total	Women	Men	Gender gap (women – men, percentage points)	Total	Women	Men
Chile	12.3	13.2	3.2	10.0	87.7	86.8	96.8
Colombia	13.5	12.2	28.9	–16.7	86.5	87.8	71.1
Costa Rica	3.5	4.0	–	4.0	96.5	96.0	100.0
Ecuador	2.2	2.3	1.6	0.7	97.8	97.7	98.4
El Salvador	1.7	2.0	0.3	1.7	98.3	98.0	99.7
Guatemala	2.4	2.7	–	2.7	97.6	97.3	100.0
Haiti	36.0	34.2	40.1	–5.8	64.0	65.8	59.9
Honduras	18.0	20.7	–	20.7	82.0	79.3	100.0
Jamaica	10.4	12.5	1.8	10.8	89.6	87.5	98.2
Mexico	3.7	3.5	5.1	–1.6	96.3	96.5	94.9
Panama	15.2	15.8	10.7	5.1	84.8	84.2	89.3
Paraguay	7.8	8.2	2.3	5.9	92.2	91.8	97.7
Peru	7.7	7.9	3.7	4.2	92.3	92.1	96.3
Saint Lucia	0.7	0.8	–	0.8	99.3	99.2	100.0
Trinidad and Tobago	0.4	0.9	–	0.9	99.6	99.1	100.0
Uruguay	0.3	0.4	–	0.4	99.7	99.6	100.0
Venezuela (Bolivarian Rep. of)	1.9	1.9	2.0	–0.1	98.1	98.1	98.0
Arab States							
Jordan	24.8	91.3	0.2	91.1	75.2	8.7	99.8
Lebanon	79.7	88.1	7.0	81.1	20.3	11.9	93.0
United Arab Emirates	92.5	97.1	82.9	14.2	7.5	2.9	17.1
Yemen	7.0	24.8	4.9	19.9	93.0	75.2	95.1
Asia and the Pacific							
Bangladesh	8.8	11.5	3.1	8.4	91.2	88.5	96.9
Cambodia	6.1	8.6	1.9	6.7	93.9	91.4	98.1
India	8.7	4.6	14.2	–9.6	91.3	95.4	85.8
Indonesia	31.7	33.6	21.2	12.4	68.3	66.4	78.8
Nepal	9.8	9.7	10.2	–0.5	90.2	90.3	89.8
Pakistan	13.5	1.7	27.2	–25.5	86.5	98.3	72.8
Philippines	25.3	27.2	14.6	12.7	74.7	72.8	85.4
Europe and Central Asia							
Armenia	1.4	2.1	–	2.1	98.6	97.9	100.0
Turkey	6.2	6.4	4.1	2.3	93.8	93.6	95.9

– = nil or negligible

Note: Detailed sources are available in Annex 3 and the method to identify live-in domestic workers in Annex 4.

Annex 9. Coverage of domestic workers by national labour laws

Table A9.1 Coverage of domestic workers by working time, minimum wage and maternity protection laws, by country, 2020

	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
Africa								
Northern Africa								
Algeria	1	1	1	1	1	1	1	1
Egypt	4	3	3	3	3	3	3	3
Morocco	2	2	1	1	2	1	1	1
Sub-Saharan Africa								
Angola (live-in)	3	2	1	1	2	2	1	1
Angola (live-out)	3	1	1	1	2	2	1	1
Botswana	3	2	1	1	2	2	1	1
Burkina Faso	3	1	1	1	1	1	1	1
Cabo Verde	3	1	1	1	1	2	1	1
Côte d'Ivoire	1	2	1	1	1	1	1	1
Ethiopia	4	3	3	3	3	3	3	3
Ghana	3	3	2	1	1	1	1	1
Guinea	1	1	1	1	1	2	1	1
Kenya	1	1	1	1	1	2	1	1
Madagascar	1	1	1	1	1	2	1	1
Mali	3	3	1	1	1	2	1	1
Mauritania	3	2	1	9	1	2	1	1
Mauritius	3	2	1	2	1	1	2	2
Mozambique	3	1	1	1	3	3	1	1
Namibia	3	1	1	1	1	1	1	1
Niger	3	1	1	1	1	2	1	1
Senegal	3	2	1	1	1	2	1	1
Seychelles	3	1	1	3	1	1	1	1
South Africa	3	1	1	1	2	2	1	1
Tanzania (United Rep. of) (mainland)	1	1	1	1	1	2	1	1
Togo	3	2	1	2	1	2	1	1
Zimbabwe	1	1	1	2	1	1	1	1

(continued overleaf)

Table A9.1 (cont'd)

	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
Americas								
Latin America and the Caribbean								
Argentina (live-in)	2	1	1	1	1	1	1	2
Argentina (live-out)	2	1	1	1	1	1	1	2
Barbados	3	3	3	1	1	1	1	1
Belize	3	1	1	1	2	2	1	2
Bolivia (Plurinational State of) (live in)	2	2	1	1	1	1	1	3
Bolivia (Plurinational State of) (live-out)	2	2	1	1	1	1	1	3
Brazil	3	1	1	1	1	1	1	1
Chile (live-in)	3	2	1	1	1	1	1	1
Chile (live-out)	3	1	1	1	1	1	1	1
Colombia (live-in)	3	2	1	1	1	2	1	1
Colombia (live-out)	3	1	1	1	1	2	1	1
Costa Rica	3	1	1	1	2	1	1	1
Dominican Republic	3	3	1	1	3	3	3	3
Ecuador	1	1	1	1	1	1	1	1
El Salvador	3	3	1	1	3	3	1	2
Grenada	3	2	1	1	1	2	2	1
Guatemala	3	3	2	1	1	2	1	3
Guyana	3	2	2	1	1	1	1	1
Honduras	3	3	1	1	3	3	1	3
Jamaica	3	2	1	1	1	1	2	2
Mexico (live-in)	3	1	1	1	1	2	1	1
Mexico (live-out)	3	1	1	1	1	2	1	1
Nicaragua	3	3	1	1	1	2	1	1
Panama	3	3	1	1	2	2	1	1
Paraguay (live-in)	3	1	1	1	1	2	1	1
Paraguay (live-out)	3	1	1	1	1	2	1	1
Peru	3	1	1	1	1	1	1	1
Trinidad and Tobago	3	2	1	1	1	1	1	1
Uruguay (live-in)	2	1	1	1	1	2	1	1
Uruguay (live-out)	2	1	1	1	1	2	1	1
Venezuela (Bolivarian Republic of)	1	1	1	1	1	2	1	1
Northern America								
Canada	9	9	9	9	9	9	9	9
United States	1	1	9	9	1	1	3	3

Table A9.1 (cont'd)

	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
Arab States								
Bahrain	3	3	3	1	3	3	3	3
Jordan	2	1	1	1	3	9	3	3
Kuwait	2	2	1	2	2	1	3	3
Lebanon[1]	4	3	2	2	3	3	3	3
Qatar	2	2	1	1	1	1	3	3
Saudi Arabia	2	3	1	2	3	3	3	3
United Arab Emirates	2	2	1	1	3	3	3	3
Yemen	4	3	3	3	3	3	3	3
Asia and the Pacific								
Eastern Asia								
China	4	3	3	3	3	3	3	3
China (with contract)	1	1	1	1	1	1	1	1
Hong Kong, China (live-in)	1	3	1	1	3	3	1	9
Hong Kong, China (live-out)	1	3	1	1	1	1	1	9
Japan	4	3	3	3	3	3	3	3
Republic of Korea	4	3	3	3	3	3	3	3
South-Eastern Asia and the Pacific								
Australia	1	1	3	1	1	1	1	1
Cambodia	2	3	1	3	3	3	3	3
Indonesia	4	3	3	3	3	3	3	3
Malaysia	3	3	3	3	3	3	3	3
Philippines	3	3	1	1	2	1	1	1
Singapore	2	3	1	3	3	3	3	3
Thailand	3	3	1	1	3	3	3	3
Viet Nam	2	2	1	1	1	2	1	1
Southern Asia								
Bangladesh	4	3	3	3	3	3	3	3
India	9	9	9	9	9	9	9	9
Iran (Islamic Rep. of)	3	1	1	1	1	1	1	1
Pakistan	9	9	9	9	9	9	9	9
Sri Lanka	3	3	3	3	3	3	3	3

(continued overleaf)

1 Lebanon's Ministry of Labour adopted a standard unified contract for the employment of (migrant) domestic workers in August 2020. However, the contract was suspended in November of the same year by the Shura Council, Lebanon's highest administrative court, following an appeal made by the Syndicate of the Owners of Recruitment Agencies, on the grounds that the new contract comprised "severe damage" to the agencies' interests and those of employers. If the standard unified contract is to be implemented, domestic workers would remain excluded from the labour code and maternity leave and protection, but they would gain the legal right to the same limits on normal weekly hours, periods of weekly rest, and paid annual leave as those enjoyed by other workers, as well as the right to the same minimum wage as other workers, and for that minimum wage to be paid for in cash.

Table A9.1 (cont'd)

	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
Europe and Central Asia								
Central and Western Asia								
Cyprus	3	1	1	1	2	1	1	1
Georgia	1	1	3	1	1	2	1	1
Israel	3	3	1	1	1	2	1	1
Kazakhstan	3	1	1	1	1	1	1	1
Turkey	2	1	1	2	1	2	1	1
Eastern Europe								
Bulgaria	1	1	1	1	1	1	1	1
Czechia	1	1	1	1	1	1	1	1
Moldova (Republic of)	1	1	9	1	1	1	1	1
Poland	1	1	1	1	1	1	1	1
Romania	1	1	1	1	1	1	1	1
Russian Federation	1	1	1	1	1	2	1	1
Northern, Southern and Western Europe								
Austria (live-in)	3	2	2	1	1	1	1	1
Austria (live-out)	3	2	2	1	1	1	1	1
Belgium	3	1	1	1	1	2	1	1
Bosnia and Herzegovina	9	1	1	1	9	9	1	1
Croatia	1	1	1	1	1	1	1	1
Denmark	1	3	3	1	3	3	1	1
Estonia	1	1	1	1	1	1	1	1
Finland	1	1	1	1	1	2	1	1
France	3	1	1	1	1	2	1	1
Germany	1	1	1	1	1	2	1	1
Ireland	1	1	1	1	1	2	1	1
Italy (live-in)	3	1	1	1	1	1	1	1
Italy (live-out)	3	1	1	1	1	1	1	1
Latvia	1	1	1	1	1	2	1	1
Luxembourg	1	1	1	1	1	2	1	1
Malta (live-in)	3	1	1	1	1	2	1	1
Malta (live-out)	3	1	1	2	1	2	1	1
Netherlands	3	1	1	2	1	9	1	1
Norway	3	1	1	1	1	3	1	1
Portugal (live-in)	3	2	1	1	1	2	1	1
Portugal (live-out)	3	2	1	1	1	2	1	1
Spain	3	1	1	1	1	1	1	1
Sweden	3	2	1	1	1	2	1	1
Switzerland	3	3	1	1	1	2	1	1
United Kingdom (live-in)	3	3	1	1	3	1	1	1
United Kingdom (live-out)	3	3	1	1	1	1	1	1

Table A9.1 (concl.)

LEGEND

Scope

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

Weekly hours

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

Weekly rest

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

Paid annual leave

1 Annual leave is the same as or longer than for other workers
2 Annual leave is shorter than for other workers
3 Domestic workers are excluded from provisions
9 Information not available / federal countries with provisions that differ between states

Minimum wage

1 Statutory minimum wage for domestic workers is the same as or higher than for other workers*
2 Statutory minimum wage for domestic workers is lower than for other workers
3 No statutory minimum wage applicable to domestic workers**
9 Information not available / federal countries with provisions that differ between states
* Includes cases where comparison to benchmark minimum wage is not possible
** This category includes countries in which no minimum wage exists, namely Bahrain, Egypt, Ethiopia, Saudi Arabia, Singapore, United Arab Emirates and Yemen.

In-kind payment of minimum wage

1 Minimum wage can be paid in cash payment only*
2 Part of the minimum wage can be paid in kind
3 Domestic workers are excluded from minimum wage coverage
9 Information not available / federal countries with provisions that differ between states
* Includes cases where no information on in-kind provisions was available

Maternity leave

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

Maternity cash benefits

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

Annex 10. Extent of legal coverage: Global and regional estimates

A. Legal coverage of domestic workers under 2020 laws

Chapter 3 | Scope – Are domestic workers covered by the country's labour laws?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Domestic workers are covered by the general labour laws	11.4	14.7	14.7	4.4	69.8	0.0	10.3	16.2	0.2	0.0	18.8	10.8	100.0	5.3
Domestic workers are covered in part by the general labour laws and in part by subordinate regulations or specific labour laws	30.2	44.9	70.3	83.4	0.0	3.4	9.3	0.0	67.3	3.7	67.2	89.0	0.0	33.3
Domestic workers are covered by subordinate regulations or specific labour laws	11.8	3.8	10.3	12.2	0.0	93.7	0.2	0.0	2.0	0.0	13.9	0.0	0.0	61.4
Domestic workers are excluded from the scope of the country's labour laws	36.1	36.7	0.0	0.0	0.0	2.9	61.5	83.8	30.7	18.7	0.0	0.0	0.0	0.0
Federal countries with provisions that differ between states	10.5	0.0	4.8	0.0	30.2	0.0	18.6	0.0	0.0	77.6	0.1	0.2	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Absolute numbers (thousands)														
Domestic workers are covered by the general labour laws	8 617	1 410	2 591	659	1 931	0	3 956	3 947	9	0	660	255	363	43
Domestic workers are covered in part by the general labour laws and in part by subordinate regulations or specific labour laws	22 852	4 313	12 376	12 376	0	225	3 575	0	3 236	340	2 363	2 097	0	266
Domestic workers are covered by subordinate regulations or specific labour laws	8 926	364	1 809	1 809	0	6 169	94	0	94	0	491	0	0	491
Domestic workers are excluded from the scope of the country's labour laws	27 266	3 522	0	0	0	193	23 551	20 361	1 475	1 719	0	0	0	0
Federal countries with provisions that differ between states	7 969	0	837	0	837	0	7 128	0	0	7 128	4	4	0	0
Total	75 630	9 608	17 612	14 844	2 768	6 586	38 304	24 308	4 810	9 186	3 518	2 356	363	799

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

(continued overleaf)

Chapter 4 | Working Time

Normal weekly hours | Do domestic workers enjoy a limitation of their normal weekly hours of work under national law?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Limitation of normal weekly hours same as or lower than for other workers	34.8	45.2	83.0	85.5	69.8	6.4	10.1	14.9	3.1	1.0	87.4	90.3	100.0	73.2
Limitation of normal weekly hours higher than for other workers	5.7	15.0	4.8	5.7	0.0	27.2	0.4	0.0	2.9	0.0	3.5	5.2	0.0	0.0
No limitation of normal weekly hours	48.9	39.8	7.4	8.8	0.0	66.4	71.0	85.1	93.9	21.5	9.1	4.5	0.0	26.8
Information not available / federal countries with provisions that differ between states	10.5	0.0	4.8	0.0	30.2	0.0	18.6	0.0	0.0	77.6	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Absolute numbers (thousands)														
Limitation of normal weekly hours same as or lower than for other workers	26 320	4 340	14 626	12 695	1 931	420	3 858	3 620	151	88	3 076	2 128	363	585
Limitation of normal weekly hours higher than for other workers	4 345	1 446	845	845	0	1 792	141	0	141	0	122	122	0	0
No limitation of normal weekly hours	36 999	3 823	1 304	1 304	0	4 375	27 177	20 688	4 519	1 971	320	106	0	214
Information not available / federal countries with provisions that differ between states	7 964	0	837	0	837	0	7 128	0	0	7 128	0	0	0	0
Total	75 630	9 608	17 612	14 844	2 768	6 586	38 304	24 308	4 810	9 186	3 518	2 356	363	799

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

(continued overleaf)

Weekly rest | Are domestic workers entitled to weekly rest [at least 24 consecutive hours] under national law?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Entitlement to weekly rest same as or more favourable than for other workers	48.9	61.7	81.9	97.1	0.0	96.2	17.8	14.4	66.8	1.0	98.3	99.6	98.4	94.7
Entitlement to weekly rest of shorter duration than for other workers	0.8	1.6	2.4	2.9	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.4	0.0	0.0
No entitlement to weekly rest	37.3	36.7	0.0	0.0	0.0	3.8	63.6	85.6	33.2	21.5	1.3	0.1	0.0	5.3
Information not available / federal countries with provisions that differ between states	13.1	0.0	15.7	0.0	100.0	0.0	18.6	0.0	0.0	77.6	0.2	0.0	1.6	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Absolute numbers (thousands)														
Entitlement to weekly rest same as or more favourable than for other workers	36 948	5 929	14 419	14 419	0	6 336	6 804	3 502	3 215	88	3 459	2 346	357	757
Entitlement to weekly rest of shorter duration than for other workers	590	157	425	425	0	0	0	0	0	0	8	8	0	0
No entitlement to weekly rest	28 189	3 522	0	0	0	251	24 372	20 806	1 596	1 971	45	2	0	43
Information not available / federal countries with provisions that differ between states	9 902	0	2 768	0	2 768	0	7 128	0	0	7 128	6	0	6	0
Total	75 630	9 608	17 612	14 844	2 768	6 586	38 304	24 308	4 810	9 186	3 518	2 356	363	799

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

(continued overleaf)

Paid annual leave | Are domestic workers entitled to paid annual leave under national law?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Annual leave same as or longer than for other workers	42.9	59.8	84.3	100.0	0.0	26.5	18.7	16.2	65.1	1.0	85.7	99.4	100.0	38.6
Annual leave shorter than for other workers	7.4	3.0	0.0	0.0	0.0	73.1	0.0	0.0	0.0	0.0	14.3	0.6	0.0	61.4
Domestic workers are excluded from provisions	36.4	36.3	0.0	0.0	0.0	0.4	62.7	83.8	34.9	21.5	0.0	0.0	0.0	0.0
Information not available / federal countries with provisions that differ between states	13.2	0.9	15.7	0.0	100.0	0.0	18.6	0.0	0.0	77.6	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Absolute numbers (thousands)														
Annual leave same as or longer than for other workers	32 476	5 750	14 844	14 844	0	1 747	7 165	3 947	3 130	88	3 014	2 342	363	308
Annual leave shorter than for other workers	5 606	284	0	0	0	4 814	0	0	0	0	505	14	0	491
Domestic workers are excluded from provisions	27 560	3 484	0	0	0	25	24 012	20 361	1 680	1 971	0	0	0	0
Information not available / federal countries with provisions that differ between states	9 988	91	2 768	0	2 768	0	7 128	0	0	7 128	0	0	0	0
Total	75 630	9 608	17 612	14 844	2 768	6 586	38 304	24 308	4 810	9 186	3 518	2 356	363	799

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

(continued overleaf)

Chapter 5 | Minimum wage

Minimum wage | Are domestic workers covered by a minimum wage?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Statutory minimum wage for domestic workers same as or higher than for other workers*	**35.0**	**27.7**	**89.8**	93.7	69.8	**5.7**	**10.9**	15.6	6.1	1.0	**98.2**	98.7	100.0	93.5
Statutory minimum wage for domestic workers lower than for other workers	**8.6**	**31.5**	**1.5**	1.8	0.0	**10.4**	**6.5**	0.0	52.0	0.0	**0.7**	0.0	0.0	6.5
Domestic workers excluded from minimum wage coverage in countries where minimum wage exists	**34.2**	**4.1**	**3.7**	4.5	0.0	**3.8**	**64.0**	84.4	41.9	21.5	**1.0**	1.2	0.0	0.0
No minimum wage in the country	**11.6**	**36.7**	**0.0**	0.0	0.0	**80.0**	**0.0**	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0
Information not available / federal countries with provisions that differ between states	**10.6**	**0.0**	**4.9**	0.0	30.2	**0.0**	**18.6**	0.0	0.0	77.6	**0.1**	0.2	0.0	0.0
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Absolute numbers (thousands)														
Statutory minimum wage for domestic workers same as or higher than for other workers*	**26 481**	**2 665**	**15 824**	13 911	1 931	**375**	**4 163**	3 783	292	88	**3 455**	2 324	363	747
Statutory minimum wage for domestic workers lower than for other workers	**6 511**	**3 031**	**269**	271	0	**686**	**2 501**	0	2 501	0	**24**	0	0	52
Domestic workers excluded from minimum wage coverage in countries where minimum wage exists	**25 850**	**390**	**659**	663	0	**253**	**24 512**	20 525	2 017	1 971	**35**	28	0	0
No minimum wage in the country	**8 794**	**3 522**	**0**	0	0	**5 272**	**0**	0	0	0	**0**	0	0	0
Information not available / federal countries with provisions that differ between states	**7 992**	**0**	**860**	0	837	**0**	**7 128**	0	0	7 128	**5**	4	0	0
Total	**75 630**	**9 608**	**17 612**	**14 844**	**2 768**	**6 586**	**38 304**	**24 308**	**4 810**	**9 186**	**3 518**	**2 356**	**363**	**799**

* Includes cases where comparison to benchmark minimum wage is not possible.

(continued overleaf)

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

Minimum wage | Can a percentage of the minimum wage be paid in kind to domestic workers?

	World	**Africa**	**Americas**	Latin America and the Caribbean	Northern America	**Arab States**	**Asia and the Pacific**	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	**Europe and Central Asia**	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of domestic workers (percentages)														
Minimum wage can be paid in cash only*	**29.0**	**13.2**	**65.2**	64.3	69.8	**16.1**	**16.7**	15.6	52.2	1.0	**49.7**	64.9	46.2	6.5
Part of the minimum wage can be paid in kind	**14.7**	**46.1**	**26.3**	31.2	0.0	**0.0**	**0.7**	0.0	5.9	0.0	**49.7**	34.3	53.8	93.5
Domestic workers excluded from minimum wage coverage (in countries where minimum wage exists)	**33.8**	**4.1**	**3.8**	4.5	0.0	**0.0**	**64.0**	84.4	41.9	21.5	**0.1**	0.1	0.0	0.0
No minimum wage in the country	**11.6**	**36.7**	**0.0**	0.0	0.0	**80.0**	**0.0**	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0
Information not available / federal countries with provisions that differ between states	**10.9**	**0.0**	**4.8**	0.0	30.2	**3.8**	**18.6**	0.0	0.0	77.6	**0.5**	0.8	0.0	0.0
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Absolute numbers (thousands)														
Minimum wage can be paid in cash only*	**21 938**	**1 269**	**11 476**	9 545	1 931	**1 062**	**6 382**	3 783	2 511	88	**1 748**	1 529	168	52
Part of the minimum wage can be paid in kind	**11 096**	**4 427**	**4 637**	4 637	0	**0**	**282**	0	282	0	**1 750**	808	195	747
Domestic workers excluded from minimum wage coverage (in countries where minimum wage exists)	**25 567**	**390**	**663**	663	0	**0**	**24 512**	20 525	2 017	1 971	**2**	2	0	0
No minimum wage in the country	**8 794**	**3 522**	**0**	0	0	**5 272**	**0**	0	0	0	**0**	0	0	0
Information not available / federal countries with provisions that differ between states	**8 235**	**0**	**837**	0	837	**253**	**7 128**	0	0	7 128	**18**	18	0	0
Total	**75 630**	**9 608**	**17 612**	**14 844**	**2 768**	**6 586**	**38 304**	**24 308**	**4 810**	**9 186**	**3 518**	**2 356**	**363**	**799**

* Includes cases where comparison to benchmark minimum wage is not possible.

(continued overleaf)

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

Chapter 6 | Maternity protection

Maternity leave | Are women domestic workers entitled to maternity leave under national law?

	World	**Africa**	**Americas**	Latin America and the Caribbean	Northern America	**Arab States**	**Asia and the Pacific**	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	**Europe and Central Asia**	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of women domestic workers (percentages)														
Maternity leave entitlements same as or more favourable than for other workers	**45.6**	**67.1**	**83.7**	97.4	0.0	**0.0**	**19.0**	16.4	59.5	0.6	**100.0**	100.0	100.0	100.0
Maternity leave entitlements less favourable than for other workers	**0.2**	**0.5**	**0.4**	0.4	0.0	**0.0**	**0.0**	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0
No entitlement to maternity leave	**46.5**	**32.4**	**13.0**	2.2	79.1	**100.0**	**67.6**	83.6	40.5	23.7	**0.0**	0.0	0.0	0.0
Information not available / federal countries with provisions that differ between states	**7.7**	**0.0**	**2.9**	0.0	20.9	**0.0**	**13.4**	0.0	0.0	75.6	**0.0**	0.0	0.0	0.0
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
Absolute numbers of women (thousands)														
Maternity leave entitlements same as or more favourable than for other workers	**26 311**	**4 407**	**13 118**	13 168	0	**0**	**5 698**	3 421	2 304	33	**2 978**	2 101	295	582
Maternity leave entitlements less favourable than for other workers	**90**	**33**	**56**	57	0	**0**	**0**	0	0	0	**0**	0	0	0
No entitlement to maternity leave	**26 823**	**2 128**	**2 043**	299	1 704	**2 412**	**20 303**	17 460	1 569	1 251	**0**	0	0	0
Information not available / federal countries with provisions that differ between states	**4 433**	**0**	**460**	0	449	**0**	**4 021**	0	0	3 984	**0**	0	0	0
Total	**57 656**	**6 568**	**15 677**	**13 524**	**2 153**	**2 412**	**30 022**	**20 881**	**3 873**	**5 268**	**2 978**	**2 101**	**295**	**582**

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

(continued overleaf)

Maternity benefits | Are women domestic workers entitled to cash benefits during maternity leave under national law?

	World	Africa	Americas	Latin America and the Caribbean	Northern America	Arab States	Asia and the Pacific	Eastern Asia	South-Eastern Asia and the Pacific	Southern Asia	Europe and Central Asia	Northern, Southern and Western Europe	Eastern Europe	Central and Western Asia
Proportion of women domestic workers (percentages)														
Entitlement to maternity cash benefits same as or more favourable than for other workers	41.2	67.1	69.6	80.7	0.0	0.0	18.1	14.8	59.5	0.6	100.0	100.0	100.0	100.0
Entitlement to maternity cash benefits less favourable than for other workers	2.9	0.5	10.6	12.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
No entitlement to maternity cash benefits	47.6	32.4	16.9	7.0	79.1	100.0	67.6	83.6	40.5	23.7	0.0	0.0	0.0	0.0
Information not available / federal countries with provisions that differ between states	8.3	0.0	2.9	0.0	20.9	0.0	14.3	1.6	0.0	75.6	0.0	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Absolute numbers of women (thousands)														
Entitlement to maternity cash benefits same as or more favourable than for other workers	23 734	4 407	10 915	10 915	0	0	5 434	3 097	2 304	33	2 978	2 101	295	582
Entitlement to maternity cash benefits less favourable than for other workers	1 698	33	1 665	1 665	0	0	0	0	0	0	0	0	0	0
No entitlement to maternity cash benefits	27 467	2 128	2 648	944	1 704	2 412	20 280	17 460	1 569	1 251	0	0	0	0
Information not available / federal countries with provisions that differ between states	4 757	0	449	0	449	0	4 308	324	0	3 984	0	0	0	0
Total	57 656	6 568	15 677	13 524	2 153	2 412	30 022	20 881	3 873	5 268	2 978	2 101	295	582

Note: See Methodology sections in Part I and Part II and coding in Annex 9.

B. Effect of legal changes over the last ten years

A hypothetical case: Situation of today's domestic workers as if they were covered by laws in force in 2010, compared to their actual situation under 2020 laws

Chapter 3 | Scope: Are domestic workers covered by the country's labour laws?

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Proportion of domestic workers						
Domestic workers covered by the general labour laws	8.2	11.4	3.2	6 213	8 617	2 404
Domestic workers covered in part by the general labour laws and in part by subordinate regulations or specific labour laws	25.0	30.2	5.2	18 931	22 852	3 921
Domestic workers covered by subordinate regulations or specific labour laws	5.2	11.8	6.6	3 914	8 926	5 012
Domestic workers excluded from the scope of the country's labour laws	52.4	36.1	-16.3	39 608	27 266	-12 342
Federal countries with provisions that differ between states	9.2	10.5	1.3	6 964	7 969	1 005
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

Chapter 4 | Working Time

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Normal weekly hours | Do domestic workers enjoy a limitation of their normal weekly hours of work under national law?						
Limitation of normal weekly hours same as or lower than for other workers	**27.6**	**34.8**	**7.2**	**20 842**	**26 320**	**5 478**
Limitation of normal weekly hours higher than for other workers	1.9	5.7	3.8	1 440	4 345	2 905
No limitation of normal weekly hours	69.4	48.9	–20.5	52 510	36 999	–15 511
Information not available/ federal countries with provisions that differ between states	1.1	10.5	9.4	837	7 964	7 128
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Weekly rest | Are domestic workers entitled to weekly rest [at least 24 consecutive hours] under national law?						
Entitlement to weekly rest same as or more favourable than for other workers	**27.8**	**48.9**	**21.0**	**21 040**	**36 948**	**15 908**
Entitlement to weekly rest of shorter duration than for other workers	2.7	0.8	–2.0	2 065	590	–1 475
No entitlement to weekly rest	65.6	37.3	–28.4	49 636	28 189	–21 446
Information not available/ federal countries with provisions that differ between states	3.8	13.1	9.3	2 888	9 902	7 013
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

(continued overleaf)

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Annual Leave | Are domestic workers entitled to paid annual leave under national law?						
Paid annual leave same as or longer than for other workers	**30.3**	**42.9**	**12.6**	**22 949**	**32 476**	**9 527**
Annual leave shorter than for other workers	1.0	7.4	6.4	729	5 606	4 877
Domestic workers excluded from provisions	65.0	36.4	–28.6	49 183	27 560	–21 624
Information not available/ federal countries with provisions that differ between states	3.7	13.2	9.5	2 768	9 988	7 220
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

Chapter 5 | Minimum wage

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Minimum wage | Are domestic workers covered by a minimum wage?						
Statutory minimum wage for domestic workers same as or higher than for other workers*	**32.1**	**35.0**	**2.9**	**24 270**	**26 481**	**2 211**
Statutory minimum wage for domestic workers lower than for other workers	5.1	8.6	3.5	3 862	6 511	2 650
No statutory minimum wage applicable to domestic workers	61.6	45.8	–15.8	46 573	34 644	–11 929
Information not available/ federal countries with provisions that differ between states	1.2	10.6	9.3	925	7 992	7 067
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

* Includes cases where comparison to benchmark minimum wage is not possible.

Note: The category "No minimum wage applicable to domestic workers" covers domestic workers who are excluded from minimum wage coverage in countries where minimum wage exists and domestic workers living in countries where no minimum wage exists.

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Minimum wage | Can a percentage of the minimum wage be paid in kind to domestic workers?						
Minimum wage can be paid in cash only*	**21.8**	**29.0**	**7.2**	**16 511**	**21 938**	**5 427**
Part of the minimum wage can be paid in kind	15.5	14.7	–0.8	11 699	11 096	–604
No statutory minimum wage applicable to domestic workers	61.2	45.4	–15.8	46 318	34 361	–11 956
Information not available/ federal countries with provisions that differ between states	1.5	10.9	9.4	1 102	8 235	7 133
Total	**100.0**	**100.0**		**75 630**	**75 630**	**0**

* Includes cases where comparison to benchmark minimum wage is not possible.

Note: The category "No minimum wage applicable to domestic workers" covers domestic workers who are excluded from minimum wage coverage in countries where minimum wage exists and domestic workers living in countries where no minimum wage exists.

Chapter 6 | Maternity protection

	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Maternity leave | Are domestic workers entitled to maternity leave under national law?						
Maternity leave entitlements same as or more favourable than for other workers	**40.9**	**45.6**	**4.7**	**23 575**	**26 311**	**2 736**
Maternity leave entitlements less favourable than for other workers	0.2	0.2	–0.1	132	90	–43
No entitlement to maternity leave	58.1	46.5	–11.6	33 500	26 823	–6 677
Information not available/ federal countries with provisions that differ between states	0.8	7.7	6.9	449	4 433	3 984
Total	**100.0**	**100.0**		**57 656**	**57 656**	**0**

(continued overleaf)

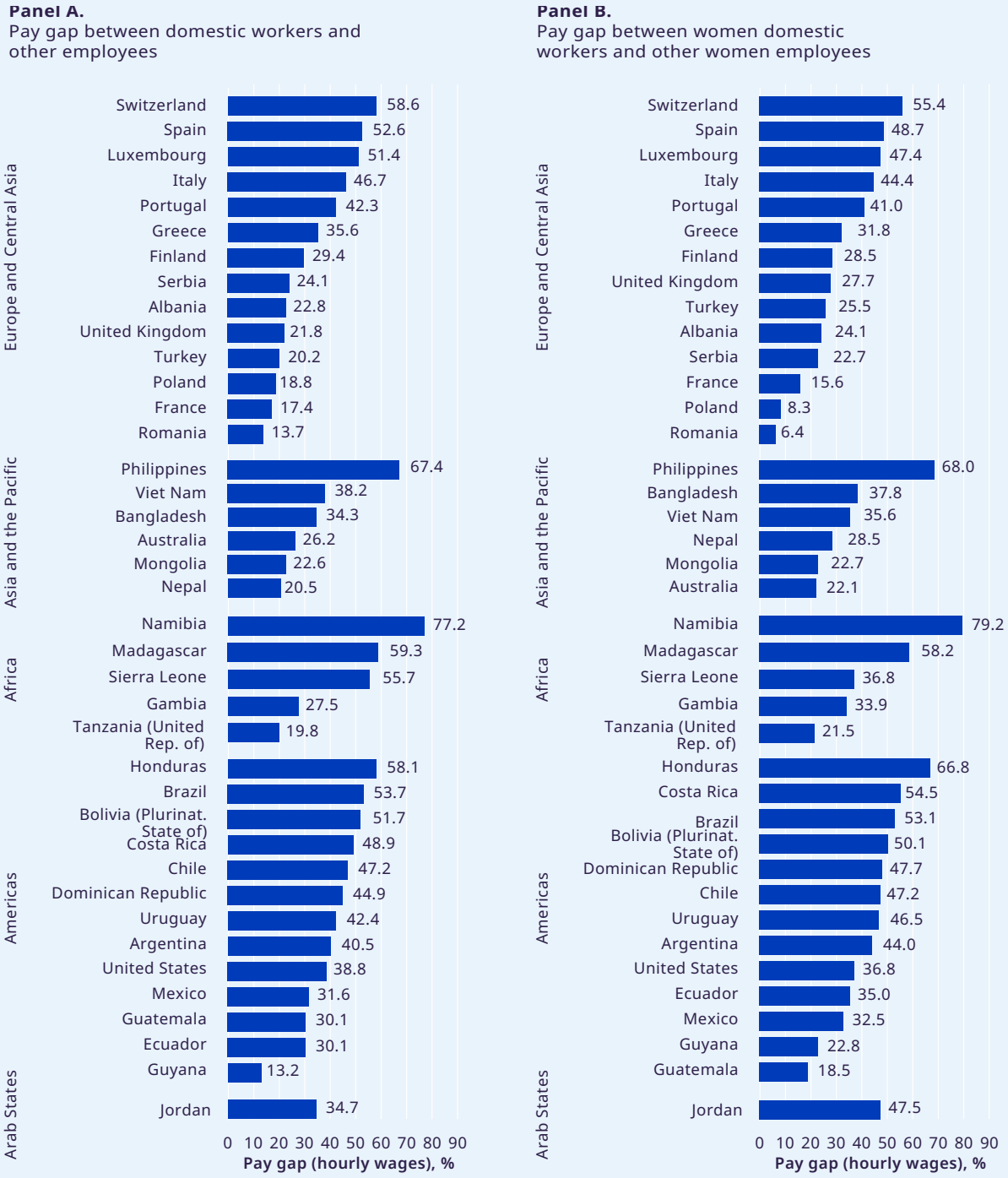
	Proportions of domestic workers			Absolute numbers (thousands)		
	Under 2010 laws (%)	Under 2020 laws (%)	Change (percentage points)	Under 2010 laws	Under 2020 laws	Change
Maternity benefits | Are domestic workers entitled to cash benefits during maternity leave under national law?						
Entitlement to maternity cash benefits same as or more favourable than for other workers	**37.6**	**41.2**	**3.6**	**21 686**	**23 734**	**2 048**
Entitlement to maternity cash benefits less favourable than for other workers	0.0	2.9	2.9	0	1 698	1 698
No entitlement to maternity cash benefits	61.0	47.6	–13.4	35 197	27 467	–7 730
Information not available/ federal countries with provisions that differ between states	1.3	8.3	6.9	773	4 757	3 984
Total	**100.0**	**100.0**		**57 656**	**57 656**	**0**

Note: See methodology section in Part II. The extent of legal coverage: the legal coding by country is available in Annex 9 and the total number of domestic workers is provided in Annex 5. Percentages and absolute numbers refer to women domestic workers.

Annex 11. Detailed analysis of the the pay gap between domestic workers and other groups of employees and effects of minimum wage compliance in 39 countries

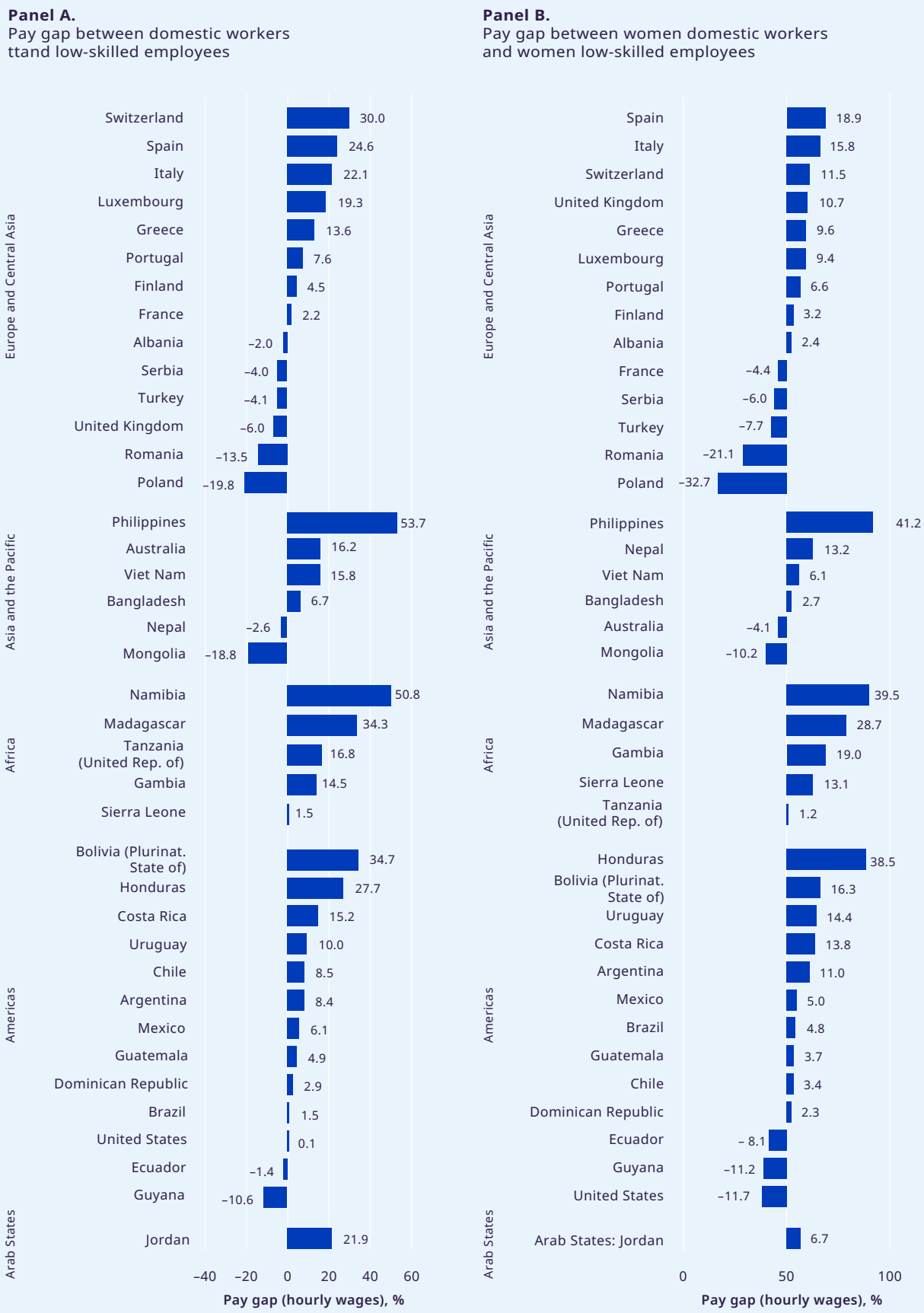
Can low wages be explained by gender and skill level?

Figure A11.1 Pay gaps between domestic workers and other employees (total and women), latest available years (percentages)



Source: ILO estimates. The pay gap between domestic workers and each of the comparable groups is based on a comparison of hourly wages using the technique known as "factor weighted pay gaps" (ILO 2018e), which consists of taking a weighted average of the estimated gaps among groups that have the following elements in common: age, education and living in urban versus rural areas. Estimates of the pay gap between domestic workers and low-skilled workers exclude the factor "education". Low-skilled workers are those classified in group 9 according to the ISCO-08 classification.

Figure A11.2 Pay gaps between domestic workers and other employees (total low-skilled and women low-skilled), latest available years (percentages)

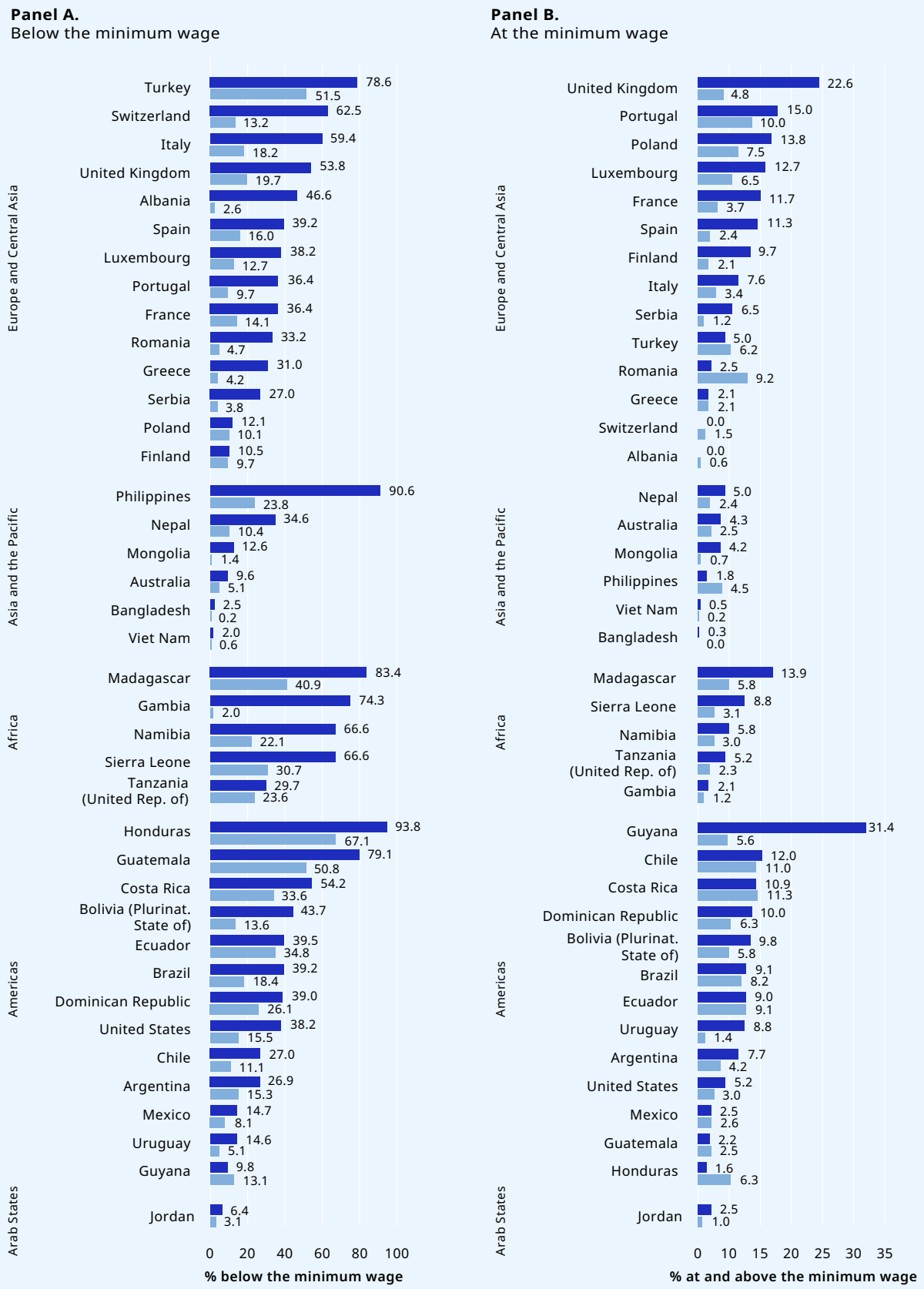


Source: As for figure A11.1.

Domestic workers' earnings and the minimum wage – effects of full compliance on pay gaps and income inequality

What is the extent of the gap in minimum wage compliance as compared to other employees?

Figure A11.3 Proportion of domestic workers and proportion of other employees below or at the minimum wage, latest available years (percentages)



Note: ILO estimates based on the comparison of hourly wages as described in the note to figure A11.1. By default, the remaining employees who are not paid below or at the minimum wages are those paid above the minimum wage.

How full minimum wage coverage and compliance would contribute to reducing wage inequality for domestic workers and other employees, income inequality and relative poverty at the household level

The final estimate shows how achieving full compliance with the minimum wage among domestic workers would contribute to reducing overall wage inequality in most of the 39 countries. This is done by using the Palma ratio, which consists in estimating the total earnings among the top 10 per cent of wage earners as a ratio of the earnings of the poorest 40 per cent of wage earners in the population.

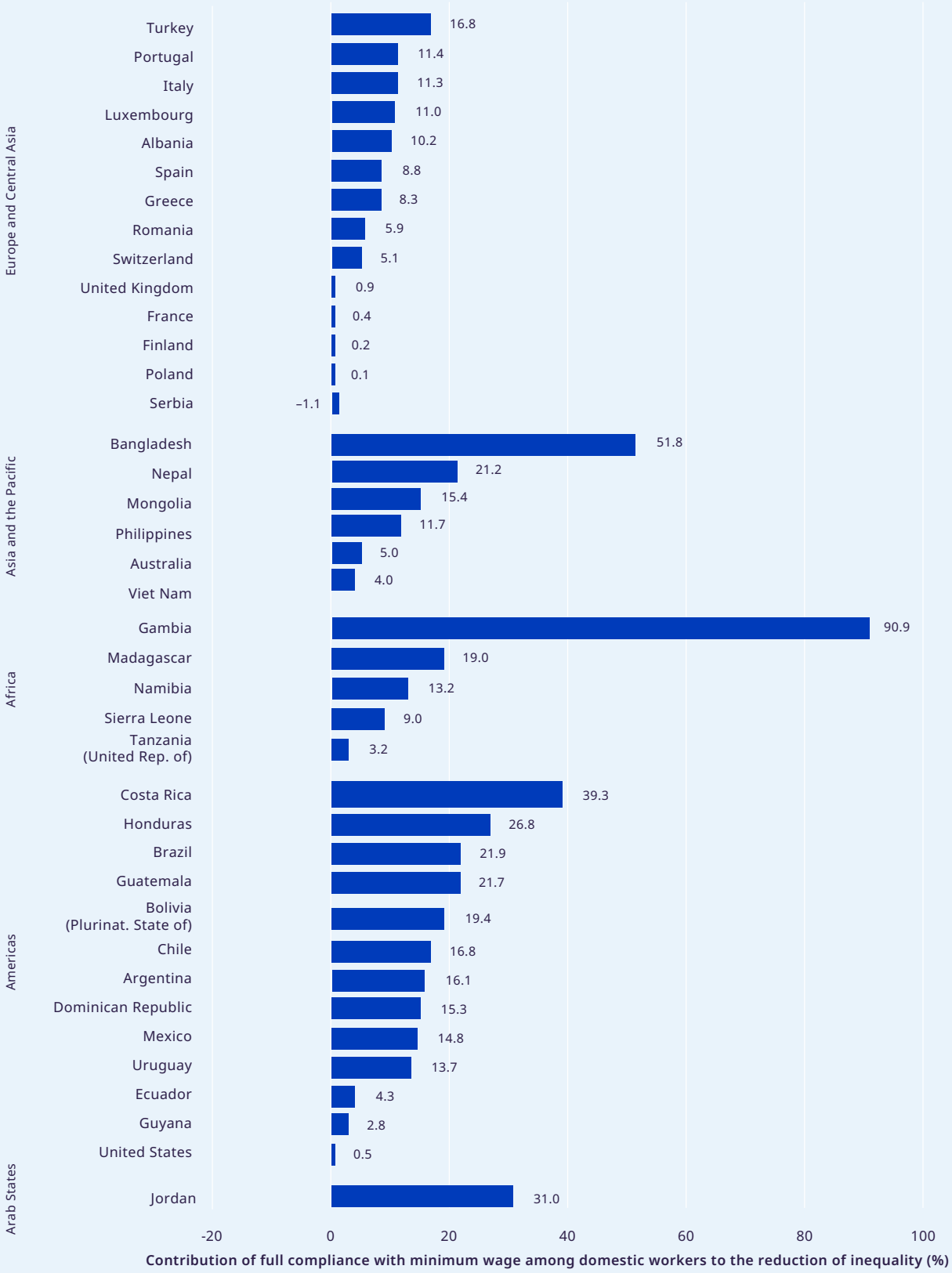
To understand how increasing the wages of domestic workers contributes to reducing wage inequality, three steps were adopted:

1. estimating overall wage inequality using actual received earnings, thus allowing for non-compliance among employees, as observed in the data (WI/1);
2. estimating wage inequality, first allowing for domestic workers (only) to achieve full compliance with the hourly minimum wage (WI/2); and
3. allowing all employees – domestic workers or otherwise – to achieve full compliance with the hourly minimum wage (WI/3).

The distance between the Palma ratio using the wage distributions WI/2 and WI/1 is the contribution to changing wage inequality as result of full compliance among domestic workers: contribution C1. Likewise, the distance between the Palma ratio using the wage distribution WI/3 and WI/1 is the contribution to changing wage inequality when all employees are covered by the hourly minimum wage: contribution C2. The ratio between C1 and C2 provides a measure for understanding the extent to which full compliance among domestic workers alone contributes to reducing wage inequality as a result of full compliance with the minimum wage among all employees. Figure A11.4 shows this ratio for each of the 39 countries.

Except in a few cases, most of which are in Europe, effectively implementing and extending minimum wage coverage to domestic workers has a visible and positive effect on reducing wage inequality. Considering the case of Honduras, a country where domestic workers are excluded from the minimum wage, the Palma ratio is 1.91, meaning that the wage earners in the top 10 per cent earn about 91 per cent more than those in the bottom 40 per cent. However, if all domestic workers were to be covered by and receive (at least) the minimum wage, with full compliance, the earnings among wage earners at the bottom would increase, thereby causing a decline in wage inequality to 75 per cent (or 1.75 Palma ratio) thanks to the increased earnings of domestic workers located among those in the bottom 40 per cent. If we further allow for all employees to receive at least the minimum wage, the Palma ratio declines further to reach 1.32. The reduced wage inequality as a result of extending minimum wages to domestic workers (the distance between 1.91 and 1.75) is 26.8 per cent of the full gain that would result from ensuring that all employees receive (at least) the minimum wage.

Figure A11.4 Contribution to changing wage inequality as a result of extending the minimum wage to domestic workers and ensuring full compliance, latest available years (percentages)



Note: As for figure 7.3 in Chapter 7.

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Advancing social justice, promoting decent work

The International Labour Organization is the United Nations agency for the world of work. We bring together governments, employers and workers to drive a human-centred approach to the future of work through employment creation, rights at work, social protection and social dialogue.

This report, published on the tenth anniversary of the adoption of the Domestic Workers Convention, 2011 (No. 189), could not have come at a more critical time for domestic workers. The COVID-19 pandemic underscored both the interdependence of domestic workers and the households they care for, and the vulnerability of the millions of domestic workers earning a living behind closed doors.

The adoption of ILO Convention No. 189 in 2011 represented an historic moment in the recognition of domestic work as real work. Ten years on, this report makes an unprecedented effort to measure the extent to which decent work has become a reality for domestic workers around the world. It highlights the progress made over a decade, but also the legal and implementation gaps that remain. Most importantly, it provides guidance on policies that can pave the way to making decent work a reality for domestic workers.

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