

## Domestic workers across the world:

Global and regional statistics  
and the extent of legal protection



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## Preface

Enhancing our knowledge on domestic work lays a solid basis for action that can make a difference in the lives of domestic workers. For too long, this group – a large majority of whom are women – has remained outside the realm of policy-making on social and labour issues, and has largely been confined to the informal economy. Since they work behind the closed doors of private households, domestic workers are shielded from public view and attention, and are often hard to reach by conventional policy tools. However, this should not be used as a convenient excuse for inaction. In the words of the ILO’s Director-General, “[t]he ILO’s mandate requires it to reach out to those who are most vulnerable, who face great insecurity and for whom the denial of social justice is most cruel”. Numbering at least 53 million, domestic workers are one group of workers that deserve our attention.

In an unprecedented manner, this report attempts to capture the size of the domestic work sector and the extent of legal protection enjoyed by domestic workers on the basis of a verifiable and replicable methodology. Its findings contribute to overcoming the invisibility of domestic workers and carry a powerful message: domestic work represents a significant share of global wage employment, but domestic workers remain to a large extent excluded from the scope of labour laws and hence from legal protection enjoyed by other workers. Marginalization and exclusion is a theme that runs through the findings of this report. For instance – more than half of all domestic workers have no statutory limitation of their weekly working hours, more than two out of five are not entitled to be paid a minimum wage, and more than a third have no right to take maternity leave. From a human rights and gender equality perspective, this is unacceptable.

The Domestic Workers Convention (No. 189) and the accompanying Recommendation (No. 201), both adopted in 2011, offer a historic opportunity to make decent work a reality for domestic workers worldwide. Addressing exclusions from working conditions laws is an important focus in this regard and the statistics presented here set a benchmark against which future progress can be measured. As documented in this volume, extending labour law coverage to domestic workers is indeed feasible and many countries have already done so in the past. Since the adoption of Convention No. 189 and Recommendation No. 201, many countries have embarked on the ratification process and have pursued new legislative and policy reforms guided by these instruments, which is encouraging.

This report is the outcome of collaboration between lawyers, statisticians and working conditions specialists, and between many different units from within the ILO. It clearly shows the value of an integrated perspective. It is part of a broader effort by the ILO to support the tripartite constituents – governments and workers’ and employers’ organizations – under its Global strategy for action on decent work for domestic

workers. It is hoped the report, and other tools available through the global web-portal on domestic work ([www.ilo.org/domesticworkers](http://www.ilo.org/domesticworkers)), will usefully assist ILO constituents and partners in their efforts to secure social justice and decent work for domestic workers across the world.

Philippe Marcadent  
Chief,  
Conditions of Work and Employment Branch  
(TRAVAIL)

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# Chapter 1. Introduction

Improving working conditions for domestic workers is a long-standing concern of the International Labour Organization. The topic first gained prominence in 1936, when the International Labour Conference adopted the Holidays with Pay Convention, 1936 (No. 52), which established the right to six days of paid leave for workers in manufacturing and a range of other industries. The Convention excluded domestic workers, a shortcoming that prompted the Conference to request that “the question of holidays with pay for domestic servants [be put] on the Agenda of [...] a future Session of the Conference [...] and to consider at the same time whether other conditions of domestic servants’ employment could form the subject of international regulation”.<sup>1</sup> As a delegate argued at the time, “domestic servants [...] are wage-earners, and therefore entitled to protection in the same way as other wage-earners”.<sup>2</sup>

While many aspects of domestic work are unique, this argument remains as valid today as it was 75 years ago. However, as this report shows, many domestic workers are still excluded from provisions that other workers take for granted with respect to essential working conditions, such as paid annual leave, working time, minimum wage coverage and maternity protection. Moreover, the prediction that “the problem of domestic service is being gradually and slowly solved—by the working-men and women refusing to render such service” has turned out to be false (Rubinow, 1906, p. 504). Guaranteeing these minimum labour protections to the large and growing group of domestic workers and recognizing their rights as workers are at the heart of the Domestic Workers Convention, 2011 (No. 189), and the accompanying Recommendation (No. 201). Adopted by the 100th Session of the International Labour Conference, these two historic documents are the first international labour standards specifically devoted to domestic workers, a particularly vulnerable and still often neglected group. Within just over a year after its adoption, three countries – Uruguay, the Philippines and Mauritius – have ratified the Convention, which will enter into force in September 2013.<sup>3</sup> Further ratifications are expected in the near future; in the Plurinational State of Bolivia and Nicaragua the Parliaments have already approved the Convention, and in South Africa the National Economic Development and Labour Council (NEDLAC) and the Cabinet have approved ratification. In total, at least 20 other countries have initiated ratification procedures or are taking steps in this direction.<sup>4</sup>

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<sup>1</sup> See Resolution concerning Holidays with Pay for Domestic Servants, submitted by the Committee on Holidays with Pay, adopted by the International Labour Conference, 20th Session (Geneva, 4–24 June 1936).

<sup>2</sup> International Labour Conference, 20th Session (Geneva, 1936), Records of Proceedings, p. 465.

<sup>3</sup> The instruments of ratification were received on 14 June 2012 (Uruguay), 5 Sep. 2012 (Philippines) and 13 Sep. 2012 (Mauritius). Under Article 21 of the Domestic Workers Convention, 2011 (No. 189), it will come into force 12 months after the date on which the ratifications of two Members have been registered with the ILO’s Director-General.

<sup>4</sup> Based on information entered into an internal ILO database that monitors national developments.

This report provides a benchmark for the situation of domestic workers across the world against which progress in implementing the new instruments can be measured. In its first part, it takes stock of global and regional statistics on domestic workers to answer two fairly basic, yet fundamental questions: How many domestic workers are there? How has their number evolved over time? To arrive at some answers, it starts by defining domestic workers in statistical terms and identifies measurement issues that are likely to create a downward bias in global and regional statistics (see Chapter 2). It then presents new ILO estimates on the number of domestic workers across the world, totalling at least 52.6 million men and women across the world in 2010. This represents an increase of more than 19 million since the mid-1990s. Most strikingly, domestic work accounts for 7.5 per cent of women's wage employment world-wide, and a far greater share in some regions (Chapter 3).

Extending the protections that are available to other workers to domestic workers will address decent work deficits for a vulnerable group of workers. Many ILO instruments, including fundamental Conventions regarding freedom of association, discrimination and the abolition of child labour and forced labour, apply to all workers and hence already cover domestic workers.<sup>5</sup> However, some are directed towards specific sectors – for instance, industry, commerce and offices, or agriculture – and hence do not cover domestic workers, while others allow for the exclusion of domestic workers from their scope. The new Domestic Workers Convention, 2011 (No. 189), seeks to close to this gap. Given the highly feminized nature of the sector, the Convention is widely seen as having great potential for achieving greater gender equality in the world of work. Providing domestic workers with stronger rights and recognizing them as workers would help to combat gender-based discrimination, and also discrimination on the grounds of race, national extraction or caste that often manifests itself in the sector.

In light of the above, the second part of this report discusses the extent of legal protection for domestic workers with respect to minimum standards for working conditions. The legal coverage estimates presented in Part II of this volume are based in large part on data collected for the standard-setting process and on the ILO's Database of Conditions of Work and Employment Laws.<sup>6</sup> The findings show that domestic workers are frequently excluded from the scope of the labour laws or are only covered by less favourable legislation (see Chapter 4). This has negative consequences for domestic workers with respect to a number of working conditions, including working time. Indeed, the research conducted for this report confirms that domestic workers are frequently expected to work longer hours than other workers and do not have the same rights to weekly rest that are enjoyed by other workers (see Chapter 5).

Given that domestic workers are particularly vulnerable to exploitation and are among the lowest-paid workers, it is ironic that they frequently find themselves excluded from minimum wage coverage. Domestic workers often also have to accept deductions from their salaries for the costs of housing and food – even when living

<sup>5</sup> The Preamble of Convention No. 189 reiterates that “international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided”.

<sup>6</sup> Available online free of charge at <http://www.ilo.org/dyn/travail/travmain.home>.

in the employer's household is a requirement that primarily benefits the household (see Chapter 6). Another example of unequal treatment is the exclusion from maternity leave and the associated maternity cash benefits. Given that more than 80 per cent of all domestic workers are women, this is an important shortcoming. While domestic workers often enable others to improve their balance of work and family obligations, domestic workers themselves are often excluded from crucial provisions: more than one-third of all domestic workers themselves have no right to go on paid maternity leave (see Chapter 7). Furthermore, the implementation gaps in many countries means that the effective protection is probably even weaker than these figures suggest.

While this report is clear in pointing out current gaps in protection, it does not fall into a pessimistic tone. Quite the contrary: it provides examples of what governments – and also trade unions and employers' federations – have done to improve the situation for domestic workers. More case studies can be found in the accompanying publication *Effective protection for domestic workers: A guide to designing labour laws* (ILO, 2012a) and a number of other materials published by the ILO. These complementary materials are concerned not only with how countries can bring labour legislation into line with the new international standards, but also with the creation of effective implementation mechanisms that can make these rights protections a living reality for domestic workers across the world. Other ILO activities focus on other dimensions of domestic workers' rights, including their right to join organizations of their own choosing. The appendices to the current report document the methodology that was used to produce the global and regional estimates and the underlying statistical and legal information at the country level. The information can be used as a benchmark for progress made with respect to three important aspects of working conditions – wages, working time and maternity protection – that form the core of the mandate of the ILO's Conditions of Work and Employment Branch (TRAVAIL).





*PART I*

*Global and regional  
statistics*

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## Chapter 2. Definitions, sources and methodology

In order to arrive at a reliable and verifiable estimate for the number of domestic workers across the world and within each region, three important issues have to be addressed. First, the term “domestic worker” has to be defined and translated into a statistical concept. Second, suitable national data sources have to be identified and statistics need to be gathered from as many countries as possible. Third, national figures need to be aggregated to obtain regional and global estimates on the basis of a solid methodology that takes into account the remaining data gaps. This chapter will address these three issues in turn, highlighting that some problems in national data collection are likely to exert a downward bias on the global and regional estimates (which should therefore be seen as conservative estimates).

### Definition of domestic workers

When setting out to estimate the number of domestic workers, it is important to translate what we understand by domestic workers and domestic work into an operational, statistical definition that enables us to compile comparable data from a broad range of countries. This is no small undertaking, since domestic workers are not a homogenous group. This holds true not only with respect to their demographic profile (age and gender, as well as migration status), but also for the nature of their jobs – they perform tasks as varied as cleaning, looking after elderly people or children, guarding the house, driving children to school, gardening or cooking and beyond. Therefore, when defining the term “domestic worker”, the delegates to the International Labour Conference did not rely on a listing of the specific tasks or services performed by domestic workers, which vary from country to country and may change over time.<sup>7</sup> Rather, they supported a general formulation that draws on the common feature of domestic workers that they work for private households.<sup>8</sup>

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<sup>7</sup> The Committee decided that the use of the terms “domestic workers” and “domestic work” was best suited for an international labour standard. At the same time, countries continue to be able to use terminology most suited in their context (see ILO, 2010a, p. 15). In some countries the concept of “domestic” work has pejorative connotations. For instance, in a number of Spanish-speaking countries the term “trabajo doméstico” is not used for this reason. This also explains the inclusion, as a negotiated compromise, in the Spanish text of the Convention of a footnote that stating that the International Labour Conference considers the term “trabajadora o trabajador del hogar” as synonymous with the term “trabajadora o trabajador doméstico”.

<sup>8</sup> While in many countries the legislation specifies that the employer must be a natural person, in other cases the employer can be the entire family/household (e.g. Brazil and Bulgaria) or even a representative or agent of the natural person (e.g. Barbados). Moreover, according to some legislation, the employer may be a third party, such as a recognized health-care agency (e.g. United States). (See ILO, 2010a, p. 35.) In this particular case, domestic workers – often migrants – still share the feature of working for a private household, but instead of being employed by the household directly, they are engaged in a triangular employment relationship, where the agency acts as an intermediary by receiving the payment from the household and, subsequently, compensating the worker after making all the corresponding social security contributions.

The Domestic Workers Convention, 2011 (No. 189), reflects this when it defines “domestic workers” in Article 1:

- (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.

The simple, but very distinctive feature of being employed by and providing services for a private household is therefore at the heart of the Convention’s definition. It is narrow in scope, since it excludes workers who provide care services in institutions such as orphanages, kindergartens, hospitals and old-age retirement homes (which, arguably, are part of a broader care economy; see Razavi and Staab, 2010). The restriction of domestic work to private households also provides a convenient way to identify domestic workers under the International Standard Industrial Classification (ISIC). The still widely used Revision 3.1 contains the division “Activities of private households as employers of domestic staff” (Division 95), which corresponds to the definition in the Convention.<sup>9</sup> It captures:

the 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.<sup>10</sup>

Making use of the industry-based approach has several advantages over the main alternatives, which rely on tasks and occupations, the status in employment or the household roster (see box 2.1). First, the industry-based approach draws on the one characteristic that is common to all domestic workers, namely being employed in or by a private household or households – in other words, that they are in an employment relationship with a private household (even though it might sometimes be disguised). This is more suitable than identifying domestic workers on the basis of their occupation. Although some occupations are predominantly performed within households (see ILO, 2010a, box III.1), others can also be performed outside the home – a cook can also work in a restaurant, a gardener in a flower nursery and a gatekeeper at an office building. This makes it difficult to distinguish domestic workers from other workers

<sup>9</sup> Published in 2008, ISIC Revision 4 includes Division 97 “Activities of households as employers of domestic personnel”; however, its definition is identical to that of ISIC Revision 3.1 Division 95, despite the slight modification to the title. ISIC Revision 4 was developed for use during the 2010 Population Census round, but it has not yet been adopted by many national statistical offices around the world. For more information on ISIC, please see: <http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=27&Lg=1&Co=9700>.

<sup>10</sup> See ISIC, Revision 3.1., Definition of class 9500 available at <http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=17&Lg=1&Co=9500>. Class 9500 is the only class in Division 95. Also see Appendix I for correspondences between the different revisions of ISIC.

### Box 2.1 How to count domestic workers? Alternative approaches to identifying domestic workers in household surveys

This box introduces a number of different approaches to identifying domestic workers on the basis of existing statistical classifications.

**Task-based approach.** The International Standard Classification of Occupations (ISCO-88 and ISCO-08) is sometimes used to identify domestic workers on the basis of their occupation. In particular, the occupations “Housekeepers and related workers” (ISCO-88, code 5121), “Home-based personal care workers” (5133), and “Domestic helpers and cleaners” (9131) include typical tasks performed by domestic workers. In addition, “Child-care workers” (5131) have often been included because they “take care of employers’ children and oversee their daily activities” (see ILO, 2010a, p. 30). However, child-care workers also “engage in helping teachers to look after schoolchildren”, which falls outside the definition of domestic workers. Moreover, cooks, drivers and gardeners are not captured by the task-based approach because their occupations are not specific to households. Excluding these occupational categories would undercount domestic workers, but including them would count also those not working for private households, which would lead to an overestimate. Another drawback of the task-based approach is that it requires very detailed occupational data (at the four-digit level), which are only rarely available in published sources.

**Status-in-employment approach.** This is frequently used in Latin America, where many countries have adapted the International Classification by Status in Employment (ICSE-93) to distinguish between domestic workers and other employees. For example, Brazil’s Instituto Brasileiro de Geografia e Estatística (IBGE, 2010, p. 32) defines domestic workers as “persons who worked providing domestic services paid in cash or kind in one or more housing units”. In fact, in a recent publication, *Domestic workers in Latin America: Statistics for new policies*, Tokman (2010) utilized this approach. While this approach is useful, and for many countries delivers the same results as the industry-based approach,<sup>1</sup> the distinction between domestic workers and other employees is not commonly made outside Latin America. This approach therefore cannot be used outside this region.

**Household-roster approach.** Some countries identify live-in domestic workers in the household roster of labour force survey (LFS) questionnaires, which notes down the relationship of each household member to the household head (see for example the Philippines LFS). Where this is done, the household-roster approach can be used to identify domestic workers who live in their employer’s household. However, this approach will not capture live-out domestic workers, who do not stay with their employer, but have their own household and commute to work (and thus appear, for example, as household head or spouse in the household roster). Moreover, it is not clear whether domestic workers should be considered household members in the first place, even if they live in the same dwelling unit as their employer. The System of National Accounts (SNA-2008, paragraph 4.149) defines a household as “a group of persons who share the same living accommodation, who pool some, or all, of their income and wealth and who consume certain types of goods and services collectively, mainly housing and food”. Arguably, few employers share their income and wealth with domestic workers in the same way that they do with family members.

**Industry-based approach.** Finally, the International Standard Industrial Classification of all Economic Activities (ISIC, Revision 3.1) groups “Activities of private households as employers of domestic staff” in Division 95 (see discussion in the main text). The industry-based approach draws on a common characteristic of domestic workers – that they work in or for a household – and

captures quite well the common understanding of what a domestic worker is. It goes a long way to addressing the shortcomings of the task-based approach and the household-roster approach. Data on employment by industry are also available for many countries throughout the world (either under ISIC or under related classifications of economic activity, such as the North American Industry Classification System, NAICS), which makes it possible to generate comparable data across regions (unlike the status-in-employment approach, the use of which is limited to Latin America).

While the industry-based approach is best suited as a basis for global and regional estimates, the alternative ways of identifying and counting domestic workers can be useful for certain types of studies – in particular for single-country studies based on micro-data. For instance, a household roster can be useful for identifying live-in domestic workers, and cross-tabulations of occupation and industry can provide a more differentiated picture of the types of tasks carried out by domestic workers.

<sup>1</sup> For instance, in the case of Brazil the same number of domestic workers is obtained using either ISIC or the national adaptation of ICSE.

solely on the basis of their occupation, and so, depending on whether these occupations are included or excluded, one would risk over- or undercounting domestic workers. A second advantage of the industry-based approach is that it imposes relatively low requirements for the level of detail in statistical data. A disaggregation of the data at the one- or two-digit level is generally sufficient to identify domestic workers in published data from labour force or other household surveys.<sup>11</sup>

The main drawback of the industry-based approach is that domestic workers who have an employment contract with a service agency (rather than with the household itself) are in theory excluded from the scope of Division 95. This triangular form of employment relationship is now common in some parts of Europe, most notably in Belgium (see discussion below and in Tomei, 2011). Likewise, in Asia and the Middle East, domestic workers are often recruited through agencies (but not necessarily employed by them). However, in practice, domestic workers deployed by an agency to a private household are often included in this division due to the lack of a suitable alternative category. Therefore, the risk of undercounting this particular group of domestic workers is small.

<sup>11</sup> In Revision 3 of ISIC, Division 95 coincides with Section P “Private households with employed persons” and a disaggregation at the one-digit level is therefore sufficient. In Revisions 3.1 and 4 of ISIC, “Activities of private households as employers of domestic staff” and “Activities of households as employers of domestic personnel”, respectively, were combined with undifferentiated production activities of private households into single sections (Sections P and T, respectively). Therefore, if using ISIC Revision 3.1 or 4, data at the two-digit level would be ideal. Nonetheless, most goods-producing activities of private households for own consumption are classified in Section A (“Agriculture, hunting and forestry”), and service-producing activities other than paid domestic work are mainly unpaid household work by members of the household (which is not considered employment). Conceptually, therefore, employment data classified in Section P (Rev. 3.1) or Section T (Rev. 4) should largely coincide with Section P under Revision 3 of ISIC.

The global and regional estimates presented in this report therefore rely primarily on the industry-based approach: domestic workers are defined as workers employed by private households in the sense of ISIC Revision 3.1, Division 95.<sup>12</sup> Since only persons of working age are counted as employed in labour statistics, this definition excludes children below the legal age for general admission to employment (see box 3.1 for separate estimates of child domestic workers). Likewise, the available source statistics (discussed in the next section) usually refer to the main job-holding of a worker, rather than all jobs. This means that workers who supplement their main source of income by taking up a second job as a domestic worker will usually be excluded from the scope of the estimates. As a result, those who perform domestic work only occasionally or sporadically are also omitted from the estimates.<sup>13</sup>

The industry-based approach is therefore a very close statistical equivalent of the definition of domestic workers used in the new international labour standards. Although some differences exist between countries in the use of the industry classification and in the precise definition of employment, this uniform approach should yield fairly consistent and comparative data on persons employed as domestic workers in their main job. The data refer to men and women of working age (and hence exclude child domestic workers under the age of 15 years) and would often (but not always) include domestic workers employed by agencies (rather than the household itself).

## Data sources

In many countries, the number of domestic workers is a contentious issue. One outstanding example is India, where figures frequently cited by non-governmental organizations (NGOs) and the media range from 2.5 million to 90 million domestic workers (see box 2.2). As Schwenken and Heimeshoff (2011) have shown in a recent compilation, estimates by NGOs and the media often substantially diverge from the statistics published by national statistical offices (NSOs). While there are reasons to believe that some NSOs undercount domestic workers (see discussion below), a major drawback of non-official figures is that it is usually not possible to verify the source or estimation method they are based on. One also needs to bear in mind that they are often produced for advocacy purposes, and could hence – whether with justification or not – be criticized as biased. In line with the objective of producing reliable and verifiable estimates, the new global and regional estimates therefore draw exclusively on official sources – although these are likely to lead to a more conservative estimate of the extent of domestic work.

In total, data from 117 countries and territories were used to produce the global and regional estimates (see table 2.1 for coverage by region; details by country on the

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<sup>12</sup> If no data on domestic workers could be found using ISIC, the status-in-employment classification (ICSE) was used when available (see box 2.1). This approach was applied in four countries, namely Bangladesh, Honduras, Liberia and Paraguay (see also Appendix II).

<sup>13</sup> Strictly speaking, labour force surveys (LFSs) should count anybody who works for at least one hour per week for a wage or other material gain as employed. However, it is very questionable whether LFSs in practice classify occasional babysitters and similar groups as employed.

**Table 2.1 Coverage of the ILO's statistical database on domestic workers, 2010**

Region	Number of countries covered	Country coverage (%)	Employment coverage (%)
Developed countries	25	89.3	98.4
Eastern Europe and CIS	21	75.0	79.4
Asia and the Pacific (excluding China)	18	66.7	94.8
Asia and the Pacific (China)	(1)	(100)	(100)
Latin America and Caribbean	23	74.2	95.5
Africa	20	39.2	62.3
Middle East	10	83.3	78.4
<b>Total (excluding China)</b>	<b>117</b>	<b>66.1</b>	<b>88.7</b>

Note: Country coverage refers to the number of countries for which data were found as a percentage of all the countries in the region, while employment coverage refers to the total number of employed persons in countries with available data as a percentage of all employed persons in the region (as of 2010). Regional groupings correspond to those in ILO (2010b).

Source: ILO statistical database on domestic workers.

sources used are provided in Appendix II.).<sup>14</sup> Although these 117 countries represent only two-thirds of all countries within the sample frame, they account for 88.7 per cent of total employment outside China. For China, a combination of official sources was used to produce a tentative estimate (see Chapter 3). Although the new database has a substantial global coverage, the availability of data is less than ideal in some regions, such as Africa (where data for countries that account for just under two-thirds of total employment are available).

For most countries, tabulated data from labour force surveys and other household sample surveys were used as sources. In some instances, detailed employment data by economic activity were only found in census reports, mainly dating back to the last round in circa 2000. These data were complemented with records retrieved from LABORSTA, which itself builds on data submitted by NSOs (mostly on the basis of labour force surveys).<sup>15</sup> For four countries,<sup>16</sup> the original labour force survey micro-data sets were used to tabulate the number of domestic workers and their share in total employment. Finally, for Oman and Hong Kong, China, where domestic workers are

<sup>14</sup> The universe corresponds to countries and territories included in the ILO's Global Employment Trends (GET) model. In addition, data were obtained for 17 small countries and territories (mainly small island states in the Caribbean and the Pacific) that are not included in the GET database. Given their small influence on global and regional aggregates, they were not used for the global and regional estimates.

<sup>15</sup> LABORSTA is the ILO's main database on labour statistics and is operated by the ILO Department of Statistics. Data are compiled from censuses and labour force and other household surveys. Free online access is available at <http://laborsta.ilo.org>.

<sup>16</sup> Columbia (retrieved through the Luxembourg Income Study), Guatemala (retrieved through the Luxembourg Income Study), India (NSSO) and United Republic of Tanzania (NBS). For further details, see Appendix II.



predominantly migrants, administrative records on work permits for domestic workers were used in the absence of household survey data.<sup>17</sup>

Labour force surveys and other household surveys, the main underlying data sources for the estimates, have two key advantages: they are usually based on representative samples of all households in a country; and they are designed to capture all forms of employment – regardless of whether such work is registered with the authorities or not, irrespective of whether it is in the informal or formal economy, and whether it is carried out on a part-time or full-time basis. The ability to capture employment in the informal economy is a key difference to enterprise surveys, which usually only cover formal sector establishments and therefore cannot capture domestic workers employed directly by households. Labour force surveys are usually administered by an interviewer (either face-to-face or, in some developed countries, over the phone), rather than self-completed by the respondent. Hence, illiteracy among domestic workers does not prevent them from participating. Moreover, interviewers can prompt respondents when respondents give incomplete answers. However, a possible weakness of household surveys is that interviewers, when not sufficiently trained, fail to recognize domestic workers as such (and believe misleading answers by proxy respondents, such as “She is just a cousin helping out with the house work!”). Respondents might also be reluctant to disclose their activity when faced with a government official, despite reassurances of anonymity and data confidentiality.

Another source of potential underestimation is that, given the broad range of activities that domestic workers carry out, some of those who correctly stated their activity during the interview could be misclassified during the coding of questionnaire responses. They would thus not appear in the division “Activities of private households as employers of domestic staff” (but in a default category, such as “Other service activities”). There is, however, no way to gauge the potential extent of such coding errors (which, incidentally, might also lead to misclassification of persons as domestic workers who are not actually domestic workers in the sense of the definition outlined above). In addition, domestic workers who are employed by an agency are in theory excluded from the scope of the definition of Division 95 (ISIC Rev. 3.1), which explicitly states that domestic services can only be produced by households (and not enterprises, such as service agencies). Since they fall under the definition of “work performed in or for a household or households”, their exclusion would lead to an underestimate of the number of domestic workers. In practice, however, statistical agencies appear to use Division 95 to classify agency workers. For instance, a large number of domestic workers who are grouped as employed in private households can be found in labour force surveys in countries where domestic workers are predominantly agency workers (Belgium), and even in establishment surveys, which collect data from enterprises rather than households (China).

A final source of potential underestimation is domestic workers who are undocumented migrant workers. These workers might not be captured in surveys that rely on

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<sup>17</sup> By their very nature, administrative records do not capture undocumented migrant workers, who enter irregularly (e.g. on a tourist visa) or overstay the validity of their work permit.

### Box 2.2 India: 2.5 or 90 million domestic workers?\*

Although it is not unusual to find discrepancies between official estimates and estimates from other sources, the case of India is particularly striking due to the magnitude of the difference. The media and NGOs frequently cite a figure of 90 million domestic workers for India.<sup>1</sup> However, the primary source for this figure is not given in any of the articles reviewed for this report, and it is not possible to establish who first used it – and on what basis. At the other extreme, Palriwala and Neetha (2009) published an estimate of only 2.5 million domestic workers for India. They used household survey data, but their study focuses solely on paid care workers in India and they exclude gardeners, gatekeepers, watchmen and the residual category of “other workers” employed by private households from their definition of domestic workers.

For the global and regional estimates, the same industry-based approach (see box 2.1) that was used in other countries was applied to India. Therefore, all persons employed by “Private households with employed persons” were counted as domestic workers (Division 95 of NIC 1998, India’s adaptation of ISIC; see NSSO, 2006, p. 16). The most comprehensive data source for India is the Employment and Unemployment Survey, which is conducted by the National Sample Survey Office (NSSO) at the national level every five years. At the time when the global and regional estimates were first made, the most recent data from this survey refer to the 61st round, conducted between July 2004 and June 2005 (micro-data from the 2009/10 survey were not yet available).

An analysis of the micro-data set suggests that the number of domestic workers in India was 4.2 million in 2004/05, representing 1 per cent of total employment (see table 2.2). However, since the great majority of domestic workers are women, some 2.2 per cent of all employed women were domestic workers (compared to 0.5 per cent for men). Moreover, there is a clear distinction between the types of domestic tasks carried out by each gender: most female domestic workers are employed as housemaids or servants, while men dominate in subcategories such as gardeners, gatekeepers and in the residual category of “other” occupations (which includes, for example, butlers and chauffeurs).

These figures have, however, some margin of error. Since the estimates were made, results from 2009/10 have been published by both the NSSO and the Ministry of Labour and Employment. According to the 66th round of the National Sample Survey (which drew on a sample of 100,000 households), only 0.8 per cent of all employed persons fell under Section P “Activities of private households as employers” (see NSSO, 2011, table S36). The Employment and Unemployment Survey, which was conducted by the Labour Bureau at the same time with a sample of 46,000 households, produced a very different estimate: according to this source, 2.7 per cent of all employed persons were employed by private households as maids, watchmen or cooks (Ministry of Labour and Employment, 2010, p. 39). By utilizing the estimate of 1.0 per cent, the global and regional estimates are therefore likely to err on the side of caution.

\* This box was prepared based on inputs received from Uma Rani (International Institute of Labour Studies).

<sup>1</sup> See, for example, *India Together*, “Domestic workers in India no better than slaves”, published 17 February 2009; *The Times of India*, “India of Domestic Workers”, published 21 June 2009; *The Washington Post*, “Domestic workers in India ‘want a better life, too’”, published 16 November 2008.

Sources: Ministry of Labour and Employment, 2010; NSSO, 2011.

**Table 2.2 India: Employment by industry subcategories and sex, 2004/05 (NIC 2004)**

Occupations employed in Division 95: Activities of households as employers of domestic staff	Both sexes	Female	Male
Housemaid / servant	2 312 200	2 011 300	300 800
Cook	1 23 400	89 300	34 200
Gardener	19 300	4 200	15 100
Gatekeeper / chowkidar / watchman	1 35 700	7 000	1 28 600
Governess / babysitter	87 700	62 800	24 900
Others	1 528 400	780 600	747 800
<b>TOTAL</b>	<b>4 206 700</b>	<b>2 955 200</b>	<b>1 251 400</b>
Total estimated employment	408 246 900	135 834 000	272 412 900
Domestic workers as percentage of total employment	1.0	2.2	0.5

Source: ILO analysis of the micro-data of the 2004/05 Employment and Unemployment Survey (61st round), National Sample Survey Organisation (NSSO) of India.

household registration data to build their sample frame, and even when they are sampled, they might be reluctant to provide any information that would reveal their irregular status to a government official and may therefore refuse to participate in an interview.

Given the different factors discussed above, it is difficult to estimate the extent of the undercounting of domestic workers. As argued above, comparing official statistics and non-official estimates by NGOs is not necessarily informative, given that the methodologies supporting non-official estimates are often not well-documented. However, some statistical offices have looked further into potential methodological shortcomings of household surveys in recording paid domestic work. An example is Germany, where domestic work is frequently part of the “shadow economy”. Here, the 2009 labour force survey counted 203,000 persons engaged in “Activities of households” (ISCI Rev. 4, Tabulation Category T).<sup>18</sup> The national accounts section of Germany’s federal statistical office supplemented these data with other sources and estimated that some 712,000 persons work in the same industry (see Körner and Puch, 2011, p. 44). While some of the difference is due to the undifferentiated activities of households, the alternative estimate indicates that the true number of domestic workers might be substantially higher than the one captured by the labour force survey (see also Schupp, 2002). Nonetheless, the German statistical office recommended using the labour force survey data, which remain the best available verifiable source for statistics on the number of domestic workers.

While the German case suggests that undercounting of domestic workers by statistical offices is a significant problem even in countries with highly developed statistical

<sup>18</sup> Note that the figure of 203,000 used for this publication is based on the original labour force survey (LFS) publication. Körner and Puch (2011, p. 44) report a figure of 206,000 domestic workers under the LFS.

capacity, there is little evidence showing how much the measurement error varies between countries and regions. However, these data limitations imply that the estimates presented in this report are a lower bound for the true number of domestic workers. This means that the estimates published in this report are conservative and thus do not exaggerate the importance of domestic work. In many ways, it is more useful to draw the reliable conclusion that “at least x million people work as domestic workers” than to face the opposite bias and to arrive at an estimate that “up to x million people work as domestic workers” (which could mean that the actual number is much, much lower).

## Methodology for global and regional estimates

To obtain reliable global and regional estimates on the number of domestic workers, two methodological challenges need to be addressed. The first challenge is that the estimates refer to 2010, but many of the underlying national data reproduced in Appendix II were collected in earlier years (mostly during the late 2000s). Despite this, these are the best available data for the proportion of domestic workers in total employment. However, because populations and employment have generally grown since the data were gathered – especially in developing countries – the estimation routine makes the assumption that the number of domestic workers has increased proportionately with growth in total employment.<sup>19</sup> Therefore, for each responding country, the share of domestic workers in total employment was calculated for the latest year for which data were available; this ratio was then applied to the employment figures for the year 2010.<sup>20</sup> This provided an unbiased estimate of the number of domestic workers in responding countries in 2010. However, while these figures for 2010 were used for the global and regional estimates, discussions of trends will make use of the official source statistics only (where the latest available data sometimes refer to 2008 or 2009).<sup>21</sup> To generate a breakdown by sex, the shares of female and male domestic workers in the base year were applied to the estimate for 2010.

The second challenge is that data are not available for all countries, even though the coverage of the ILO’s statistical database on domestic workers is substantial (see table 2.1). To correct for the remaining data gaps, two principal approaches can be used. The first is to impute missing data by estimating the number of domestic workers in all countries for which no data are available. However, since the objective outlined above was to use only official statistics for the global and regional estimates, this approach was not taken.<sup>22</sup> The other principal option is to use only available information and to correct for non-response of countries: this is the approach taken for this report. This was done

<sup>19</sup> While the share of domestic workers to employment might not have remained exactly constant, large shifts are unlikely in only a few years.

<sup>20</sup> The employment figures for the year 2010 were retrieved from the ILO’s Global Employment Trends (GET) model.

<sup>21</sup> Likewise, Appendix II only reports the official source statistics for the latest available year.

<sup>22</sup> The only exception to this rule is the aggregation of data from different sources to produce an estimate for China (see Chapter 2) and, for countries for which no disaggregation by sex was available, to estimate male and female shares (see Appendix II).

based on a standard methodology, which is explained in detail in Appendix I. The basic underlying idea is to treat the available data as a sample, which is then used to make inferences about regions and the global total – much in the same way that a household survey relies only on a sample of the population, but the results are used to make statements about the unemployment rate or other labour market characteristics in a country as a whole (even though not all labour market participants were actually interviewed).

However, there is a problem: countries that have collected data on domestic workers might differ systematically from those for which no information is available. In other words, the data are likely to be non-random and to display some bias. For example, it can be expected that more advanced countries and larger countries within a region have a greater statistical capacity and therefore are more likely to produce data. This poses a problem if the same countries also employ more (or fewer) domestic workers than those for which no data are available. It is therefore necessary to correct for this response bias through a weighting procedure that takes into account the different likelihoods of countries to provide estimates on the number of domestic workers (see Appendix I). Combined with the generally sufficient coverage, this estimation procedure can be expected to result in reliable global and regional estimates – although, as was discussed above, there are good reasons to believe that they are on the conservative side.

In addition to the estimates for 2010, this report also provides an estimate for 1995, which was produced using the same methodology as described above. However, instead of taking the latest available data point, the 1995 estimate uses the share of domestic workers in total employment in 1995 or the closest available year (adjusted for trends in overall employment). Again, the methodology described in Appendix I was used to correct for non-response.



## Chapter 3. Global and regional estimates

### Global overview: Domestic workers across the world

According to the new estimates, at least 52.6 million men and women were employed as domestic workers across the world in 2010. To put this into perspective, this figure is greater than the number of persons who are employed in large countries such as Viet Nam, Mexico or Nigeria. If all domestic workers worked in one country, this country would be the tenth largest employer worldwide. Domestic work is therefore an important, if often ignored, source of employment. It accounts for 1.7 per cent of total employment worldwide and some 3.6 per cent of all wage employment (see table 3.1). The sector has particular importance in developing regions, such as Latin America and the Caribbean, where 11.9 per cent of all paid employees are domestic workers, or the Middle East, with a share of 8.0 per cent.

Since there are reasons to believe that some of the primary sources used for the global and regional estimates undercount domestic workers (see discussion in Chapter 2), the true extent of domestic work is likely to be even greater. The global number of domestic workers could be close to the estimate of 100 million domestic workers that was previously cited by the ILO.<sup>23</sup> However, with current data availability, it is difficult to determine the range where the “true” value lies, and the figures presented here are the most reliable (and deliberately conservative) minimum estimates available. Note that the estimates do not include children who have not yet reached working age, which in many countries is set at 15 or 16 years. As box 3.1 shows, there are an estimated 3.5 million children aged 5 to 11 years who work as domestic workers, and 3.8 million child domestic workers between the ages of 12 and 14 years.

Although about 8.9 million men are employed by private households – typically as gardeners, chauffeurs or security guards – domestic work remains a heavily female-dominated sector: women account for 83 per cent of all domestic workers (see figure 3.1). Women domestic workers outnumber men in virtually all countries (see Appendix II) and in every region of the world. Women’s share among domestic workers ranges from approximately 63 per cent in the Middle East to 92 per cent in Latin America and the Caribbean. This makes domestic work a particularly significant source of wage employment for women, who often face greater obstacles than men in finding paid employment. Globally, one in every 13 female wage workers is a domestic worker (or 7.5 per cent), and the ratio is as high as one in four in Latin America and

<sup>23</sup> For example, paper GB.301/2 (ILO, 2008a) quoted a global figure of 100 million domestic workers.

**Table 3.1 Global and regional estimates on the number of domestic workers in 2010, by sex****PANEL A. BOTH SEXES**

	Domestic workers	Domestic workers as percentage of total employment	Domestic workers as percentage of paid employees
Developed countries	3 555 000	0.8	0.9
Eastern Europe and CIS	595 000	0.3	0.4
Asia and the Pacific	21 467 000	1.2	3.5
excluding China	12 077 000	1.2	4.7
Latin America and Caribbean	19 593 000	7.6	11.9
Africa	5 236 000	1.4	4.9
Middle East	2 107 000	5.6	8.0
<b>Total</b>	<b>52 553 000</b>	<b>1.7</b>	<b>3.6</b>

**PANEL B. FEMALES**

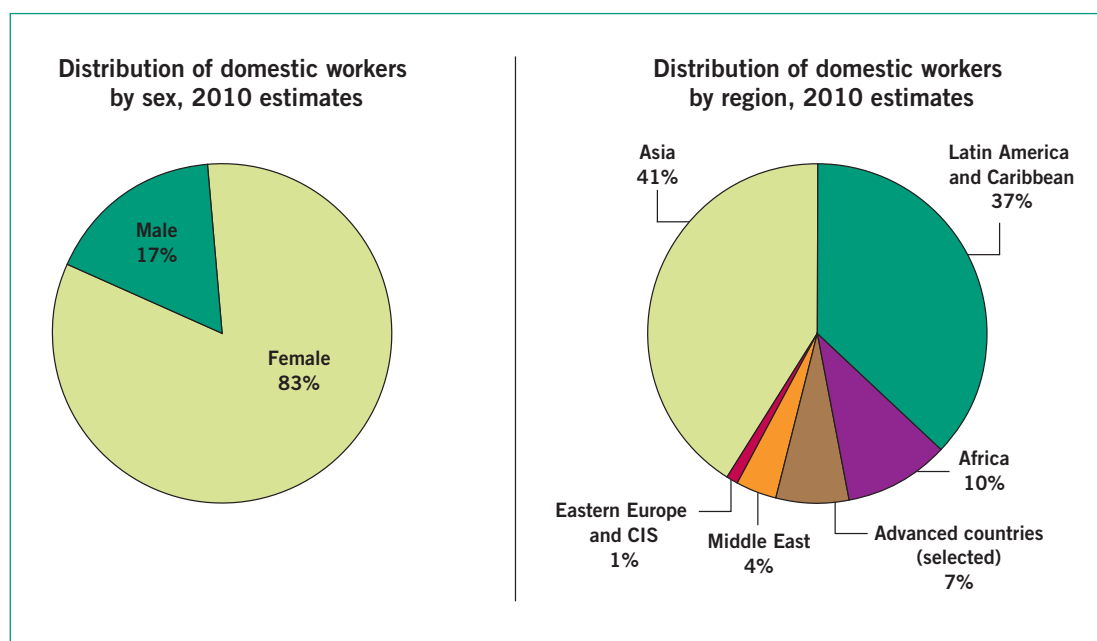
	Female domestic workers	Female domestic workers as percentage of female employment	Female domestic workers as percentage of female paid employees
Developed countries	2 597 000	1.3	1.4
Eastern Europe and CIS	396 000	0.4	0.5
Asia and the Pacific	17 464 000	2.5	7.8
excluding China	9 013 000	2.6	11.8
Latin America and Caribbean	18 005 000	17.4	26.6
Africa	3 835 000	2.5	13.6
Middle East	1 329 000	20.5	31.8
<b>Total</b>	<b>43 628 000</b>	<b>3.5</b>	<b>7.5</b>

**PANEL C. MALES**

	Male domestic workers	Male domestic workers as percentage of male employment	Male domestic workers as percentage of male paid employees
Developed countries	958 000	0.4	0.5
Eastern Europe and CIS	199 000	0.2	0.2
Asia and the Pacific	4 003 000	0.4	1.0
excluding China	3 064 000	0.5	1.7
Latin America and Caribbean	1 588 000	1.0	1.6
Africa	1 400 000	0.6	1.8
Middle East	778 000	2.5	3.5
<b>Total</b>	<b>8 925 000</b>	<b>0.5</b>	<b>1.0</b>

Note: See Appendix I for detailed information on the methodology used to obtain the global and regional estimates and Appendix II for national source statistics.  
Source: ILO estimates based on data from official sources.



**Figure 3.1** Distribution of domestic workers by sex and region, 2010

Note: See Appendix I for detailed information on the methodology that was used to obtain the global and regional estimates and Appendix II for national source statistics.

Source: ILO estimates based on data from official sources.

the Caribbean (26.6 per cent) and almost one in three in the Middle East (31.8 per cent). However, while domestic work can provide a valuable entry point into the labour market for women, the downside is that poor working conditions and insufficient legal protection of domestic workers disproportionately affect women and reinforce gender disparities in relation to access to decent work (see Chapters 4 to 7). Improving working conditions for domestic workers will therefore make a considerable contribution to gender equality in the labour market.

In addition to the gender dimension, domestic work is closely interlinked with international migration. Domestic workers do not only look for work in their own home countries, but often move to other countries in search of better employment opportunities – often with employment agencies as intermediaries. Different migration patterns can be observed in the various regions. For example, in Latin America and the Caribbean domestic workers generally migrate within the region, generally from poorer to more prosperous countries, as well as to the United States and to Europe (in particular to Spain). Asia also has substantial migration within the region, for instance from Indonesia, Lao and Cambodia to richer countries such as Malaysia. Thailand is also home to a substantial number of domestic workers from neighbouring Myanmar, who have taken the place traditionally filled by internal migrants from the country's northern provinces (see Panam et al., 2004). In addition, in search of work many domestic workers migrate beyond their region's borders, in particular to the Middle East and to developed economies in Europe and North America. In industrialized countries, workers with migration background are often overrepresented in low-skilled sectors and occu-

### Box 3.1 Measuring child domestic work\*

Under international law “a child means every human being below the age of eighteen years” (see the UN Convention on the Rights of the Child, adopted in 1989). The estimates presented here, which refer to persons above the minimum age for general admission to work (generally 15 years), therefore include some domestic workers who are technically still children. Their employment is permissible under international standards, unless the type of work they perform is hazardous, i.e. likely to jeopardize or harm the health, safety or morals of children (ILO Conventions No. 138 and No. 182). Where countries consider domestic work to be hazardous, the minimum age shall not be less than 18 years, and all domestic work by children is a form of child labour to be abolished.<sup>1</sup>

In addition to children aged 15 to 17 years, many children below the age of 15 years are employed as domestic workers. To assess the extent to which children engage in domestic work, the ILO’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC) has prepared new statistics derived from its global estimates on child labour that were published in 2010 (Diallo et al., 2010). The international standards<sup>2</sup> define the target population for measuring child labour as “all persons in the age group from 5 to 17 years”. In this framework, the term “child domestic work” refers to children ages 5 to 17 who are engaged to perform domestic tasks in the home of a third party or employer (with or without remuneration). It is therefore considered as an economic activity or a subset of children in employment.

Based on the above definition, SIMPOC used a task-based approach (see box 2.1)<sup>3</sup> to identify child domestic workers. The results<sup>4</sup> show that at least 15.5 million children aged 5 to 17 years were engaged in domestic work in the world in 2008 (table 3.2). This represents almost 5 per cent of all

**Table 3.2 Estimates of number of children in domestic work by age and sex, 2008**

Age group and sex	Children in domestic work	Children in employment	Children in domestic work as percentage of children in employment
<b>5–11 years</b>	<b>3 514 000</b>	<b>91 024 000</b>	<b>3.9</b>
Boys	1 430 000	49 490 000	2.9
Girls	2 084 000	41 534 000	5.0
<b>12–14 years</b>	<b>3 880 000</b>	<b>85 428 000</b>	<b>4.5</b>
Boys	1 069 000	49 679 000	2.2
Girls	2 811 000	35 749 000	7.9
<b>15–17 years</b>	<b>8 131 000</b>	<b>129 217 000</b>	<b>6.3</b>
Boys	1 694 000	76 608 000	2.2
Girls	6 436 000	52 609 000	12.2
<b>Total 5–17 years</b>	<b>15 525 000</b>	<b>305 669 000</b>	<b>5.1</b>
Boys	4 193 000	175 777 000	2.4
Girls	11 331 000	129 892 000	8.7

Source: ILO Statistical Information and Monitoring Programme on Child Labour (IPEC/SIMPOC).

children in economic activity in this age group. While just over half of them were in the 15 to 17 years age group, the number of child domestic workers from 5 to 14 years of age is estimated at 7.4 million (not tabulated). This accounts for over 4 per cent of all children in employment in this age group.

Not surprisingly, girls by far outnumber boys in domestic work, and so their opportunities for schooling and escaping poverty are limited. With regard to children aged 5 to 14 years, while 2.6 per cent of employed boys are in domestic work, this ratio is more than twice as high among girls (6.3 per cent). In absolute terms, there were 2.5 million boys involved in domestic work within the age group 5 to 14 years, compared with 4.9 million girls. The tendency becomes stronger for the age group 15 to 17 years, where 12.2 per cent of girls in employment are engaged in domestic work, compared with only 2.2 per cent of boys.

\* This box was prepared by the Statistical Information and Monitoring Programme on Child Labour (SIMPOC), which is the statistical unit of the ILO's International Programme on the Elimination of Child Labour (IPEC).

<sup>1</sup> In addition to the UN Convention on the Rights of the Child, see the ILO Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), which require countries to set a minimum age for admission to employment and to implement a range of programmes and measures to eliminate the worst forms of child labour.

<sup>2</sup> See the Resolution concerning Statistics of Child Labour adopted by the 18th ICLS in 2008, available at [www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS\\_112458/lang-en/index.htm](http://www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS_112458/lang-en/index.htm).

<sup>3</sup> Due to a limited number of data sets with four-digit level of ISCO, these results are based on ISCO-88 codes 512, 513 and 913, which mainly cover domestic tasks performed by children in or for households. The SIMPOC estimates use the earlier version of the classification because essentially all available data sets were based on ISCO-88, rather than ISCO-08.

<sup>4</sup> Available household survey data tend to produce a conservative estimate of the number of children aged 5 to 17 years in domestic work because they do not probe in sufficient detail to capture all aspects of child domestic work. A separate technical paper provides a full account of the estimation methodology and underlying data and presents results in greater detail (see [www.ilo.org/childlabour](http://www.ilo.org/childlabour)). Moreover, one should bear in mind that the main purpose of the 2008 estimates on child labour was not to provide global estimates on child domestic workers. In contrast, an estimation of child domestic workers will be fully integrated into the new global estimates on child labour to be published in 2013. This exercise will update the global estimates on child labour in general and provide new estimates on child domestic work for the year 2012.

pations, including in low-skilled tasks in domestic work, as they face particular barriers to entry to the labour market.

There is a peculiar historical continuity with respect to the overrepresentation of international migrants among domestic workers. Based on United States Census data from the late nineteenth century, Rubinow observed (1906, p. 508) that “[a]s most means of employment are closed to the foreign-born (even English-speaking) women, almost every second woman is forced to become a servant”. At the time, the largest numbers of migrant domestic workers in the United States came from Ireland (195,000), Germany (161,000) and Sweden (45,800). New arrivals were often preferred by employers as they would accept “longer hours, perhaps lower wages, more work, and, in general, conditions of employment more favorable to the employer” (ibid.). This remains true today, in particular for irregular and undocumented migrant workers, who face particular risks as their precarious legal status (e.g. when they enter on a tourist visa or overstay the validity of their work permit) is often linked to a highly informal employment relationship that makes them dependent on their employer (see Gallotti,

2009, p. 31). Due to data limitations, it is not possible to give a reliable estimate of the share of migrants among domestic workers, but as the examples cited in this chapter show, it can be substantial. Likewise, no data on the share of rural and urban or other types of internal migrants can be provided.

More than three-quarters of all domestic workers are employed in just two regions: Asia and the Pacific, which is the largest employer of domestic workers with a share of 41 per cent in the global total; and Latin America and the Caribbean (37 per cent). Africa accounts for 10 per cent of all domestic workers, while some 7 per cent work in the developed countries (a group that, for the purposes of this report, excludes EU countries in Eastern Europe; see Appendix I for details of the regional groupings). While domestic work is common in the Middle East, the region's relatively small size means that only 4 per cent of the world's domestic workers are employed there. By contrast, Eastern Europe and the CIS countries have few domestic workers relative to the size of the region, employing only 1 per cent of the global total.

## Trends from 1995 to 2010

The domestic work sector has grown significantly over the past 15 years. Between 1995 and 2010, the number of domestic workers rose from approximately 33.2 million to 52.6 million – an increase of more than 19 million (see table 3.3; for details on the estimation routine, see Appendix I). The trend was particularly pronounced in Latin America and the Caribbean, where the number of domestic workers increased by roughly 9 million. The regional figure is influenced by substantial increases in Mexico and Brazil, the region's largest countries, with more gradual growth in Argentina and some other countries. Asia and the Pacific also registered a substantial increase, from 13.8 million to 21.5 million domestic workers.

The upward trend reflects not only population and employment growth over this period, but also a growth in the share of domestic workers in total employment. Again, Latin America and the Caribbean stand out, with an increase from 5.7 per cent to 7.6 per cent, but the Middle East and Asia and the Pacific also saw slight increases in the prevalence of domestic work. Globally, the share of domestic workers in total employment grew from 1.5 per cent to 1.7 per cent. This mirrors the changes within regions as well as a shift of global employment from the developed countries and Eastern Europe towards developing and emerging countries. Since the latter have a higher proportion of domestic workers in total employment, this composition effect increases the global importance of domestic work. The remainder of this chapter provides a more detailed discussion of the patterns in the six geographical regions and highlights country examples.

## Latin America and the Caribbean

Latin America and the Caribbean experienced a particularly rapid growth of the domestic work sector, with an increase in the number of domestic workers from 10.4 million to 19.6 million between 1995 and 2010. A number of factors offer plausible explanations

**Table 3.3 Global and regional estimates on the number of domestic workers in 1995 and 2010, by sex****PANEL A. BOTH SEXES**

	Domestic workers		Domestic workers as percentage of total employment	
	1995	2010	1995	2010
Developed countries	3 245 000	3 555 000	0.8	0.8
Eastern Europe and CIS	477 000	595 000	0.2	0.3
Asia and the Pacific	13 826 000	21 467 000	1.0	1.2
excluding China	7 116 000	12 077 000	1.0	1.2
Latin America and Caribbean	10 402 000	19 593 000	5.7	7.6
Africa	4 178 000	5 236 000	1.7	1.4
Middle East	1 101 000	2 107 000	5.0	5.6
<b>Total</b>	<b>33 229 000</b>	<b>52 553 000</b>	<b>1.5</b>	<b>1.7</b>

**PANEL B. FEMALES**

	Female domestic workers		Female domestic workers as percentage of female employment	
	1995	2010	1995	2010
Developed countries	2 868 000	2 597 000	1.7	1.3
Eastern Europe and CIS	289 000	396 000	0.3	0.4
Asia and the Pacific	12 194 000	17 464 000	2.3	2.5
excluding China	5 305 000	9 013 000	2.3	2.6
Latin America and Caribbean	9 623 000	18 005 000	14.6	17.4
Africa	3 121 000	3 835 000	3.3	2.5
Middle East	745 000	1 329 000	22.6	20.5
<b>Total</b>	<b>28 840 000</b>	<b>43 628 000</b>	<b>3.4</b>	<b>3.5</b>

**PANEL C. MALES**

	Male domestic workers		Male domestic workers as percentage of male employment	
	1995	2010	1995	2010
Developed countries	377 000	958 000	0.2	0.4
Eastern Europe and CIS	188 000	199 000	0.2	0.2
Asia and the Pacific	2 172 000	4 003 000	0.4	0.4
excluding China	1 811 000	3 064 000	0.4	0.5
Latin America and Caribbean	779 000	1 588 000	0.7	1.0
Africa	1 057 000	1 400 000	0.7	0.6
Middle East	356 000	778 000	1.9	2.5
<b>Total</b>	<b>5 961 000</b>	<b>8 925 000</b>	<b>0.4</b>	<b>0.5</b>

Note: See Appendix I for detailed information on the methodology used to obtain the global and regional estimates and Appendix II for national source statistics.  
Source: ILO estimates based on data from official sources.

for this trend. Societies that need care support for ageing populations or which lack work-family reconciliation policies contribute to the demand for domestic workers. Of particular importance for Latin America and the Caribbean is the rising labour force participation of women, which grew from 43.2 per cent to 52.8 per cent between 1995 and 2010.<sup>24</sup> Since domestic care responsibilities are predominately the domain of women, households' need for outside help increased accordingly. Moreover, Latin America and the Caribbean is a region with extraordinary levels of income inequality (UNDP, 2010), so households at the top of the distribution have the resources to employ domestic workers, while workers at the bottom of the distribution are willing to accept jobs in domestic services, even if the levels of remuneration and social protection are low.

Domestic work is therefore a significant source of employment in the region: it accounts for more than 7.5 per cent of total employment and 11.9 per cent of all wage employment – more than in any other region. Historically, domestic work has served as a gateway to the labour market for women in Latin America, especially for those with lower formal educational attainment (Valenzuela and Mora, 2009). As mentioned above, more than a quarter (26.6 per cent) of all female wage workers are domestic workers. The sector employs about 18 million women throughout Latin America and the Caribbean – a number that corresponds to the combined female working-age population of Guatemala, Ecuador and Peru.<sup>25</sup>

Another distinctive characteristic of the domestic work sector in Latin America and the Caribbean is an increase in labour migration of domestic workers. Domestic workers often migrate to neighbouring countries; women from Bolivia and Paraguay, for example, search for work in Argentina, and women from Nicaragua and El Salvador migrate to Costa Rica. Likewise, Peruvian domestic workers are increasingly common in Santiago de Chile, where they have taken jobs as live-in domestic workers that were traditionally the domain of internal migrants from the rural areas of southern Chile (Staab and Hill Maher, 2006; Stefoni, 2009). These patterns can be explained by income differences between countries, and also by economic crises and high unemployment in the countries of origin (Rodgers, 2009).

Within the region, the prevalence of domestic work is particularly high in the countries of the Southern Cone – namely Argentina, Brazil, Chile, Paraguay and Uruguay. By far the largest employer of domestic workers is Brazil, where the sector has experienced a steady growth from 5.1 million to 7.2 million domestic workers between 1995 and 2009 (the last year for which data are available).<sup>26</sup> The data indicate that – like in the rest of the region – the majority of domestic workers are women (93 per cent). In addition to the gender dimension, the likelihood of being a domestic worker differs considerably between women classified as “black” and “non-black” by the National

<sup>24</sup> Economic Commission for Latin America: *Statistical Yearbook for Latin American and the Caribbean 2010* (Santiago, 2010).

<sup>25</sup> See United Nations: *World Population Prospects: The 2010 Revision*. For the purpose of this report, the female working-age population is defined as all women aged 15 to 64 years.

<sup>26</sup> Data drawn from tabulations corresponding to Brazil's 1995 and 2009 national household surveys (Pesquisa Nacional de Amostra por Domicílios). Downloaded from <http://www.ibge.gov.br>.



Household Survey (Pesquisa Nacional de Amostra por Domicilios, PNAD): whereas 21.7 per cent of all employed black women are domestic workers, this was the case for only 13.0 per cent of those who were classified as non-black.<sup>27</sup>

With 1.9 million domestic workers in 2008, Mexico has the second largest number of workers employed by private households in the region. Like in Brazil, women make up more than 90 per cent of all domestic workers, showing again the predominance of women in this sector. The number of domestic workers in the country almost doubled between the early 1990s and 2008 (the latest available year), while the female share of domestic workers remained fairly stable, at just above 90 per cent.<sup>28</sup> Domestic workers in Mexico are mostly nationals (often of indigenous origin), and a considerable number of Mexican women are employed as domestic workers abroad, most notably in the United States.

In contrast to Mexico, Argentina is one of the main destination countries for migrant domestic workers in Latin America. During the 1990s, the establishment of a fixed peg between the Argentinean peso and the United States dollar made the country an attractive destination for migrants, as the exchange rate allowed for remittances of higher value and thus enabled domestic workers to support their families back home more effectively. This led to large migration cohorts, with many female migrants finding job opportunities as domestic workers. According to the 2001 census, female migrant workers represented more than 90 per cent of all female domestic workers in the city of Buenos Aires (Ceriani et al., 2009). Partly as a result of the inflow of foreign workers, the number of domestic workers grew significantly, from 577,000 in 1996 to 655,000 in 2000. However, as households began to feel the impact of the Argentinean crisis (see World Bank, 2003), they reduced their expenditure; as a result, the number of domestic workers fell by 10 per cent in only two years.<sup>29</sup> Along with the economy, employment has since recovered, and 797,000 domestic workers were counted in 2006.<sup>30</sup>

In the Caribbean countries, the absolute number of domestic workers is not as large as in Latin America, reflecting the small population sizes of the countries. Nonetheless, the incidence of domestic work is still fairly high. For instance, in the Bahamas and the Cayman Islands, domestic workers account for 5.9 and 9.1 per cent of total employment, respectively. The relative shares of men and women in domestic work in the Caribbean are similar to those in Latin America. For example, 90 per cent of the 194,600 domestic workers in the Dominican Republic are women, and the female share reaches 94 per cent in Aruba.

The regional estimates for Latin America and the Caribbean presented in this report closely match statistics previously published in the ILO's *Panorama Laboral*

<sup>27</sup> PNAD's "non-black" classification groups four categories: white, yellow (includes persons of Asian origin), brown (includes persons that identify themselves as *mulata*, *cabocla*, *cafuzo*, *mameluca* or *mestica*) and indigenous.

<sup>28</sup> Data retrieved from LABORSTA; <http://laborsta.ilo.org>.

<sup>29</sup> Employment of domestic workers stood at 592,000 in 2002. Data are based on 28 urban agglomerations. Note that the geographic coverage of the Argentinean household survey (Encuesta Permanente de Hogares) changed over time and comparisons to the early 1990s (when it only covered greater Buenos Aires) are misleading (for sources, see Appendix II).

<sup>30</sup> Data are based on an expanded sample of 31 urban agglomerations.

(ILO, 2010c: Annex table 6). The latter source refers to the year 2009 (rather than to 2010), and states that domestic services accounted for 7.8 per cent of total employment (compared with the estimate of 7.6 per cent in table 3.1). Disaggregated by sex, *Panorama Laboral* gives figures of 16.8 and 0.8 per cent of female and male employment, respectively (compared with 17.4 and 1.0 per cent in table 3.1). By contrast, in a recent WIEGO working paper, Victor Tokman provides a much lower estimate: according to this source, domestic work accounted for only 5.5 per cent of all urban employment in 2008 (see Tokman, 2010, pp. 1 ff.). The discrepancy is even bigger when absolute figures are compared: Tokman reports 7.6 million domestic workers in Latin America, whereas the present publication counts 19.6 million. This large gap is due to differences in coverage and in methodological approaches. While the present report refers to total employment in 31 countries in the Caribbean and Latin America,<sup>31</sup> Tokman only covers urban areas in 18 Latin American countries. In terms of methodology, the new estimates are largely based on the industry-based approach (Division 95 “Activities of private households as employers of domestic staff” in ISIC Rev. 3.1), whereas the previous figures employed a mixture of the task-based approach (ISCO) and status-in-employment approach (ICSE).<sup>32</sup>

## Asia and the Pacific

Asia and the Pacific, where approximately 21.5 million people are employed by private households, is the region with the largest number of domestic workers. This number represents a substantial increase, from 13.8 million in 1995. Like in other parts of the world, the sector is female-dominated: no fewer than four out of five domestic workers are women (81.4 per cent). The domestic work sector employs more than 3 per cent of all paid employees in the region and approximately 7.8 per cent of all women in paid employment. Moreover, domestic work has also become one of the most important sources of employment for Asian women beyond the national borders of their home countries. Driven by the increasing demand for domestic workers in the Middle East, Europe and the newly industrialized countries in Asia, the share of women among outward labour migrants from countries in the Asia and the Pacific region has increased in recent years. This trend has resulted in a “genderization” of migration flows, with men emigrating to undertake construction work and women to take up domestic work (IOM, 2009; see also Chin, 2003).

<sup>31</sup> The methodology used for the global and regional estimates combines national data on the share of domestic workers in total employment with employment data from the ILO’s Global Employment Trends (GET) model to arrive at country-level estimates that are consistent with the ILO’s global employment estimates (see Appendix I). Where the national source data refer only to urban areas (which in many countries in the region account for the lion’s share of total employment), estimates for rural areas are based on the implicit assumption that the share of domestic workers is comparable with that in urban areas.

<sup>32</sup> For a few Latin American countries (namely Honduras and Paraguay) for which no data by industry were available, we did, in fact, identify domestic workers through the classification on status-in-employment. This approach is only feasible in Latin America, where many countries have modified the International Classification of Status in Employment (ICSE-93) to distinguish between domestic workers and other paid employees.



The Philippines, Sri Lanka and Indonesia are major sending countries of female migrant workers. The share of women among outward migrant workers from the region has been rising over time, and is estimated to be between 60 and 80 per cent in all three countries (ILO, 2006a; Asis, 2005). The vast majority of women who leave Indonesia find work as domestic workers in Saudi Arabia and Malaysia, and to a lesser extent in Singapore.<sup>33</sup> In the case of the Philippines, the major destinations of Filipino domestic workers are Hong Kong (China) and Gulf countries such as Kuwait, Saudi Arabia, Qatar and the United Arab Emirates.<sup>34</sup> According to administrative data, more than new 96,500 household service workers from the Philippines went to work overseas during 2010 alone. The outflow of domestic workers from the Philippines has increased, from approximately 63,000 in 1995, and women comprise the overwhelming majority of Filipino migrant domestic workers.<sup>35</sup>

The Philippines and Indonesia also have a significant number of domestic workers in their territories. For the Philippines, the labour force survey conducted by the National Statistics Office in 2010 places the number of persons who worked for private households at 1.9 million (up from 1.2 million in 2001). Paid domestic work is predominantly carried out by women, accounting for almost 12 per cent of female total employment in the same year. It is worth noting that the demographic profiles of domestic workers who work in the Philippines and those who migrate overseas differ significantly. In general, local domestic workers are younger, come from poorer areas, have lower levels of education and have less work experience than domestic workers who take placements overseas. Moreover, Filipino migrant domestic workers are typically better educated, have a better knowledge of English and enjoy greater support from the sending country than migrant domestic workers from other sending countries and therefore command somewhat higher wages (Sayres, 2007; ILO, 2004a; Sabban, 2002). In Indonesia, an analysis of the 2010 national labour force survey (SAKER-NAS) by the Bureau of Statistics (BPS) concluded that there were 2.4 million domestic workers in Indonesia, of whom 1.8 million were women. This implies that 4.4 per cent of all employed women worked in domestic services in 2010. Domestic work is, in fact, one of the largest sources of wage employment for rural women with limited educational attainment (ILO, 2010d).

Thailand and Malaysia are other large employers in the region, with roughly a quarter of a million domestic workers each. To meet the rising demand for domestic services in the face of domestic labour shortages, both have relied heavily on migrant workers. In the case of Thailand, a large number of domestic workers enter the country through irregular channels from neighbouring countries. However, they can register with the Office of Foreign Worker Administration without fully regularizing their status

<sup>33</sup> *Report of the Special Rapporteur on the human rights of migrants: Mission to Indonesia, A/HRC/4/24/Add.3* (2007), para. 8.

<sup>34</sup> The data from the Philippine Overseas Employment Administration refer only to the number of workers utilizing regular channels of migration. Nonetheless, the actual number of migrant domestic workers from the Philippines is, in all probability, higher as many migrants utilize informal or irregular channels. Philippine Overseas Employment Administration: *OFW Deployment per Country and Skill – New hires, Full Year 2010* (Mandaluyong).

<sup>35</sup> *Ibid.* and the 1995 edition of the same publication.

(see also Hall, 2011). Some 88,000 migrant domestic workers made use of this facility in 2010 alone, more than 80 per cent of them from Myanmar.<sup>36</sup> In Malaysia, just over half of the 253,000 domestic workers are non-Malaysian citizens (many of them are from neighbouring Indonesia and from the Philippines). With growing prosperity in the country, the number of foreign domestic workers has risen dramatically since the 1970s (see Chin, 1997). While foreign migrant workers are also recruited by enterprises in the manufacturing and construction sectors, as well as in agriculture and services, female migrants primarily come to the country as domestic workers.<sup>37</sup> In 2008, some 37.6 per cent of all female migrant workers were employed by households, followed by employment in agriculture (19.1 per cent) and manufacturing (14.8 per cent).<sup>38</sup> The substantial migration flows and reports of poor working conditions among migrant domestic workers have raised concerns in the sending countries (see for example Chin, 2003; Amnesty International, 2010), which have sought to address the problem through bilateral memoranda of understanding (see also Chapter 4).

Domestic workers in China and India – the two most populous countries in the world – make up a significant proportion of the regional total. For India, an analysis of the 2004/05 National Sample Survey found that the number of persons employed by private households was 4.2 million, or about 1 per cent of total employment. However, unofficial estimates range widely (from some 2.5 million up to 100 million) and even official statistics based on surveys conducted in 2009/10 produce somewhat contradictory results (see box 2.2). According to the 66th round of the National Sample Survey, only 0.8 per cent of all employed persons fell under Section P “Activities of private households as employers” (see NSSO, 2011, table S36). By comparison, the Employment and Unemployment Survey (which was based on a smaller sample) found that 2.7 per cent of all employed persons were employed by private households as maids, watchmen or cooks (Ministry of Labour and Employment, 2010, p. 39).

Data availability is even poorer for China,<sup>39</sup> where there is no publicly available national household sample survey or census containing data on the number of domestic workers. There are, nonetheless, several sources that allow a tentative estimate to be made. For instance, the Second National Economic Census counted just below two million persons engaged in “Services to households and other services” (which includes domestic services). However, since the sample was drawn only from registered establishments and self-employed persons with a licence, it is likely that the majority of domestic workers were not included in the survey.<sup>40</sup> Previously, China’s

<sup>36</sup> See Office of Foreign Workers Administration: *A Report on the Management of Foreign Workers in Thailand Year 2010* (Bangkok, Department of Employment, Ministry of Labour, 2011); Office of Foreign Workers Administration, *Monthly Foreign Workers Statistic Report: December 2010* (Bangkok, Department of Employment, Ministry of Labour, 2011), table 18. Both publications are available in Thai only.

<sup>37</sup> See Malaysian Investment Development Authority: <http://www.mida.gov.my/env3/index.php?page=employment-of-foreign-workers>.

<sup>38</sup> For all data, see Department of Statistics (Malaysia), *Labour Force Survey Report Malaysia 2008* (Putrajaya).

<sup>39</sup> Macau (China) and Hong Kong (China) are included in the estimates as separate entities.

<sup>40</sup> Despite its name, the National Economic Census was actually a sample survey. For details, see [http://www.stats.gov.cn/english/newsandcomingevents/t20091225\\_402610168.htm](http://www.stats.gov.cn/english/newsandcomingevents/t20091225_402610168.htm).

2000 population census showed that roughly 15.1 million persons, or 2.2 per cent of the total of 699 million employed persons, worked in “Social services”.<sup>41</sup> Under the old 1994 Chinese industry classification, this division contains “Resident services” (which in turn includes domestic services), but also industries such as hotels and tourism.<sup>42</sup> The figure is therefore an upper bound. However, neither of the sources cited above provides a good handle on the data.

Official estimates by the Chinese Ministry of Human Resources and Social Security (MOHRSS) can partly fill the data gap and are broadly consistent with the sources cited above. They are based on a survey conducted in four cities (Shenyang, Qingdao, Changsha and Chengdu) in 2004, which indicated that there were 2 million job opportunities for domestic workers in these cities, half of them vacant. By extrapolating this result to other urban areas, MOHRSS estimates that the sector has a potential to provide a total of 15 million jobs.<sup>43</sup> Assuming that half of these jobs are vacant, this corresponds to approximately 7.5 million active domestic workers in 2004, a number that is likely to have grown over time. If the ratio of domestic workers to total employment found elsewhere in Asia and the Pacific is applied to China’s total employment for 2010, this results in a figure of 9.4 million domestic workers, roughly in line with the MOHRSS estimate. For the purposes of the global and regional estimates, which would be incomplete without China, this figure was used as a tentative estimate. To obtain a more accurate picture of the incidence of domestic workers in China, labour force survey data would be needed.

## Middle East

In the Middle East, an estimated 2.1 million workers were employed as domestic workers in 2010, nearly double the 1.1 million found in 1995. Domestic work accounts for 5.6 per cent of total employment in the region, but this share is far exceeded in some countries, such as Bahrain (12.8 per cent in 2009), the United Arab Emirates (12.8 per cent in 2008) and Kuwait (21.9 per cent in 2005). In contrast to other regions, more than a third of domestic workers in the Middle East are men. The single largest group of male domestic workers are those working in Saudi Arabia (276,600 in 2009), where they are commonly employed as gardeners or drivers (because women are not allowed to drive cars in the country). Nonetheless, the generally low employment rates of women mean that almost one-third (31.8 per cent) of all female wage workers in the Middle East are domestic workers.

Labour force surveys with data on employment by economic activity are less frequently available for countries in the Middle East, and those that are available usually cover only the native population (i.e. excluding migrant workers). However,

<sup>41</sup> National Bureau of Statistics: *Women and men in China: Facts and Figures 2004* (Beijing, 2004), table 4.7.

<sup>42</sup> For a discussion of the Chinese national industrial classification, see Zhao (2004) and various publications on the National Bureau of Statistics’ website.

<sup>43</sup> See *White Paper on Domestic Work Sector in China, 2003* (with statistical findings) from the Ministry of Human Resources and Social Security of China (Beijing, 2003).

data from administrative sources provide a fairly accurate picture because the vast majority of domestic workers are migrants and therefore are registered by the authorities (who monitor the status of their foreign-born population closely). Migration of foreign domestic workers to the Middle East started in the 1970s as a result of increasing wealth and living standards due to the oil boom in the region (Moreno-Fontes Chammartin, 2005).<sup>44</sup> A large proportion of foreign domestic workers come from Asia, particularly from Sri Lanka, the Philippines, Indonesia and India (Shah, 2008). As pointed out above, migrant domestic workers from the Philippines tend to have relatively higher levels of education and a good command of English, which puts them in high demand, especially by elite families in the United Arab Emirates (Sabban, 2002). To a lesser extent, women from African countries also migrate to the Middle East to take up employment there. In fact, in 2008/09, the top two destinations for Ethiopian domestic workers were Saudi Arabia and Kuwait (Fernandez, 2010).

The employment of domestic workers has become extremely common in several countries in the Middle East and is often a symbol of social status. For instance, in Kuwait – where employing a domestic worker is a customary practice and is often taken for granted by households (Ahmad, 2010) – census data reveal that some 246,100 men and women were domestic workers in 2005. Their number grew by an astonishing 66 per cent between 1995 and 2005, and, furthermore, the share of domestic workers in total employment grew from 19.9 per cent to 21.9 per cent over the same time period.<sup>45</sup>

In absolute terms, Saudi Arabia is one of the largest employers of domestic workers, with approximately 784,500 persons engaged in domestic work in 2009 (of whom two-thirds were women). As in neighbouring countries, the number of domestic workers has increased steeply – by more than 40 per cent – since the beginning of the decade.<sup>46</sup> Paid domestic work now accounts for almost half (47.1 per cent) of total female employment. This high share is partly due to the low female employment-to-population ratio in Saudi Arabia: according to ILO estimates, only 18.1 per cent of all women above the age of 15 years were employed in 2009 (compared to 75.6 per cent of men).<sup>47</sup> As in most countries, the educational attainment of domestic workers in the Kingdom is concentrated at the lower end: in 2009, only 83,700 domestic workers had secondary education or above (or 10.7 per cent of the total), while 203,000 (25.9 per cent of the total) had only completed primary school and 301,000 (or 38.4 per cent) had obtained no formal educational qualifications.<sup>48</sup>

<sup>44</sup> Another factor that has contributed to the increase in the demand for domestic workers is the rising proportion of native women entering the work force (Moreno-Fontes Chammartin, 2005). See also United Nations (2006), Sabban (2002) and Ahmad (2010).

<sup>45</sup> Ministry of Planning of Kuwait: *2001 Annual Statistical Abstract* (Kuwait, not dated).

<sup>46</sup> Central Department of Statistics and Information of the Kingdom of Saudi Arabia: *Manpower Research Bulletin 2009* (Riyadh, 2009).

<sup>47</sup> See ILO KILM, table 2a, *Employment-to-population ratio (ILO estimates, by sex and age group)*, online at [www.ilo.org/kilm](http://www.ilo.org/kilm).

<sup>48</sup> Of the latter group, 247,000 had basic literacy skills, while 54,400 were classified as “illiterate” (see Central Department of Statistics and Information of the Kingdom of Saudi Arabia, *Manpower Survey 2009 (Manpower Research Bulletin 2009)*, table 53).

The incidence of domestic work, especially for women, is also considerable in other countries in the region. By 2008, domestic workers accounted for 12.8 per cent of total employment in both Bahrain and the United Arab Emirates. For women workers, the incidence of domestic work in total employment is as high as 42.2 per cent in Bahrain and 42.4 per cent in the United Arab Emirates. According to one estimate, each household in the United Arab Emirates employs, on average, three domestic workers (Sabban, 2002).

## Africa

Africa is the third largest employer of domestic workers, after Asia and Latin America. Approximately 5.2 million domestic workers are employed throughout the region, of whom 3.8 million are women and 1.4 million men. This is a modest increase when compared with the estimate of 4.2 million for 1995. However, both figures should be read with some caution as there is a lack of sufficiently disaggregated employment data for many African countries. The statistical database built for the global and regional estimates is weakest for Africa, where it covers only 20 countries, which between them account for 62 per cent of the region's total employment). According to the available data, domestic workers account for at least 4.9 per cent of wage employment, and women domestic workers represent 13.6 per cent of all female paid employees. In southern Africa, notably in Botswana, Lesotho, Namibia, South Africa and Zimbabwe, domestic work is more common than in other parts of the continent (see Appendix II). Causal factors behind this finding are likely to include high income inequality and the widespread establishment of domestic work during the colonial period (see also Fish, 2005, for South Africa under apartheid).

South Africa is the country with the highest number of domestic workers in the region. In 2010, 1.1 million domestic workers were working for private households, with the majority concentrated in the provinces of Gauteng (which includes Johannesburg and Pretoria) and KwaZulu-Natal (with Durban).<sup>49</sup> More than three-quarters of all domestic workers in South Africa are female, and the sector was the country's third largest employer for women in 2010, employing approximately 15.5 per cent of all women workers. The racial distribution of domestic workers is highly uneven, with the vast majority classified as "African/black" (91 per cent) and the remainder as "Coloured" (9 per cent).<sup>50</sup> On the other side of the employment relationship, employers from all races hire domestic workers (Lund and Budlender, 2009).<sup>51</sup> In the decade

<sup>49</sup> Gauteng is the most populous province in South Africa (22.4 per cent of the total population) and KwaZulu-Natal is the second-most populous province (21.3 per cent of the total population). See Statistics South Africa: *Mid-year population estimates 2010* (Pretoria, 2010).

<sup>50</sup> Statistics South Africa's classification by race has four categories: African/Black, Coloured, White, and Indian/Asian. Source: Quarterly Labour Force Survey, 2nd Quarter 2010, interactive data accessed through <http://www.statssa.gov.za>.

<sup>51</sup> Historically, the employers of domestic workers in South Africa were only white, rich Indian and rich coloured families (Lund and Budlender, 2009). The ability to hire a full-time live-in domestic worker still serves as a marker of social class; this is a continuation of the model set under the apartheid system, where this privilege was largely reserved for the "white madam" (Fish, 2005, p. 172ff.; see also Ally, 2009).



2000 to 2010, the total number of domestic workers fluctuated around 1.3 million, with a slight decline in the last two years, possibly as a result of the global economic downturn.<sup>52</sup> In the years prior to that, demand from employers had been roughly stable and fears that the introduction of the minimum wage for domestic workers in 2002 would lead to a decrease in employment proved unfounded (see Hertz, 2005; Dinkelman and Ranchhod, 2012).

The sector has a similar importance in other countries of southern Africa, which share a common colonial history (during which domestic workers were widely employed by the white settlers). The sector employed 10.9 per cent of all employed workers in Namibia in 2008 (36,000 domestic workers), 4.3 per cent in Lesotho in 1999 (26,400 domestic workers) and 2.3 per cent in Zimbabwe in 2004 (120,500 domestic workers). With approximately 25,200 domestic workers, Botswana is one of the smaller employers in the region. Nonetheless, the incidence of domestic work in total employment is considerable – about 4.7 per cent of all workers were employed in the sector in 2006. Some 71.4 per cent of all domestic workers were women, and their educational profile is better than that of male domestic workers. About three-quarters (73 per cent) of female workers in the sector had either primary or junior secondary education, while only 43 per cent of male domestic workers had the same qualification.<sup>53</sup>

Ethiopia is another large employer of domestic workers, with some 248,600 persons engaged in the sector in 2005. With a female share of 91 per cent, the sector is highly feminized, and domestic work accounts for 1.5 per cent of female employment. Domestic work in Ethiopia is mainly an urban phenomenon, with 81 per cent of domestic workers employed in urban areas.<sup>54</sup> Here, domestic work is the fourth-largest employer of women: 11.3 per cent of all urban women workers are employed as domestic workers. The number of domestic workers had slightly increased prior to 2005, up from 200,000 in 1999.<sup>55</sup>

In contrast, in Nigeria some 125,000 of the country's roughly 200,000 domestic workers worked in rural areas in 2007. Unusually, approximately half of the domestic workers in the country were men.<sup>56</sup> With a share of 0.5 per cent in total employment, domestic work had only a small impact on employment generation. Other West African countries also reported a relatively low incidence of domestic work: according to official statistics, it accounted for less than 1 per cent of total employment in Burkina Faso, Ghana, Guinea, Liberia and Sierra Leone (see Appendix II). However, it is more common in other parts of the sub-region, such as in Mali (4.4 per cent) and Senegal (3.8 per cent). It is not entirely clear whether this reflects actual differences between countries, or whether the large gap is a statistical artefact resulting from different survey methodologies.

<sup>52</sup> Data correspond to average of quarterly data from South Africa's Quarterly Labour Force Survey. Downloaded from [www.statssa.gov.za](http://www.statssa.gov.za).

<sup>53</sup> See Central Statistics Office of Botswana: *2005/06 Labour Force Report* (Gaborone, 2008).

<sup>54</sup> Central Statistical Agency of Ethiopia: *Report on the 2005 national labour force survey* (Addis Ababa, 2006).

<sup>55</sup> Central Statistical Agency of Ethiopia: *Statistical report on the 1999 national labour force survey* (Addis Ababa, 1999).

<sup>56</sup> See National Bureau of Statistics of Nigeria: *Women and Men in Nigeria* (2009), table 5.7.

One plausible explanation for the low number of domestic workers in official statistics in West and East Africa is in fact that they may not be recognized as workers in labour force surveys. First of all, many children carry out housework and other duties for households that are not their own, whether for cash, a meal and shelter, or virtually nothing.<sup>57</sup> Second, where domestic work carries a social stigma, domestic workers would refuse to identify themselves as such. Third, it is not uncommon for domestic workers to be related to their employer by kinship, unpaid and thus not identified as “paid employees”. In fact, domestic work is often embedded in practices of support, reciprocity and interdependence between relatives, friends or people belonging to a same community. A case in point is child fostering: “*confiage*” in West Africa and “*vidomegon*” in Benin. In the United Republic of Tanzania, urban middle-class women have drawn on *Undugu* (a Swahili term representing an ideology of kinship, bonds of friendship, ethnicity and tribal bonds) as a cultural means of obtaining the labour of “*housegirls*” from poorer relations (Kiaga, 2012). Likewise, in Zimbabwe children are often sent to stay with better-off relatives, where they are expected to “earn” their upkeep (see Bourdillon, 2006, pp. 19 ff.). As in other regions, child domestic workers below the age of 15 years are excluded from the estimates (see also box 3.1).

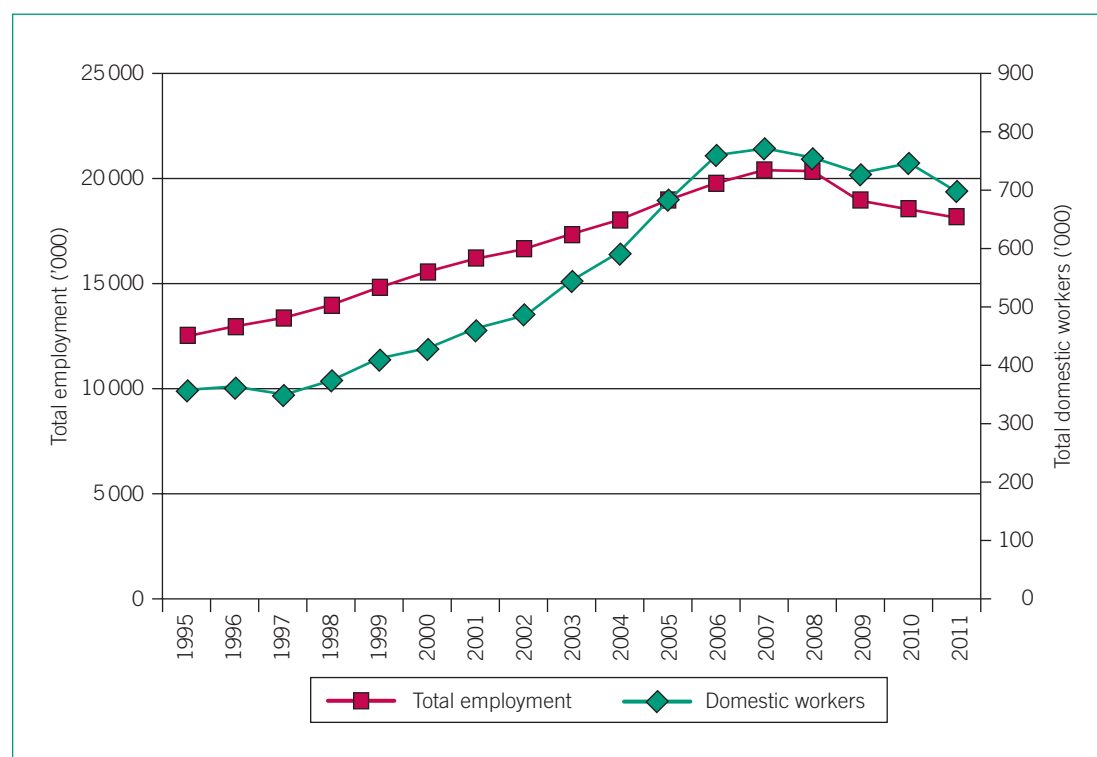
## Developed countries, Eastern Europe and CIS

By 2010, some 3.6 million domestic workers lived in the developed countries and 595,000 in Eastern Europe and the CIS countries. This represents a modest increase by 210,000 and 120,000 domestic workers, respectively, over the previous 15 years. Nonetheless, the sector still accounts for only 0.9 per cent (developed countries) and 0.4 per cent (Eastern Europe and CIS) of total wage employment, respectively. Within Europe, the biggest employers of domestic workers are Spain, France and Italy. A common pattern among them – and other Western European countries – is the employment of migrant women, for whom domestic work is a main entry point into the labour market. Data from the 2004 European Community Labour Force Survey show that 36 per cent of all female migrant workers in Spain find work as domestic workers. Similarly, 27.9 per cent and 21.1 per cent of all female migrant workers are hired by private households in Italy and France, respectively (Oso Casas and Garson, 2005).

Spain has seen a particularly rapid increase in the number of domestic workers, from 355,000 in 1995 to 747,000 in 2010.<sup>58</sup> As shown in figure 3.2, the increase outpaced growth in total employment during the years of economic prosperity and was followed by a modest decline from 2008 onwards. The sector is highly feminized, with women accounting for more than 90 per cent of the total; as a share of total female employment, domestic workers represented 8.4 per cent in 2010. Most female domestic workers are foreign-born, especially from the Spanish-speaking countries of Latin

<sup>57</sup> For information on this issue, see also: Confédération Syndicale Internationale (2009); Human Rights Watch (2005, 2007); Jacquemin (2009); Kiaga and Kanyoka (2011); Perucca (2010); Shryock (2010).

<sup>58</sup> The number of domestic workers increased steadily from 1995 to 2007, but then decreased slightly in 2008 and 2009, in all likelihood as a result of the economic crisis. Data for 1995 retrieved from LABORSTA; <http://laborsta.ilo.org>.

**Figure 3.2 Total employment and employment of domestic workers in Spain, 1995–2011**

Source: Spanish National Statistics Institute, Economically Active Population Survey, 1995–2011.

America. Data for the year 2005 indicate that 32 per cent of migrant domestic workers in Spain are from Ecuador and 13 per cent from Colombia (Consejo Económico y Social, 2006).

The domestic work sector in Italy has similar characteristics. Employment of domestic workers has grown significantly in recent years, from 200,000 in 1995 to 419,400 in 2008.<sup>59</sup> Women accounted for the vast majority throughout this time, and in fact the female share increased from 79 per cent to 88 per cent. As in Spain, domestic work is characterized by a large proportion of migrants. According to administrative data on registered domestic workers, 78.4 per cent were foreign-born in 2008. These workers come from three main regions: 61 per cent are from Eastern Europe, 18 per cent from Asia (in particular the Philippines) and 10 per cent from South America.<sup>60</sup>

In France, some 589,900 persons were employed as domestic workers in 2009 (which is a slight decrease from the 650,000 counted in 2003). Of these, 85 per cent were women and the sector accounted for 4.1 per cent of total female employment. Like in Spain and Italy, many domestic workers in France are migrants. They often come from

<sup>59</sup> Data retrieved from LABORSTA; <http://laborsta.ilo.org>.

<sup>60</sup> Although the absolute numbers recorded by the National Social Security Institute (INPS) do not match exactly those from the labour force survey, the share of foreign domestic workers obtained from the INPS is likely to be very similar to the one that would be obtained from labour force survey data, if available by nationality. See Istituto Nazionale della Previdenza Sociale: *Osservatorio sui lavoratori domestici* (Rome, 2008).



francophone Africa, in particular from Algeria, Morocco and Tunisia (Gallotti, 2009). In neighbouring Germany, the 2009 labour force survey counted 203,000 domestic workers. According to this source, the number of domestic workers grew by approximately three-quarters between 1995 and 2009, while the female share remained constant at around 94 per cent during the same period. The data imply that domestic work is less common in Germany than in the Mediterranean countries, accounting for only 0.5 per cent of total employment.<sup>61</sup> However, there are reasons to believe that the labour force survey undercounts domestic workers (see Chapter 2). Alternative sources from the statistical office put the number of domestic workers at 712,000, or 1.8 per cent of total employment (see Körner and Puch, 2011, p. 44).<sup>62</sup>

In the United Kingdom, some 138,000 domestic workers were working in private households. Although women are in the majority, the female share of 61 per cent is much lower than in other European countries. In the past, migrant workers in private households and those who work in diplomats' households could obtain work visas which gave them a route to permanent settlement after five years. These rules have been tightened: as from April 2012, new migrant domestic workers from outside the European Union can only work for up to six months in the United Kingdom. Exceptions are domestic workers sponsored by diplomatic households, who can stay for a maximum of five years if they work for the same employer. This is a reversal of changes introduced in 1998, which allowed migrant domestic workers to change employers once settled in the United Kingdom as a measure to protect them from abusive employers.<sup>63</sup> The United Kingdom is one of the rare cases where the number of domestic workers has fallen over the past decades.<sup>64</sup> However, some researchers have suggested that families in the United Kingdom increasingly rely on *au pairs* as an alternative. Although their work essentially resembles that of migrant domestic workers (but with some restrictions, such as a lower limit on weekly hours), they are not considered to be workers or migrants, but as participants of a "cultural exchange programme" (see Cox, 2007).

In the Nordic countries it is very uncommon for private households to employ domestic staff. Denmark (3,900 domestic workers in 2007), Finland (8,200 in 2008) and Norway (2,000 in 2008) all have a very low numbers of domestic workers, and domestic workers account for only 0.1 to 0.3 per cent of total employment (no data are available for Sweden and Iceland; see Appendix II). The demand for domestic workers has remained low in these countries and the available data show no significant changes over recent years. This is partly due to the public provision of childcare and elderly care, tasks that are often undertaken by domestic workers in other countries (OHCHR, not dated.).

<sup>61</sup> Share calculated using data retrieved from LABORSTA; <http://laborsta.ilo.org>.

<sup>62</sup> Some of the difference might be due to undifferentiated activities of households.

<sup>63</sup> House of Commons: *Immigration: Migrant domestic workers*. House of Commons Standard Note SN/HA/4786, updated 20 March 2012.

<sup>64</sup> According to the labour force survey carried out by the Office for National Statistics, some 206,000 domestic workers were counted in 1990 and 153,000 in 1995.

Likewise, Eastern Europe also has a very low incidence of domestic work, which usually makes up less than 1 per cent of total employment. For instance, Poland recorded only 11,000 domestic workers in 2006 (0.1 per cent of total employment) and Romania some 28,900 (0.3 per cent). In Turkey (which is grouped with Eastern Europe), some 182,000 domestic workers were counted in 2004 (or 0.8 per cent of total employment). However, many migrant domestic workers in Western Europe originate from the eastern part of the continent (see Gallotti, 2009, pp. 25 ff.). In the CIS countries, the recorded number of domestic workers is similarly very low, with Russia standing out as the largest employer (43,000 domestic workers in 2008). Comparatively large numbers are also reported by the statistical agencies of Azerbaijan (68,000 domestic workers in 2006) and Kazakhstan (21,400 domestic workers in 2009). As elsewhere, the sector is highly feminized, with women accounting for two-thirds of all domestic workers.

With respect to North America, national sources also show a relatively low share of domestic workers in total employment – 0.5 per cent in the United States (2010) and 0.4 per cent in Canada (2008). For the United States, the 2010 Current Population Survey put the number of domestic workers at 667,000 men and women. This represented a substantial decrease, of roughly 140,000 workers, following the onset of the economic crisis; the same survey counted more than 800,000 in the pre-crisis years 2005 to 2008. Job losses among domestic workers were therefore quite substantial – an aspect that is not commonly highlighted in discussions of the employment impact of the global economic and financial crisis. The sector remains dominated by female workers, who represent more than 90 per cent of the total, and has a high share of workers from ethnic minorities: Hispanics/Latinos accounted for 39.5 per cent of all domestic workers, while African Americans represented 8.7 of workers in the sector. Historical sources indicate that the number of domestic workers was substantially higher at the time of industrialization in the United States. The censuses of 1870 and 1900 counted 975,000 and 1,455,000 “servants”, respectively (see Rubinow, 1906).<sup>65</sup> This corresponded to 7.8 per cent (1870) and 5.0 per cent (1900) of all “persons in gainful employment” – levels very similar to those seen in Latin America today.

In 2008, Canada was home to approximately 73,000 domestic workers (more than 95 per cent of whom were women). Employment in the sector decreased gradually from 1995 (when some 97,800 domestic workers were counted). This came despite the expansion of the Live-in Caregivers Programme, which is the principal channel of entrance into Canada for migrant domestic workers: the number of workers admitted under this programme increased steadily from 1,760 in 2000 to 6,270 in 2009.<sup>66</sup> One of the requirements of the programme is that the domestic workers – who need to be qualified to provide care for children, elderly persons or persons with disabilities – must live in the household of their employer. The programme allows participants to apply for permanent residence after working for two years as live-in caregivers.

<sup>65</sup> At the time, “Servants and waitresses” accounted for 47.6 per cent (1870) and 24.1 per cent (1900) of total female employment (see Rubinow, 1906, p. 505).

<sup>66</sup> Citizenship and Immigration Canada: *Canada Facts and Figures: Immigration Overview 2009, permanent and temporary residents* (Ottawa, 2010).

## Summary: Rising employment in a vulnerable sector

As this chapter has shown, at least 52.6 million domestic workers work across the world. The sector grew significantly over the 15 years from 1995 to 2010 – by almost 20 million – and in 2010 accounted for 1.7 per cent of global employment. An almost universal feature is that domestic work is predominantly carried out by women, many of whom are migrants or members of historically disadvantaged groups. The nature of their work, which by definition is carried out in private homes, means that they are less visible than other workers and are vulnerable to abusive practices.

While many of the existing international labour standards allow for the exclusion of domestic workers in their application, the Domestic Workers Convention, 2011 (No. 189), seeks to bring domestic workers under the umbrella of labour law. Many observers see this step as long overdue, especially when set against standard-setting activity in other economic sectors. For instance, the protection of the world's seafarers – another vulnerable group of workers which, as of 2010, counted 1.4 million (see BIMCO/ISF, 2010) – has generated some 70 international instruments throughout the ILO's history.<sup>67</sup> Despite progress in many countries, extending protection that is comparable to that afforded to other workers to domestic workers remains an urgent task. As Part II of this report shows, many domestic workers are still not protected by laws that regulate working time, grant a minimum income or provide maternity protection.

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<sup>67</sup> See the subject index at ILOLEX, available at <http://www.ilo.org/ilolex/english/subjectE.htm#f1>.



## *PART II*

## *The extent of legal protection*

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## Chapter 4. National labour legislation and domestic workers

### New international instruments for the protection of domestic workers

When delegates nominated by governments, trade unions and employers' organizations worked towards international standards in the Committee on Domestic Workers during the International Labour Conference in 2010 and 2011, they were motivated by the "pressing need to better protect domestic workers" (in the words of the Employer Vice-Chairperson) and the desire to give domestic workers "recognition as workers and respect and dignity as human beings" (in the words of the Worker Vice-Chairperson).<sup>68</sup> The plenary of the International Labour Conference adopted the Domestic Workers Convention, 2011 (No. 189), on 16 June 2011, and delegates were well aware that they had endorsed a historic instrument – the origins of which go back as far as 1936, when an ILO committee had first recommended that the conditions of work for domestic workers be put on the agenda of the International Labour Conference.<sup>69</sup>

The Convention, and the accompanying Domestic Workers Recommendation, 2011 (No. 201), are in fact milestones towards improving the working conditions of millions of workers across the world. It is the first time that the ILO has adopted international labour standards dedicated exclusively to this particular group of workers. The Convention affirms the fundamental rights of domestic workers and lays down basic principles and measures regarding the promotion of decent work for them. The instruments recognize that domestic workers have the same right to benefit from social and labour protection as other workers. At the same time, they accept that domestic work is in many aspects "work like no other" and has special characteristics and, hence, that domestic workers face particular vulnerabilities, which requires specific responses to ensure that they can enjoy their rights fully. While much remains to be done to make this a reality, some countries have shown that better legal protection of domestic workers is in fact possible and viable.

Extending the reach of labour law is a means of bringing domestic workers within the formal economy and into the mainstream of the Decent Work Agenda. As stated in the 2002 Resolution concerning decent work and the informal economy, "[t]he challenge of reducing decent work deficits is greatest where work is performed outside the scope or application of the legal and institutional frameworks".<sup>70</sup> In addition, domestic workers

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<sup>68</sup> See International Labour Conference: *Provisional Record* No. 15, Fourth item on the agenda: Decent work for domestic workers (100th Session, Geneva, June 2011), p. 3.

<sup>69</sup> See also the Resolution concerning the Conditions of Employment of Domestic Workers, adopted on 23 June 1965, International Labour Conference, 49th Session, 1965.

<sup>70</sup> International Labour Conference, 2002, para. 2

also often lack effective organizations and mechanisms to bargain collectively with employers – who themselves are usually not organized (see box 6.1). Collective bargaining and social dialogue are therefore often absent, and domestic workers as individuals have little bargaining power versus their employers (see ILO 2010a, paras. 288–291). This makes them vulnerable to abusive employment practices, and puts them into a precarious situation when they demand improvements to their working conditions.

Historically, the relationship between a domestic worker and their employer has often relied on a paternalistic model, rather than on an explicit employment contract under which the worker and the employer each has clearly defined rights and obligations. In a study on domestic workers in Rio de Janeiro from 1860 to 1910, Lauderdale Graham (1992, p. 3) summarizes the master–servant relationship as follows:

Servant women met demands for labor and obedience in exchange for protection. For their part, patrões provided servants with daily necessities, care during illness, and the myriad arbitrary favors that made concrete their role as patrons.

While few employers today would describe themselves as patrons, the narrative that they are “looking after” the needs of their domestic workers in a fatherly manner is still very much alive. In a study of the United States, Romero (1992) describes the asymmetric, quasi-familial relationships that develop between employers and their Mexican maids. However, the workers themselves reject the analogy that they are “part of the family” and clearly perceive the hierarchy between them and family members.<sup>71</sup> Likewise, British households who are employing *au pairs* and live-in migrant domestic workers often portray themselves as benefactors who are “hosting” migrants, hence giving them an opportunity to start a new life in the United Kingdom (Anderson, 2007). Equally, employers in South Africa commonly describe the hiring of a domestic worker as an act of charity in a country with high unemployment (Fish, 2005, p. 6). In the Omaheke region of neighbouring Namibia, Afrikaner farmers rely on *San* both as farm labourers and as domestic workers. The model of *baasskap* (literally: boss-ship) has clear paternalistic features: the *San* are seen as “helping” out on the farm, whereas the white farmer sees himself in the role of a (more or less) benevolent patriarch who looks after “his bushmen” (see Sylvain, 2001).

The extreme dependency on an employer, combined with the lack of rights and the isolated and unprotected nature of domestic work, can render domestic workers vulnerable to exploitation and abuse. In the case of migrant domestic workers, in particular, their often precarious legal status in the destination country, and their lack of knowledge of the local language and laws, make them especially vulnerable to abusive practices. Reports of physical and sexual violence, psychological abuse, non-payment of wages, debt bondage and abusive living and working conditions are also frequent in many countries. In Thailand, a study among migrant domestic workers from neighbouring Myanmar found

<sup>71</sup> In economic terms, households and families are usually characterized as resource-pooling units, where all members share income and other household resources, such as food. The System of National Accounts (SNA-2008) clarifies that “[d]omestic staff who live on the same premises as their employer do not form part of their employer’s household even though they may be provided with accommodation and meals as remuneration in kind. Paid domestic employees have no claim upon the collective resources of their employers’ households [...]. They should therefore be treated as belonging to separate households from their employers.” (SNA-2008, para. 4.151)



### Box 4.1 Severe forms of exploitation and forced domestic labour\*

The ILO estimates that there are 20.9 million victims of forced labour worldwide, with domestic work one of the most frequently cited economic sectors (ILO, 2012b).<sup>72</sup> Forced labour of migrant domestic workers is prevalent around the world and has many different dimensions. In certain countries in the Middle East, for instance, the individual sponsorship system (*kafala*) for foreign labourers ties migrant domestic workers' visas to individual employers, resulting in a relationship of structural dependence that can encourage abuses (Esim and Smith, 2004; Khan and Harroff-Tavel, 2011; Human Rights Watch, 2010a, pp. 16 ff.; 2010b). In Latin America, indigenous persons who migrate internally are overrepresented among domestic workers and suffer from exploitation that is exacerbated by long-standing patterns of discrimination (D'Souza, 2010, p. 27). Unethical and illegal activities of private employment agencies engaged in recruiting and placing migrant domestic workers in south-east Asia and other regions also facilitate forced labour. Often lacking proper regulatory frameworks and oversight, such agencies can engage in fraud and deception, the imposition of excessive recruitment fees and other abuses (Agunias, 2012; Anggraeni, 2006; ILO, 2006b). Around the world, domestic workers in diplomatic households who are subjected to forced labour often have no recourse because of their employers' diplomatic immunity (OSCE, 2010, pp. 18, 25–29).

To combat forced labour in domestic work, the Domestic Workers Convention, No. 189 (2011), calls on governments to take measures to extend national legal protections to domestic workers. Migrant domestic workers, for instance, should be provided with written contracts enforceable in the country of employment, clear conditions under which they will be entitled to repatriation at the end of their employment and protection from abusive practices by private employment agencies through better monitoring. Other specific measures include protection against non-payment of wages, prohibiting the retention of passports by the employer and freedom of movement restrictions, to ensure that the worker is free to reach agreement with the employer on whether to reside in the household, and effective protection from all forms of harassment, abuse and violence (ILO, 2012a, 28 ff.). In India, for instance, the Lok Sabha (the lower house of Parliament) passed a bill on the protection of women against sexual harassment in the workplace, which includes domestic workers in its remit, in September 2012. In the context of diplomatic immunity, the Domestic Workers Recommendation, 2011 (No. 201), advises member States to consider adopting policies and codes of conduct for diplomatic personnel aimed at preventing violations of domestic workers' rights.

\* This box was prepared based on inputs received from Amanda Aikman (ILO Special Action Programme to combat Forced Labour)

that a majority had experienced verbal assault, while others were subject to sexual abuse – ranging from unwanted physical contact (14 per cent) to rape by their employer (1 per cent). Confinement was another common complaint, with less than half of those interviewed allowed to leave the house of their employer to meet others (Panam et al., 2004). When live-in domestic workers are kept in isolation, with restrictions on their freedom of movement, extreme imbalances of power can develop which can lead into situations of forced labour. Forced labour can occur when means of coercion are imposed on domestic workers to prevent them from leaving the employment situation (D'Souza, 2010, pp. 28–32; Human Rights Watch, 2006, pp 23. ff.) (see box 4.1).

<sup>72</sup> See also: Questions and answers on forced labour, 1 June 2012, ILO-DECLARATION, Geneva, available at [http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS\\_181922/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_181922/lang--en/index.htm).

Legal minimum standards for working conditions can help to overcome this imbalance. They facilitate the conclusion and formalization of employment relationships for domestic workers and can simplify negotiations by providing a binding reference, thus lowering transaction costs and addressing the power imbalance between the parties. This makes them useful for both domestic workers and their employers, who are usually private households, and as such generally need guidance in defining the terms of the employment relationship and lack the sophistication to draft elaborate employment contracts from scratch. Even in the absence of a written contract, statutory entitlements provide a minimum level of protection to be enjoyed by all workers, and are ultimately enforceable by the courts. The “effective access to courts, tribunals or other dispute resolution mechanisms” (Article 16 of the Convention) is therefore another necessary element for strengthening the right of domestic workers to just and favourable working conditions. The implementation of the Convention is therefore also relevant from a broader human rights perspective.<sup>73</sup>

## Exclusion of domestic workers from legal protections

At present, domestic workers remain one of the least protected groups of workers under national labour legislation. 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 from member States showed that the labour legislation of a significant number of countries wholly or partially excludes domestic workers from its coverage, or that national laws regulating domestic work provide for lower levels of protections than those available to other workers.<sup>74</sup> Gaps in national legislation were particularly frequent with regard to the coverage of domestic workers by minimum wages, limitation of working hours, inclusion in social security schemes and measures to ensure occupational safety and health (ILO, 2010a).

While some countries have introduced labour law protections for domestic workers at various points in time,<sup>75</sup> domestic workers have benefited to a much lesser degree than other workers from advances in labour and social laws. In Western Europe and Scandinavian countries, the working conditions of domestic workers tend to be regulated by special labour laws, with only a few countries, such as France and Italy, having collective agreements on domestic work. By contrast, the Eastern European labour law tradition has not favoured dedicated norms for domestic workers. In Latin America,

<sup>73</sup> The Universal Declaration of Human Rights proclaims that everyone has the right to just and favourable conditions of work (Articles 23 and 24). The UN Committee on Economic, Social and Cultural Rights has emphasized that “domestic and agricultural work must be properly regulated by national legislation so that domestic and agricultural workers enjoy the same level of protection as other workers” (UN Committee on Economic, Social and Cultural Rights: *General Comment No. 18* (2006), para. 10).

<sup>74</sup> For a comprehensive historical overview of the United States, see Morgan (2008).

<sup>75</sup> An early example is the 1920 Austrian Act on the Contract of Domestic Helpers (StGBI Nr. 101/1920), which was later replaced in 1962 by a statute on domestic work. Laws on domestic work were adopted in the 1950s and 60s by, for example, Argentina, Barbados and Senegal; in the 1970s by Brazil, Finland, Malta and Sweden; and in the 1980s and 1990s by Mali, Spain and Portugal (for full references to these laws and regulations, see ILO, 2012a, Appendix I).

domestic work regulation, where it exists, usually comes in the form of special laws or dedicated chapters on domestic work within labour codes, while African countries that regulate domestic work have used a variety of approaches based on their national legislative traditions. In Asia, where migrant domestic workers are particularly exposed to the lack of legal protection under the labour laws of host countries, sending countries have reacted by demanding better protection for their workers and have negotiated bilateral memoranda of understanding.<sup>76</sup> Similarly, labour laws in Arab states largely exclude domestic workers, who, in this region, are to very large extent women migrant workers from Asia and Africa. However, some countries have issued so-called standard employment contracts for migrant domestic workers which regulate basic aspects of the employment relationship.

More recently, labour law development for domestic workers has gained a new dimension, with legal reform that favours domestic workers being increasingly motivated by development and human rights concerns.<sup>77</sup> For instance, a task force set up by the Ministry of Labour and Employment of India has drafted a comprehensive National Policy for Domestic Workers that recognizes the current coverage gap. Its recommendations include:

Explicitly and effectively expanding the scope of applicable legislations to domestic workers by making necessary amendments in legislations, policy and schemes to grant domestic workers rights that are enshrined in laws for other categories of workers.<sup>78</sup>

In the Philippines, which was the second country to ratify the Domestic Workers Convention, 2011 (No. 189), the two chambers of Congress are currently in bicameral negotiations to reconcile the two versions of a new “Kasambahay bill” (i.e. domestic workers bill) that were passed by the Senate and House of Representatives. If adopted, the new legislation would significantly extend the protection of domestic workers in the country.<sup>79</sup> Another example is Bahrain, which extended the coverage of certain provisions of its new Labour Law to domestic workers, including those relating to labour contracts, wage calculation, annual leave and dispute settlement.<sup>80</sup> Despite this welcome shift in approach, domestic workers in many countries remain unprotected by labour laws or receive a level of protection lower than is enjoyed by other workers.

<sup>76</sup> For instance, Indonesia has negotiated a memorandum of understanding with Malaysia that contains provisions regarding a weekly day of rest, the retention of identity documents by the migrant worker and payment of wages into a bank account (see articles 5.6, 5.7 and 6.4 of the Amending Protocol of 2011 to the Memorandum of Understanding between the Government of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian Domestic Workers (signed at Bali, Indonesia on 13 May 2006).

<sup>77</sup> For instance, Bolivia (2003), Brazil (2006), South Africa (2002) and Uruguay (2006).

<sup>78</sup> See Government of India, Ministry of Labour and Employment: *Draft National Policy for Domestic Workers* (New Delhi, 2011), para. 2.2.1.

<sup>79</sup> As of October 2012; see House bill No. 6144 and Senate bill No. 78.

<sup>80</sup> Act No. 36 of 2012 Promulgating the Labour Law in the Private Sector, Official Gazette No. 3063 – 2 August 2012.

The following three chapters aim to expand factual knowledge on the extent to which domestic workers are covered by or excluded from entitlements commonly enjoyed by other wage workers under national laws. Unlike previous reports, which have provided information on how many countries have certain provisions in place, the new estimates combine national statistics on the number of domestic workers with information on national legislation. This allows an assessment of how many domestic workers already enjoy legal protections that are similar to those applicable to other wage workers with respect to three key working conditions laws, namely: (1) working time provisions, (2) minimum wage legislation, and (3) maternity protection.<sup>81</sup> Before discussing the main results in the following chapters, the following section will explain the underlying methodology that was developed in the face of incomplete information.

## Methodology for the legal coverage estimates

The estimates of the extent to which domestic workers are covered by key working conditions 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 of this report and Appendix II); and second, legal information on the coverage of domestic workers by working conditions legislation. This legal information had been compiled by the ILO as part of the extensive preparations for the international labour standard-setting process (see ILO, 2010a), and was complemented with additional information gathered from national sources during the ongoing update of the ILO's database on employment and working conditions legislation.<sup>82</sup> In order to use it for the coverage estimates, a coding scheme was developed to record how far domestic workers are covered by key working conditions laws. The coding also documented whether the provisions relevant to domestic workers are identical to those applicable to other wage workers, are less favourable or, as in some rare cases, are more favourable. Appendix III provides these data for the countries on which the legal coverage estimates are based.

In contrast to earlier publications, which listed the number of countries that excluded or included domestic workers from working conditions laws (see e.g. ILO, 2010a), this chapter looks at how many domestic workers are covered by legal provisions, and hence gives greater weight to countries with large numbers of domestic workers. To produce these estimates, both legal and statistical information are needed for a given country: this combination is available for a total of 70 countries and terri-

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<sup>81</sup> Unfortunately, the analysis does not allow the identification of child domestic workers (i.e. those above the minimum age for employment but under 18 years of age), who are in need of special attention when regulating the working and living conditions of domestic workers. According to Recommendation No. 201, Members should give special attention to protecting this group, including by strictly limiting their hours, prohibiting night work, placing restrictions on work that is excessively demanding, and establishing or strengthening mechanisms to monitor their working and living conditions (see Article 5.2)

<sup>82</sup> The Database of Conditions of Work and Employment Laws contains comprehensive legal information which provides a picture of the regulatory environment of working time, minimum wages and maternity protection in more than 100 countries around the world. See <http://www.ilo.org/dyn/travail/travmain.home>.

**Table 4.1 Coverage of the combined statistical and legal database on domestic workers, 2010**

	Number of countries in region	Number of countries covered	Coverage, as percentage of countries in region	Coverage, as percentage of employment in region
Developed countries	28	18	64.3	95.5
Eastern Europe and CIS	28	9	32.1	59.4
Asia and the Pacific*	27	12	44.4	93.1
Latin America and Caribbean	31	15	48.4	89.8
Africa	51	11	21.6	39.9
Middle East	12	5	41.7	53.0
<b>Total*</b>	<b>177</b>	<b>70</b>	<b>39.5</b>	<b>84.0</b>

\* Including China, where an estimate of the number of domestic workers was produced on the basis of a combination of official sources (see discussion in Chapter 2)  
 Note: Country coverage refers to the number of countries for which both statistical and legal data are available, expressed as a percentage of all the countries in the region. Employment coverage refers to the total number of employed persons in countries with available statistical and legal data as a percentage of all employed persons in the region (as of 2010). China is included in the global and regional estimates using a national-level estimate of the number of domestic workers that was synthesized from several sources and using a weight of 1 (see Chapter 2)  
 Source: ILO estimates based on data from official sources.

tories (including China). These include the world's largest countries, therefore the combined database covers countries that between them account for 84.0 per cent of global employment.<sup>83</sup> To correct for the remaining data gaps, a non-response weight was constructed based on the same methodology as had been used to produce the global and regional estimates of domestic workers (see Chapter 2 and Appendix I, section c).<sup>84</sup> Where legal provisions differ for live-in and live-out domestic workers, both were given equal weights.

By their very nature, the statistics presented in Part II of this report refer to the minimum entitlements of domestic workers under national legislation. The actual working conditions of domestic workers can diverge from this. Compliance may be poor due to weak enforcement mechanisms, the highly informal nature of employment relationships, and the lack of awareness about legal entitlements among workers – who often lack higher education, or even basic literacy – and employers alike. Moreover, even where domestic workers are covered by labour laws, migrant domestic workers might be excluded from the provisions, or they may lack any realistic means of insisting that their employers respect their rights (see discussion below). This and other factors explain why some employers oblige their domestic workers to work without interruption even where national legislation provides for a weekly day of rest, or pay them

<sup>83</sup> The combined legal and statistical database was slightly updated and expanded after the publication of Domestic Work Policy Brief No. 5 (ILO, 2011a). However, this only had a marginal impact on the legal coverage estimates, which in some cases differ slightly from the previously published figures.

<sup>84</sup> Weights were calculated for all responding countries, with the exception of China. China entered the legal coverage estimate with a weight of 1 and the tentative estimate for the number of domestic workers (see Chapter 3).

unduly low wages despite the existence of a binding minimum wage.<sup>85</sup> But, however imperfect implementation might be, legal provisions still establish reference points that serve as minimum standards. For instance, even though there is not yet full compliance, the adoption of South Africa's Sectoral Determination 7 for domestic workers in 2002 has led to a formalization of the industry and a noticeable improvement in wages and other working conditions (Dinkelman and Ranchhod, 2012).

### The scope of national labour legislation

A country's labour legislation is the main instrument for granting legal protection to workers. When domestic workers as a group are excluded from the scope of labour legislation, this considerably weakens their position relative to other workers. Sometimes, notably in Arab states, mandatory standard employment contracts do offer some protection. However, such contracts are essentially an agreement between two private parties, with domestic workers in practice often lacking both negotiating power and the capacity to seek enforcement of their contractual rights in court. By contrast, labour standards established by labour legislation are backed up by public enforcement measures, including the imposition of sanctions for non-compliance. A useful starting point for an enquiry into the extent of legal protection for domestic workers is therefore the scope of national labour legislation and the extent to which it applies to domestic workers.

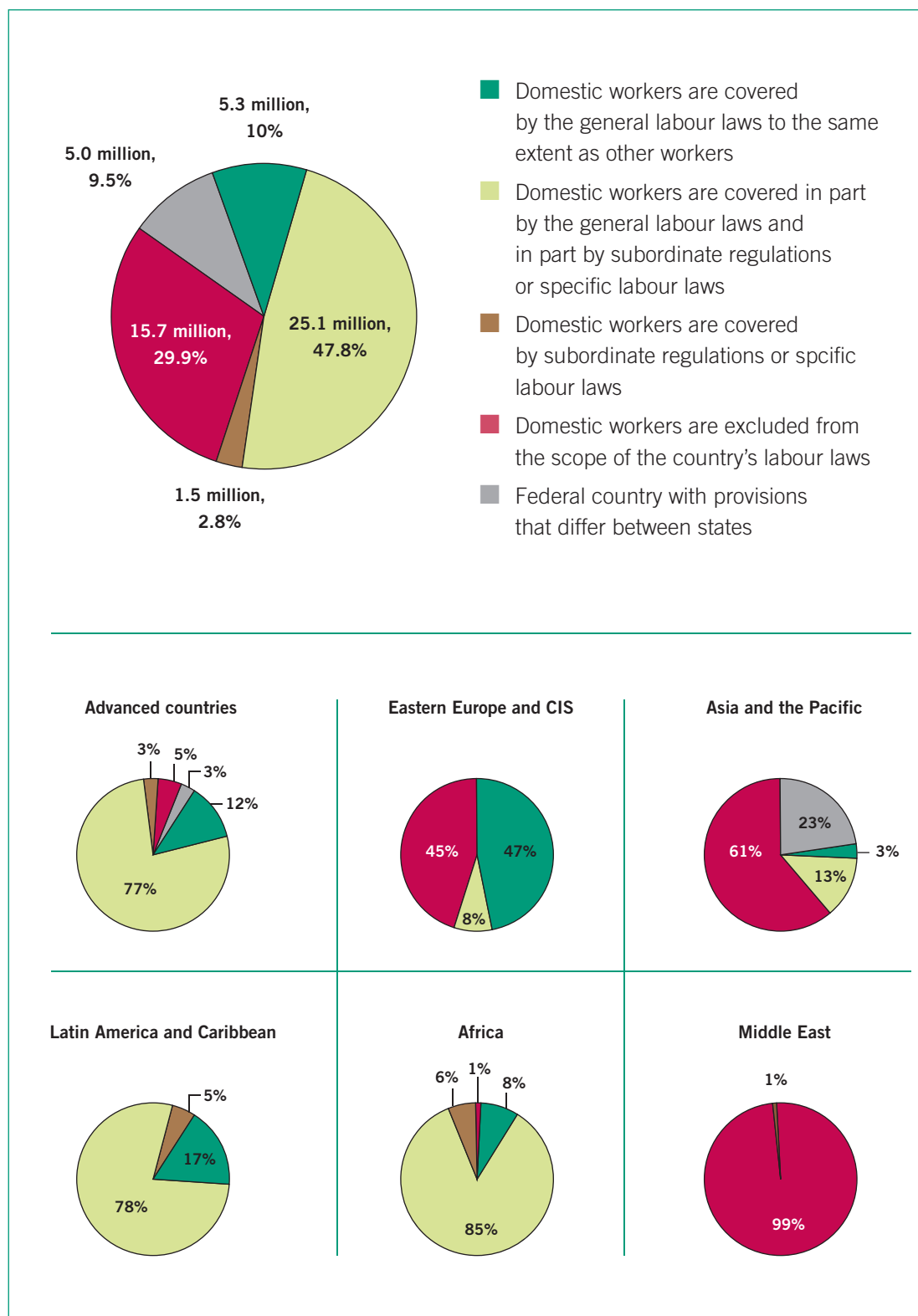
Figure 4.1 provides an overview of the inclusion of domestic workers into the scope of national labour legislation, and on the manner in which coverage has been attained. At one end of the spectrum, 10 per cent of the world's domestic workers (or 5.3 million) are covered by general labour laws to the same extent as other workers. At the other, more than a quarter of domestic workers – 29.9 per cent, or some 15.7 million – work in countries where they are completely excluded from the scope of national labour laws. Between these extremes, a number of intermediate regimes exist. The most common pattern, applicable to 25.1 million domestic workers (or 47.8 per cent of the total), is where workers are covered partly by general labour laws and partly by subordinate regulations or specific labour laws. Some 1.5 million domestic workers (or 2.8 per cent of the total) are covered only by subordinate regulations or specific labour laws, while 5 million domestic workers (or 9.5 per cent of the total), who live in federal countries, are protected by provisions that differ between different states.

In sum, while only a small minority, one-tenth, of all domestic workers are covered by national labour legislation on the same footing as other workers, roughly 70 per cent of all domestic workers enjoy some protection, though a combination of provisions found in general labour laws, specific labour laws, subordinate regulations and state-level legislation (although the substance of provisions may differ from the general standards, and the degree of protection is frequently weaker). This somewhat

<sup>85</sup> Conversely, an employer can grant a domestic worker a free Sunday even when they are not compelled by legislation to do so, or both parties can agree on such a provision when negotiating an employment contract.



Figure 4.1 Coverage of domestic workers by national labour legislation across the world, 2010



Source: ILO estimates based on data from official sources.

encouraging picture is mainly due to the situation in Latin America and the Caribbean, Africa and the developed countries, where a total exclusion from the scope of labour legislation is rare – with the exception of Egypt, Japan and Korea (see Appendix III). However, the picture is mixed in Eastern Europe and the CIS countries, where 45 per cent of domestic workers are excluded.

In the developing and emerging countries of Asia, 61 per cent of domestic workers remain outside the scope of labour legislation, while the remainder are covered by one or other type of legal protection. Examples here are Hong Kong (China) and Sri Lanka, where domestic workers are covered by general labour laws, as well as Malaysia, the Philippines and Thailand, where some – though not all – provisions of the general labour laws apply to domestic workers.<sup>86</sup> In India, some federal states have enacted provisions that regulate some aspects of domestic workers' working conditions (e.g. through minimum wage orders). However, an analysis of selected pieces of labour legislation by the Indian Task Force on Domestic Workers showed that “domestic workers are not included in the scope of these laws because of the constraints in the definition of either the [terms] ‘workmen’, ‘employer’ or ‘establishment’” (Ministry of Labour and Employment, 2011, p. 25).

The situation is even bleaker for the Middle East, where, among those countries with available data, Jordan is the only one that covers domestic workers through its labour legislation (in the form of specific labour laws). This leaves an estimated 99 per cent of all domestic workers in the region outside the scope of labour legislation. Some countries in the region, namely Kuwait and Lebanon, regulate domestic work through mandatory standard employment contracts. Likewise, Bahrain and the United Arab Emirates have announced plans to introduce standard contracts that outline recruitment conditions and basic rights of domestic workers (see *Trade Arabia*, 2012; *Gulf News*, 2012). While these do provide some limited protection to domestic workers, they are not a full substitute for legislation. The countries of the Gulf Cooperation Council (GCC) argued to the Committee on Domestic Workers that the new instruments would help to improve the conditions of domestic workers and would lend support to efforts to protect domestic workers fully, in line with the specificities of that type of work.<sup>87</sup>

Extending or adopting laws and regulations is a central means by which member States can apply Convention No. 189. However, equally important are measures to ensure compliance with national laws and regulations for the protection of migrant workers, including measures to ensure that domestic workers enjoy effective protection from all forms of abuse, harassment and violence. An important issue to be highlighted in this regard is the prevalence of foreign migrant workers in the domestic work sector (see Chapter 3). Even where migrant domestic workers are in principle covered by national labour legislation, they might lack effective protection in practice. For instance, workers whose migration status is tied to their employer will in practice

<sup>86</sup> As of October 2012, the Thai Government was drafting a new Ministerial Regulation to extend some rights stipulated under the Labour Protection Act to domestic workers, particularly with respect to conditions of work (weekly day of rest, traditional holidays and annual holiday and sick leave, holiday overtime pay, sick leave and complaints mechanisms). (Internal documents of the ILO-TRANGLE project)

<sup>87</sup> International Labour Conference: *Provisional Record* No. 15, 100th Session, Geneva, June 2011, para. 21



hesitate to use complaints procedures against abusive labour practices and violations of their rights when this puts their employment contract and hence their residence status into jeopardy. Moreover, they often do not speak the language of their host country well enough to navigate an alien and often complex legal system. Therefore, the new ILO instruments provide an opportunity for countries that already cover domestic workers under their legislation to examine and improve the conditions under which migrant domestic workers are protected. For instance, Article 17 of the Convention obliges ratifying countries to establish effective and accessible complaints mechanisms, and Article 15 contains a number of provisions aimed at improving protection of workers placed by private employment agencies.



## Chapter 5. Working time

The number of hours of work, working-time arrangements and rest time have significant effects on the quality of work and on quality of life in general. Well-established findings from occupational health studies show that long working hours, night working and patterns of shift work that involve an irregular distribution of working hours are the factors that have the greatest negative effects on workers' health (see Tucker and Folkard, 2012). They carry especially important risks for women during and after pregnancy and for young workers. In addition, workers who work under pressure and who lack control over their working hours are more likely to report that their working time has a negative impact on their health (see the reviews in ILO, 2004b and 2011b).

For this reason, virtually all governments, the International Labour Organization and supranational organizations, such as the European Union, have introduced minimum standards that regulate working time.<sup>88</sup> In fact, the first Convention adopted by the ILO after its foundation was the Hours of Work (Industry) Convention, 1919 (No. 1), which set 48 hours as the limit for normal weekly working hours (not including overtime, which should be exceptional). This has become a globally accepted standard, and the negative impact of working hours that are above this threshold have been well documented (see ILO, 2011b). During the Depression in the 1930s, the Forty-Hour Convention, 1935 (No. 47), introduced a new limit of 40 hours per week, which was reaffirmed by the Reduction of Hours of Work Recommendation, 1962 (No. 116), as a social standard to be reached in stages, if necessary. In a similar spirit, Article 24 of the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948, recognizes that everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Despite the recognition that restricting working time to reasonable levels is essential in preserving workers' health and enabling them to devote sufficient time to their own families and other responsibilities and interests, many of the earlier international standards were restricted in their scope to standard employment relationships in industry, as in the Hours of Work (Industry) Convention, 1919 (No. 1). The 48-hour limit was extended to the service industry in the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), albeit with the exclusion of some types of establishments, including those that care for the sick and infirm and also, implicitly, households as employers of domestic workers. From the 1970s, ILO Conventions regulating working time no longer made such distinctions, applying, in principle, to "all employed persons" (see also McCann and Murray, 2010, pp. 19 ff.). However, countries can typically still exclude certain groups of workers from their working time laws. For example, the Holidays with Pay Convention

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<sup>88</sup> The European Union Working Time Directive, which covers all EU Member States, emphasizes that "the improvement of workers' safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations" (Directive 2003/88/EC, para. 4).

(Revised), 1970 (No. 132), permits the exclusion of “limited categories of workers” where “special problems of a substantial nature” arise. This and similar clauses could eventually be used for the exclusion of domestic workers when ratifying a Convention.

The Domestic Workers Convention, 2011 (No. 189), aims at closing the resulting gap in the regulation of working time. Specifically, Article 10 states that:

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.

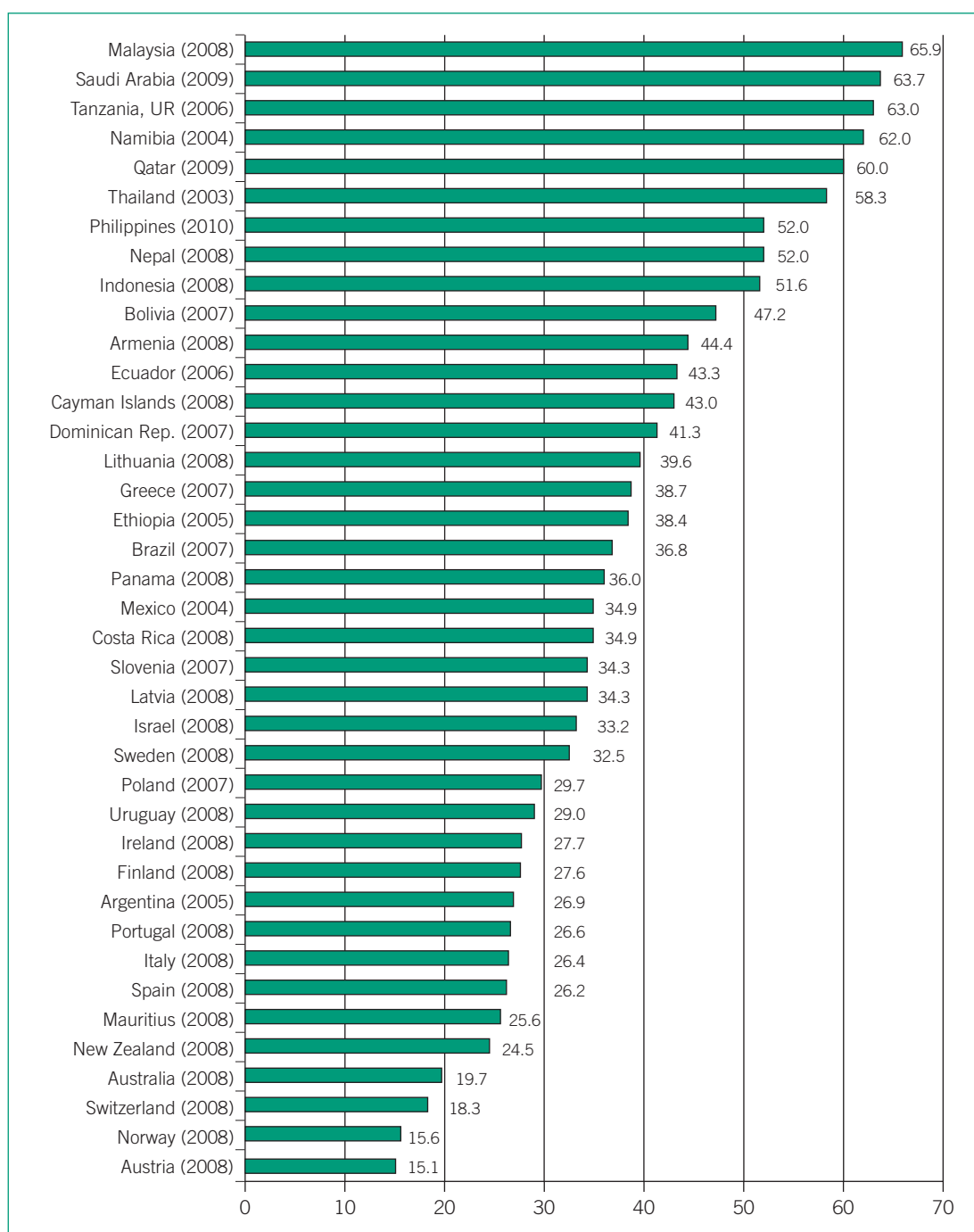
In setting the objective of ensuring equality of treatment, the Convention also recognizes that the special characteristics of domestic work would need to be taken into account when designing working time standards for domestic work.<sup>89</sup> The Convention leaves it to national laws, regulations or collective agreements to determine the extent to which “on-call” or stand-by periods (see discussion below) would be regarded as hours of work, such as the modalities and standards governing stand-by duty, and the type and extent of compensation. The Domestic Workers Recommendation, 2011 (No. 201), gives some guidance on how this determination could be made, recommending that working hours should be recorded and that governments should regulate various aspects (e.g. quantity and remuneration) of stand-by periods, night working, daily and weekly rest and paid annual leave.

## Domestic workers: Working day and night?

Working hours of domestic workers around the world are among the longest and most unpredictable for all groups of workers. For instance, while the average actual hours of work of the general employed population in Nepal in 2008 was 39 hours per week, domestic workers worked on average 52 hours per week.<sup>90</sup> Similarly, domestic workers in other Asian countries, such as Indonesia (51.6 hours, 2008), Malaysia (65.9 hours, 2008), the Philippines (52.0 hours, 2010) and Thailand (58.3 hours, 2003), routinely work in excess of the 48-hour threshold. Data from Namibia (62 hours, 2007) and the

<sup>89</sup> Domestic work takes place within private households, and although some household needs can be predicted and scheduled, such as preparing meals, cleaning the house and doing the laundry, other needs are unpredictable (e.g. taking care of a someone who fell sick, staying at home with the children in the event of an emergency), require additional hours or entail changes in the work schedule at short notice.

<sup>90</sup> Central Bureau of Statistics of Nepal: *Report on the Nepal Labour Force Survey 2008* (Kathmandu).

**Figure 5.1 Average hours of work for domestic workers, per week (latest available year)**

Note: All data are from labour force surveys. They refer to hours actually worked, except in the case of Bolivia and Lithuania (hours paid for). Where available, data with total employment coverage were preferred; those for Austria, Bolivia, Brazil, Finland, France, Georgia, Lithuania, Mexico, Norway, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Switzerland, the United Republic of Tanzania, Thailand and Uruguay, where they refer to employees only. See LABORSTA for further details.

Source: ILO LABORSTA; for Nepal: Central Bureau of Statistics of Nepal: Report on the Nepal Labour Force Survey 2008 (Kathmandu); for the Philippines: Bureau of Labor and Employment Statistics (BLES), Profile of Persons Employed in Private Households, Labstat Updates Vol. 15 No. 27 (October 2011); for Saudi Arabia: Central Department of Statistics and Information of the Kingdom of Saudi Arabia: Manpower Research Bulletin 2009 (Riyadh), table 61; for Qatar: Qatar Statistics Authority: Labour Force Sample Survey 2009 (Doha), table 12.

United Republic of Tanzania (63.0 hours, 2006) show a similar pattern (see Figure 5.1). In Saudi Arabia, domestic work was the sector with the highest average working hours, at 63.7 hours worked per week (2009).<sup>91</sup> This is also the case in Qatar, where the average time worked by persons employed by private households amounts to 60 hours per week (2009).<sup>92</sup> The problem of long weekly hours among domestic workers is generally less prevalent in the Americas (see Lee et al., 2007, p. 92). The same holds for developed countries, where many domestic workers are employed on a part-time basis.<sup>93</sup> For the seventeen industrialized countries in Figure 5.1, the average weekly hours ranged from 15.6 hours (Norway) to 39.6 hours (Lithuania). However, these averages partly reflect an unequal distribution of working hours: while some domestic workers have extremely short hours, others may still work excessive hours.

Long working hours are especially common among live-in domestic workers, who usually work on a full-time basis and are, in many cases, expected to be available at all times (ILO, 2011c; Rodriguez, 2007; Gallotti, 2009; Tous et al., 2010; Kundu, 2008; Esim and Smith, 2004; Sabban, 2002). For instance, in Chile, live-out domestic workers worked an average of 40 hours per week in 2000, while live-in domestic workers worked an average of 67.6 hours. Similarly, in Peru the average weekly working-time was 49 hours for live-out domestic workers and 62 hours for live-in domestic workers (Stefoni, 2009). Live-in arrangements are particularly common for migrant domestic workers, both internal migrants, who move from rural areas to urban centres where they have no established residence, and international migrants, who take up employment in a foreign country. Reasons for this arrangement include the preference of the employer (especially when domestic workers have care responsibilities), regulations on migrant workers, the scarcity of alternative housing arrangements and the distance between the domestic worker's home and the workplace.

A common practice is for the employer to pay live-in domestic workers a flat weekly or monthly rate, but without specifying the working hours. This practice is based on the employer's assumption that the domestic worker will be available whenever their services are needed. For instance, a study of migrant domestic workers from Myanmar working in Thailand found that the live-in arrangements contributed to excessively long working hours (Panam et al., 2004). Because no distinction is made between working hours and non-working hours, the notion of overtime does not exist (and work in excess of the normal hours is not remunerated at all). By contrast, live-out domestic workers usually have a clearer separation between working hours and non-working hours. They may work full time for one household, reporting for work in the morning and returning to their home in the evening, or may work for multiple households, with clearly defined working times in each case. Live-out domestic workers have therefore relatively more control over their working time arrangements than

<sup>91</sup> Central Department of Statistics and Information of the Kingdom of Saudi Arabia: *Manpower Research Bulletin 2009* (Riyadh), table 61.

<sup>92</sup> Qatar Statistics Authority: *Labour Force Sample Survey 2009* (Doha), table 12.

<sup>93</sup> For instance, 80 per cent of all domestic workers in Germany work 20 hours per week or less; see Statistisches Bundesamt: Fachserie 1, Reihe 4.1.1. (2009), table 2.9.

live-in workers. Nevertheless, they may still be working long daily and weekly hours (for the same or different employers) as a way to augment weekly earnings. Travel time from their home to the employer's residence also lengthens the working day of live-out workers. Work schedules might be unpredictable, being closely dependent on the day-to-day demands of employer-households.

In addition, many domestic workers – mostly those with live-in arrangements – may be subject to periods of on-call (or stand-by) duty (see also McCann and Murray, 2010, pp. 28 ff.). This occurs, for example, when a worker has to remain available to the employer in case urgent and unpredictable needs arise (especially when the domestic worker provides care work). On-call duty is to be distinguished from periods of performing work and periods of rest. Convention No. 189 describes on-call as “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” and requires that such periods be regarded as hours of work, to the extent determined at the national level (Article 10(3)). While at present stand-by duty in domestic work is often poorly regulated, giving rise to misuse in the form of round-the-clock duty, countries such as Finland, France and South Africa have adopted provisions that balance protection of domestic workers' need for rest and fair compensation with the needs of households (see ILO, 2011c, p. 9).

### Current working time regulation for domestic workers

Although the vast majority of countries provide some maximum limit on hours of work, and guarantee minimum weekly rest and annual leave,<sup>94</sup> domestic workers are often exempted from this standard. Specific exemptions with respect to working time exist even in countries where the labour laws, in principle, cover domestic workers. This is often justified by the “distinctive work pattern” and the “exceptional nature” of domestic work that is held to make it unsuitable for regulation. However, while the “round-the-clock presence and provision of service-on-demand expected of live-in domestic workers”<sup>95</sup> is convenient for the employer, it overlooks the right of the worker to “preserve a dimension of their lives distinct from their engagement in waged labour” (McCann and Murray, 2010, p. 9). The Domestic Workers Convention, 2011 (No. 189), therefore calls for “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” (see Article 10). As the following discussion shows, legislation in many countries already provides for equal treatment of domestic workers with respect to weekly normal hours limits, weekly rest periods and annual leave – but deficits exist in other areas.

<sup>94</sup> See the overview in ILO (2010e).

<sup>95</sup> See *Legislative Council Brief: Minimum Wage Bill*, Hong Kong SAR, China, File Ref.: LD SMW 1-55/1/4(C).



## Normal weekly hours

One important element of working time regulation is normal weekly hours limits, which establish how long the normal working week can be (i.e. before overtime work). Virtually all countries have set such a limit, mostly between 40 and 48 hours per week (although some countries, such as France and Belgium, have lower limits) (ILO, 2010e). Among the 70 countries and territories for which data were available for this report, only three have no limitation on normal weekly hours (Denmark, Germany and Hong Kong, China). While Hong Kong is currently considering a new regulation that would establish a limit on normal weekly hours, Germany and Denmark use an alternative approach that arguably provides an at least equivalent form of protection: they limit the total duration of the working week to 48 hours, meaning that normal and overtime hours combined cannot exceed the threshold. The lack of protection for domestic workers is therefore not due to a lack of working time legislation, but to the frequent exceptions that are made for domestic workers, who are expected to work for longer hours – or in fact enjoy no limitation on their working week at all.

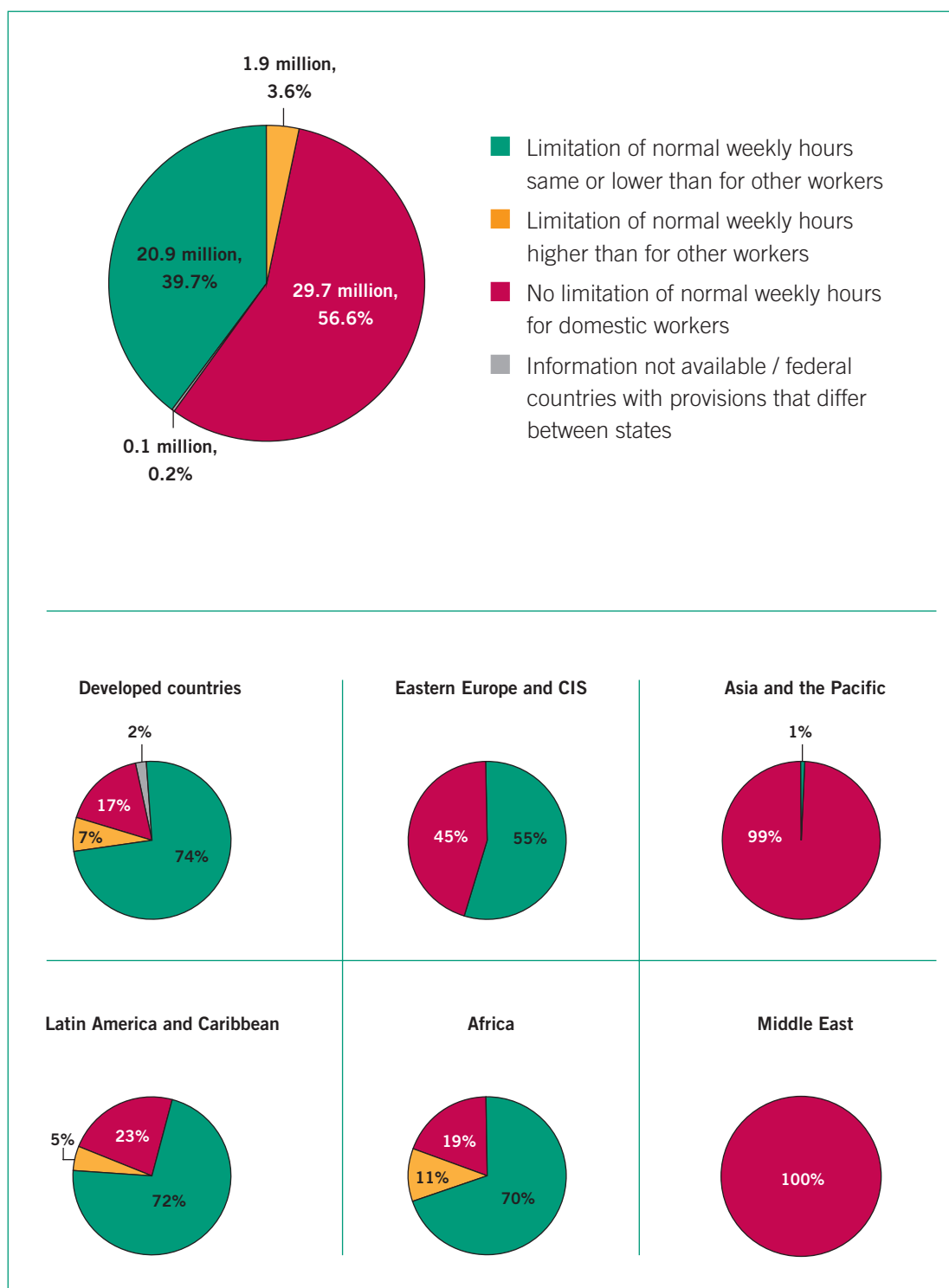
Nevertheless, a number of countries have regulated working hours for domestic workers, showing that fair working time provisions are indeed feasible. As can be seen in figure 5.2, a total of approximately 20.9 million domestic workers (or 39.7 per cent of the total) are entitled to the same limitation of their normal weekly hours as other workers, and a further 1.9 million (3.6 per cent) have some limitation of normal weekly hours – although on less favourable terms than other workers. However, despite the near-universal adoption of working time legislation, no upper limit on normal weekly hours exists in national legislation for more than half of the world's domestic workers (29.7 million, or 56.6 per cent). This low level of working time protection is primarily caused by the exclusion of domestic workers from existing national standards on normal hours at work (28.2 million domestic workers; not tabulated). Only in a minority of cases is it due to the absence of any standard on weekly working hours for all types of workers. At a regional level, the coverage is weakest in Asia and the Middle East, where – as far as data are available – statutory limitations on the normal weekly working time of domestic workers are almost universally absent.

The situation is better in the developed countries, Eastern Europe and the CIS countries, Africa and Latin America and the Caribbean, where between half and three-quarters of domestic workers have the same weekly normal hour limits as other workers (see figure 5.2). Nonetheless, domestic workers in developed countries such as Belgium, Japan, Korea and the United Kingdom lack protection with respect to their weekly working time, while Austria applies a higher limit of 55 hours per week for live-in domestic workers (see Appendix III). Exclusions are also found in Latin American countries such as Argentina, Bolivia and Panama, while in the Africa region workers in Egypt, Ethiopia and Mali lack protection. In the case of Mali, which applies a general limit of 40 hours per week, domestic workers can be expected to be at work or on stand-by for up to 260 hours per month.<sup>96</sup>

<sup>96</sup> See Article D.86-16 of Décret no. 96-178/P-RM, dated 13 June 1996.



**Figure 5.2** Limitation of normal weekly hours of work for domestic workers under national legislation, 2010



Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

## Weekly rest

In addition to the limitation of normal weekly hours of work, the delineation of weekly rest periods is an important element in working time regulations. The Weekly Rest (Industry) Convention, 1921 (No. 14), and the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), both stipulate that workers who are covered by the Conventions should be entitled to at least 24 consecutive hours of rest per week, typically (but not necessarily) on a Sunday or another calendar holiday. Adequate rest periods and sleep have substantial effects on a worker's state of mental and physical health and work performance. In line with the ILO Conventions on weekly rest mentioned above, the Domestic Workers Convention, 2011 (No. 189), states that “[w]eekly rest shall be at least 24 consecutive hours”.

The labour laws of many countries already provide domestic workers with such an entitlement to weekly rest – in some cases even over and above the minimum requirement of the Convention. For instance, the labour legislation in both Uruguay and South Africa establishes an uninterrupted weekly rest period of 36 hours for domestic workers. In Uruguay, the specified weekly rest period includes the whole day on Sunday, while in South Africa it may be converted, by agreement, to a minimum of 60 consecutive hours every second week.<sup>97</sup> Worldwide, as shown in figure 5.3, almost half of all domestic workers (25.7 million, or 49.0 per cent of the total) are entitled to a weekly rest period of at least 24 consecutive hours. These workers are protected on the same terms as other wage workers in their country (and in a small number of cases, they actually enjoy more generous treatment; not tabulated).<sup>98</sup>

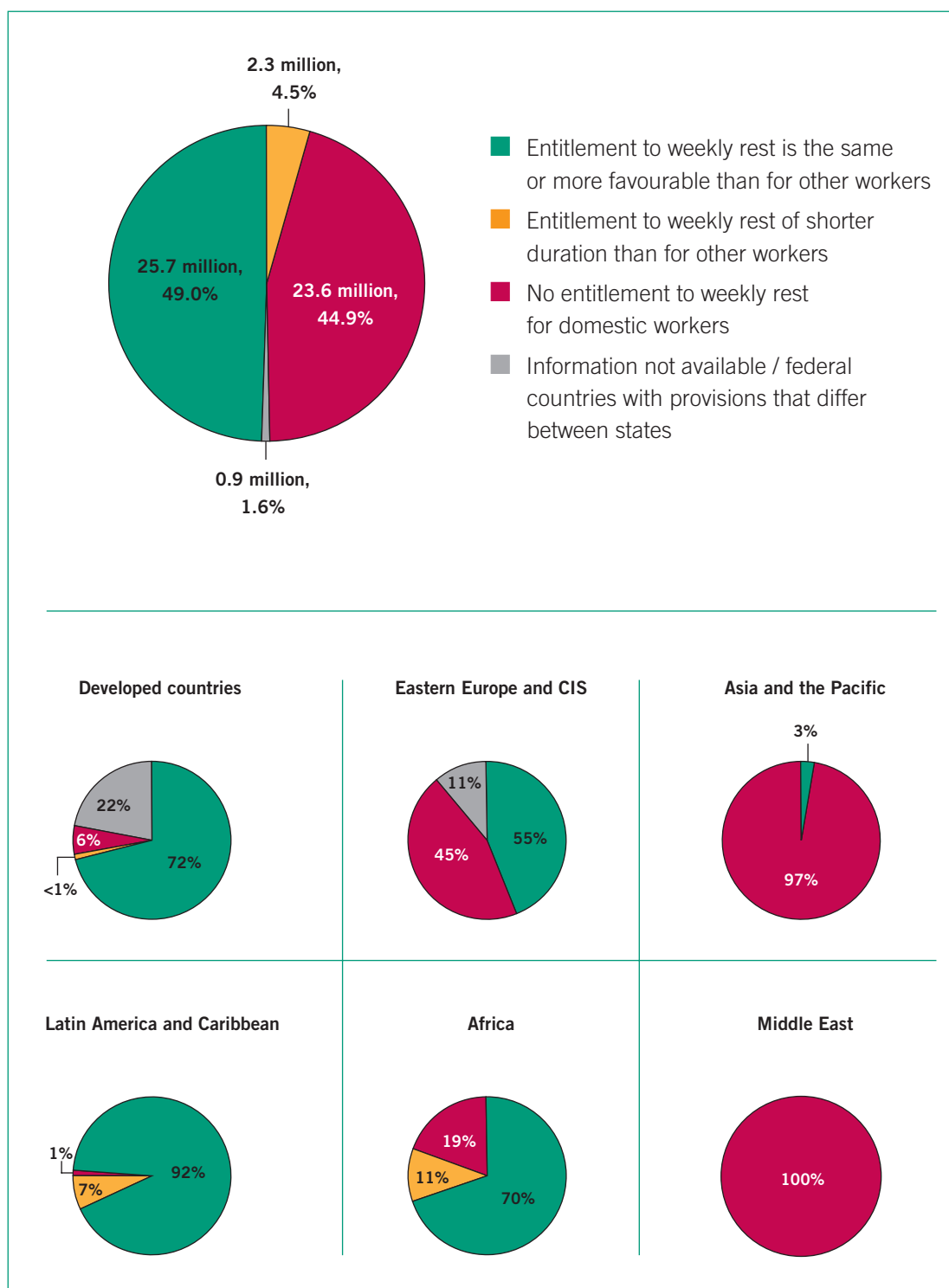
However, the available data also show that there is still a huge gap in the statutory provision of weekly rest periods: some 44.9 per cent of all domestic workers, or 23.6 million worldwide, are not entitled to any weekly rest under national legislation. Most of them live in Asia and the Middle East: in both regions, only a small fraction of domestic workers are entitled to a weekly day of rest under national legislation, namely domestic workers in Iran and Jordan. In Singapore, foreign domestic workers are entitled to a weekly rest day under work permits issued or renewed from January 2013 onwards.<sup>99</sup> While protection is generally already good in the developed countries, in Africa and in Latin America, the picture is mixed in Eastern Europe and the CIS countries. Here, 44 per cent of domestic workers are covered and 45 per cent are excluded from coverage (data for the remainder are not available). Extending weekly rest entitlements to weekly rest to domestic workers is therefore an essential part of implementing the Domestic Workers Convention, 2011 (No. 189). Such action would not only help to preserve domestic workers' health and safety and enable them to spend time with their families (thus promoting work–family reconciliation), but also create conditions that would allow them to provide better quality services to their employer.

<sup>97</sup> Uruguay's Ley No. 18.065 and South Africa's Sectoral Determination 7.

<sup>98</sup> Italy and Zimbabwe grant domestic workers a minimum of 36 hours of weekly rest, compared with 24 hours for other workers. See ILO's Database of Conditions of Work and Employment Laws.

<sup>99</sup> See press release by the Singapore Ministry of Manpower, “Weekly rest day for foreign domestic workers”, dated 5 March 2012.

**Figure 5.3 Entitlement to weekly rest (at least 24 consecutive hours) for domestic workers under national legislation, 2010**



Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

## Paid annual leave

A third major component of the regulation of working time is paid annual leave. Together with limiting weekly hours of work and guaranteeing adequate rest periods, paid leave enhances the overall well-being of domestic workers by providing them with sufficient leisure and rest time on an annual basis. Given the specificity of their employment relationship, annual leave is not only a matter of entitlement, but also a matter of personal freedom with respect to the time and manner in which domestic workers can enjoy their holidays. For example, in some cases domestic workers are expected to go on leave at exactly the same time as their employer goes on leave. Moreover, in other cases they might be expected to accompany the employer's family on their vacation and to carry out some of their usual tasks (Blackett, 2000). The issue of annual leave acquires particular significance for migrant domestic workers who have family members in their country of origin, and so depend on their paid holidays to be able to reunite with them.

The Holidays with Pay Convention (Revised), 1970 (No. 132), establishes the right to annual paid leave of a minimum of three weeks per year. A minimum period of service may be required for entitlement to any annual holidays with pay, but this qualifying period shall not exceed six months. This Convention applies to all employed persons, including those employed by private households,<sup>100</sup> and virtually all countries have a universal statutory minimum entitlement to paid annual leave.<sup>101</sup> The Domestic Workers Convention, 2011 (No. 189), states that annual leave as one of the areas in which member States should ensure equal treatment for domestic workers. In fact, many countries have already extended entitlement to paid annual leave to domestic workers. In Spain, for example, domestic workers have the right to 30 days of annual paid leave, of which at least 15 must be consecutive.<sup>102</sup> In Zambia, the labour legislation entitles domestic workers to accrue not less than two days of paid leave per month,<sup>103</sup> while in Mozambique the entitlement to annual leave for domestic workers is linked to the number of years in the job: a domestic worker has the right to 12 days of paid holidays during the first year, 24 days during the second, and 30 days per year from the third year onwards.<sup>104</sup>

For just under half of all domestic workers across the world (approximately 25.7 million), equal entitlements to annual leave are already a reality (as shown in figure 5.4). The legal coverage for domestic workers with respect to annual leave is especially good in Latin America and the Caribbean, where almost all domestic workers in the region are entitled to annual leave (Costa Rica provides longer annual leave for domestic work-

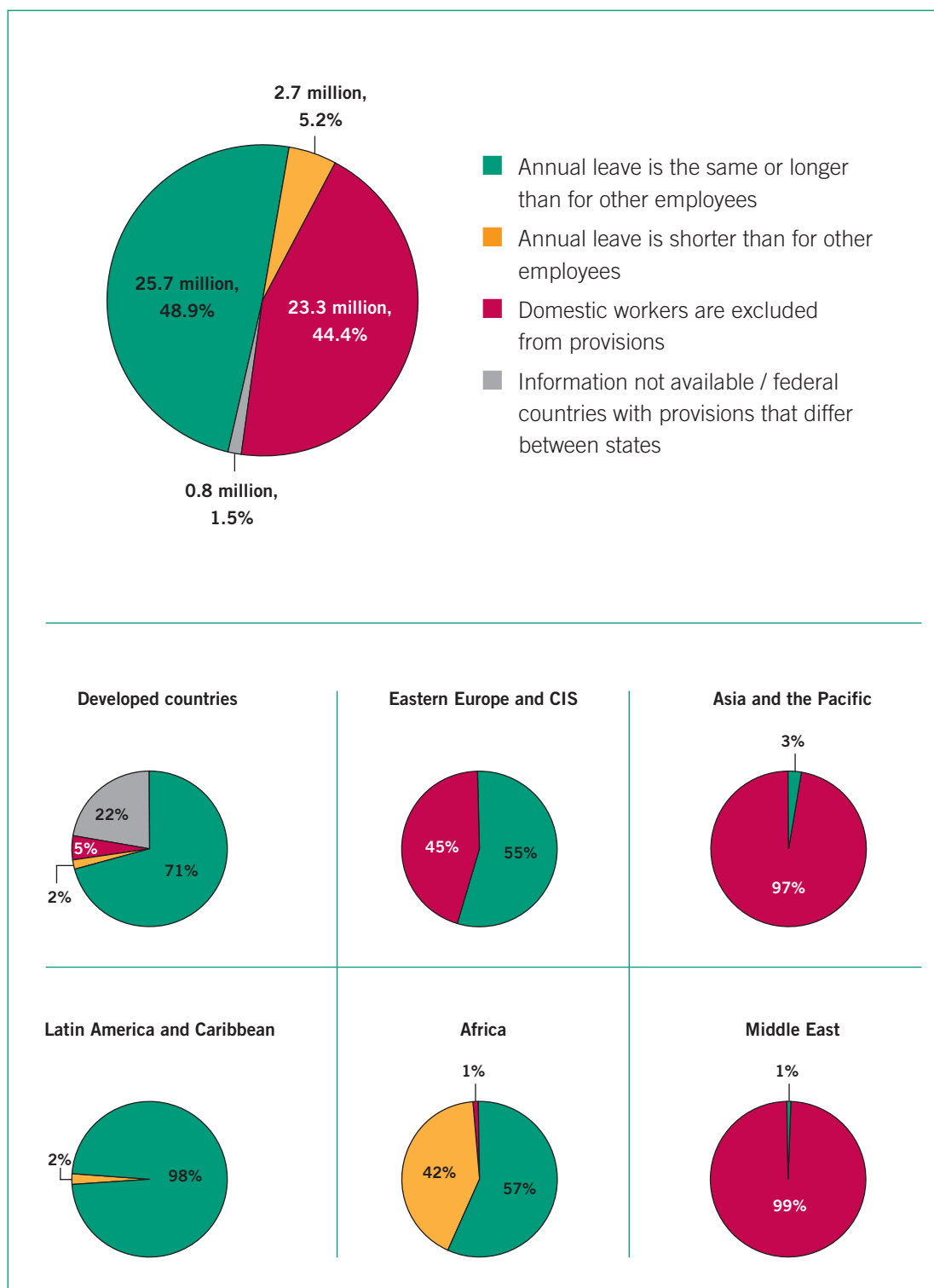
<sup>100</sup> Convention No. 132 applies to all employed persons, with the exception of seafarers, whose paid leave is regulated by the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146).

<sup>101</sup> See ILO (2010e, p. 13). The countries without a universal statutory minimum for paid annual leave are India, Pakistan and the United States.

<sup>102</sup> Royal Decree 1620/2011 of 14 November 2011, Article 9(2).

<sup>103</sup> Statutory Instrument No. 3 of 2011, The Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011, paragraph 8.

<sup>104</sup> Decree No. 40/2008 of 26 November 2008, *Regulamento de Trabalho Doméstico*, Article 22.

**Figure 5.4 Entitlement to annual leave for domestic workers under national legislation, 2010**

Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

ers than for other workers). In the developed countries, Africa and Eastern Europe and the CIS, the share of domestic workers with a right to annual leave on the same terms as other workers ranges between 55 per cent and 71 per cent. In Africa, where 57 per cent of domestic workers have the same entitlement, another 42 per cent are guaranteed a period of paid annual leave, albeit shorter than for other workers. As in the case of normal weekly hours and weekly rest, legal coverage is the weakest in Asia and the Middle East, where 97 per cent and 99 per cent of domestic workers, respectively, have no entitlement to annual leave under national legislation. Leave arrangements therefore depend entirely on the discretion of the employer and holidays are often only granted for national festivals, such as Songkran in Thailand (see also Boontinand, 2010, p. 23). Ensuring that legislative provisions regarding paid annual leave extend their coverage to domestic workers is therefore key to advancing decent work for these workers in the area of working time.

## Summary

Working time is one of the areas in which domestic workers frequently enjoy weaker protection than other workers, and the principle of equal treatment that is found in the Domestic Workers Convention, 2011 (No. 189), is not yet a reality. More than half of all domestic workers have no limitation on their weekly normal hours of work under national legislation, and approximately 45 per cent have no entitlement to weekly rest periods or paid annual leave. However, the data also show that many countries in Latin America and the Caribbean, Africa and the industrialized world have already extended the same minimum protections that apply to workers generally to domestic workers as well. By contrast, countries in the Middle East and Asia still have a way to go in implementing the principle of equal treatment for domestic workers with respect to working time.

## Chapter 6. Minimum wages and in-kind payments

Earning an income to secure a livelihood for themselves and their families is the primary concern and motivation for workers to go to work. This is no less true for domestic workers. What does distinguish domestic workers from many other workers is that their remuneration is far lower. Domestic workers typically earn around 40 per cent of average wages, although the level relative to average wages varies between 63.8 per cent in Honduras (2006) and only 14 per cent in Botswana (2005/06) (see figure 6.1). To explain the low levels of remuneration among domestic workers, a range of mostly interlinked factors needs to be considered. Low wages partially reflect the lower than average skill requirements for the job, and the generally lower level of education of domestic workers (ILO, 2010b, pp. 41 and 54). However, a range of evidence suggests that domestic work remains undervalued, and that domestic workers often receive less than workers in comparable occupations (see Budlender, 2011a).

### Wages of domestic workers and reasons for low pay

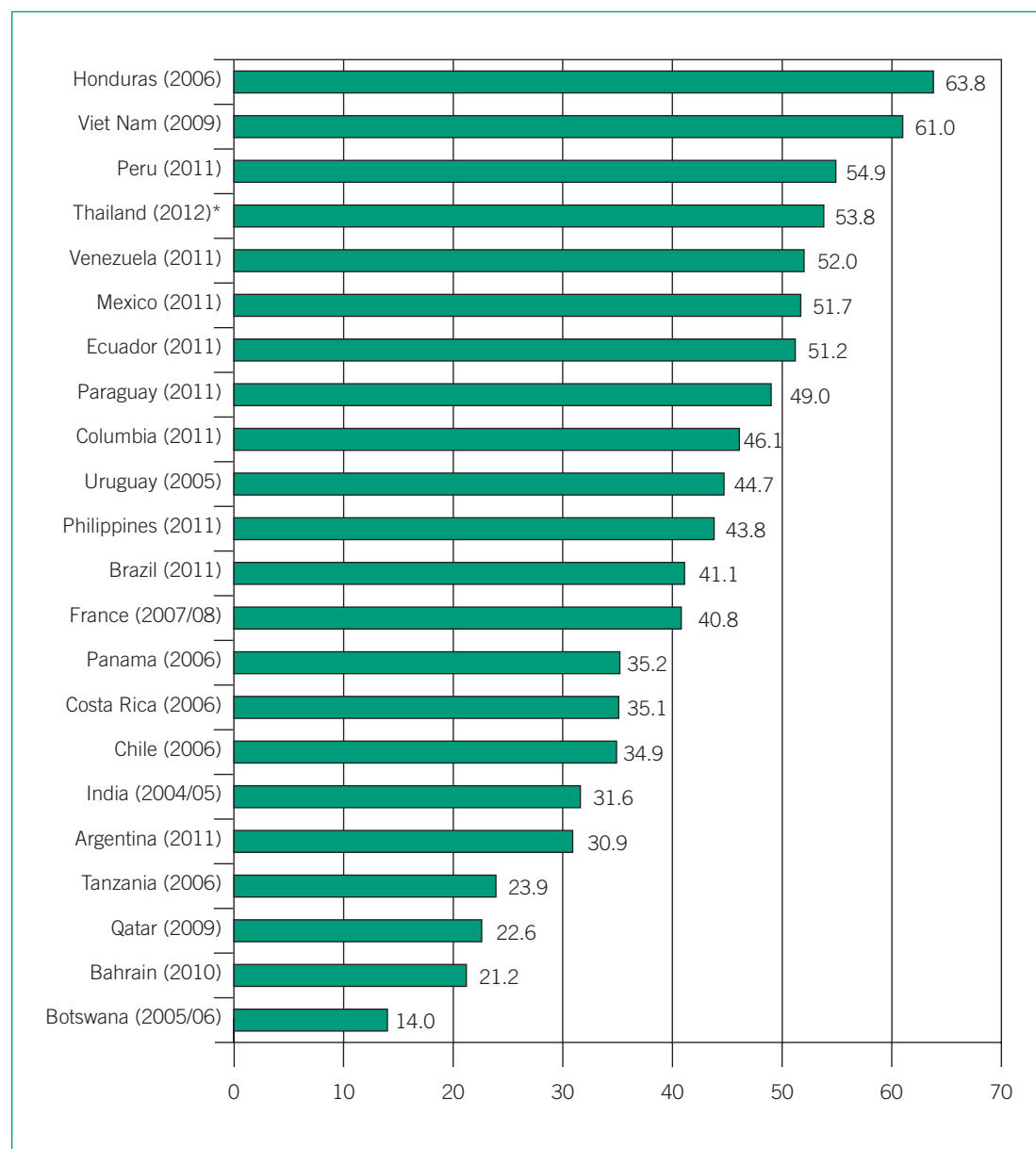
The undervaluation is linked to the perception of domestic work and caregiving as “unproductive” work. Under the male breadwinner/female caregiver model that emerged in the now industrialized world in the nineteenth century, the wages that men earned in factories and offices gave households income and determined their social status. As work increasingly became equated with wage-work, women’s work in the household no longer fitted the prevailing perception of work and was redefined as caregiving and household chores (Boris and Herbst Lewis, 2006). Likewise, household work carried out by domestic workers is often perceived as devoid of value and exogenous to the labour market (Tomei, 2011). However, the old insight remains true, that “[w]ashing clothes and preparing food is productive work when performed in the kitchen no less than when done in the laundry or the restaurant” (Rubinow, 1906, p. 504).

This simple truth is not well recognized in mainstream economics, which struggles to measure the value added by reproductive activities that do not generate output for which a market price exists. In fact, the standard national accounting framework (SNA-2008) has no useful concept to measure either the value added by domestic workers or their productivity.<sup>105</sup> Hence, a common reference point for wage-setting

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<sup>105</sup> Under the SNA-2008 (para. 6.116), “the value of the output produced [by a paid domestic worker] is deemed to be equal to the compensation of employees paid”. Since there is no intermediate consumption, the output (which is measured as total compensation) equals value added. Hence, value added per worker (or labour productivity) is always equal to compensation per employee, and so setting wages (which are the largest component of total compensation) according to productivity would be circular.

**Figure 6.1 Average wages of domestic workers, in per cent of average wages for all paid employees (latest available year)**



\* Excludes agriculture from the comparison wage; refers to the first semester of 2012.

Note: All data refer to mean monthly wages, except the Philippines, which refer to mean daily wages and France, which refer to median wages.

Sources: Wage data for Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela are from ILO/SIALC (Labour Analysis and Information System for Latin America and the Caribbean, Panama); data for Bahrain are from the Labour Market Regulatory Authority (LMRA), Bahrain Labour Market Indicators (BLMI), Table B. Estimated average basic wages by citizenship and sector, online; data for Botswana are from the Central Statistics Office (2008), 2005/06 Labour Force Report, Gaborone; data for France are from the Insee Enquêtes Emploi 2007 et 2008; figures for India are based on own computations from the NSSO Employment-Unemployment Survey 2004–05; data for the Philippines are from the Bureau of Labor and Employment Statistics, Current Labor Statistics September 2012, Table 22 – Average Daily Basic Pay of Wage and Salary Workers by Major Industry Group, online; data for Qatar are from the Qatar Statistics Authority, Labour Force Sample Survey 2009, Doha; data for the United Republic of Tanzania are from the National Bureau of Statistics, Ministry of Planning, Economy and Empowerment (2007), Analytical Report for Integrated Labour Force Survey 2006, Dodoma; data for Thailand are from the National Statistical Office (2012), The Labour Force Survey (Whole Kingdom), Quarter 2: April –June 2012, Bangkok; data for Viet Nam are from the Ministry of Planning and Investment General Statistics Office (2010), Report on Labour Force Survey Viet Nam 1/9/2009, Hanoi.



is missing. Nonetheless, the economic and social value to individual households and society alike are well documented. For instance, work performed by domestic workers allows their employers to go to work and earn their own living. A branch of research on the care economy shows that the perception of domestic work as unproductive is long obsolete (see e.g. Budlender, 2011a).

In addition, the general undervaluation of tasks that are perceived as “typically female” plays out against domestic workers. To a large extent, domestic work involves tasks that women have traditionally shouldered in the home without pay, such as cleaning, cooking, shopping and laundry, as well as caring for children, the elderly, disabled and other household members in need of care. Perceptions about the innate nature, as opposed to the formal acquisition, of skills and competencies required to perform these tasks persist. Such attitudes and perceptions tend to result in the undervaluation of domestic work in comparison with jobs that are predominately performed by men that require skills of a similar level acquired in a formal setting (ILO, 2007, 2010a).

It is therefore crucial to understand and analyse low pay in the domestic work sector from a gender perspective, while paying particular attention to the principle of equal remuneration for men and women for work of equal value, as set out in the Equal Remuneration Convention, 1951 (No. 100).<sup>106</sup> This principle implies that remuneration should be determined on the basis of the content of the work performed, taking duly into account the skills, effort, responsibility and working conditions (ILO, 2007, p. 271). Gender-based pay discrimination in domestic work may be compounded with other forms of discrimination. For example, the worker’s ethnic or social origin and/or nationality might determine the level of remuneration, rather than any legitimate criteria.

A number of studies show how these factors interact, resulting in lower wages for domestic workers than would be expected given a range of objective criteria, such as education, skill levels and age (as a proxy for work experience). In Switzerland, before the minimum wage for domestic workers was adopted, domestic workers earned 8.8 per cent less than workers with similar characteristics and qualifications in other sectors. Furthermore, for “unexplained” reasons they also earned 10.3 per cent less than workers who performed the same tasks in a workplace other than a private household (Flückiger et al., 2009).<sup>107</sup> A significant wage penalty for domestic workers has also been shown in South Africa (–15 per cent) and Uruguay (–22 per cent) (see Budlender, 2011a, pp. 24 ff.). The situation is exacerbated by the fact that most domestic workers in South Africa are black and female, two characteristics that also lead to lower wages. Similarly, in Uruguay, domestic workers of African or indigenous origin suffer from an additional wage penalty, as do female workers (ibid.). Using a different approach, research carried out in Indonesia evaluated the job content for different groups of domestic workers in Jakarta in terms of typical skill requirements, qualifications, working environment

<sup>106</sup> Ratified by 169 ILO member States (2 September 2012).

<sup>107</sup> The difference between the compared groups of workers is considered to be “unexplained” because the methodology used by Flückiger et al. controlled for a series of observable characteristics (age, education, etc.) when the difference in the earnings between the two groups of workers was estimated. This means that the difference in earnings between the two groups of workers cannot be explained by the observable characteristics included in the estimation.

and responsibilities. For comparison purposes, a similar job evaluation was conducted for some male-dominated sectors (construction, automotive industry). The study found that, on average, domestic workers (of different skill sets) received less than half the remuneration of workers in male-dominated sectors with comparable job evaluation levels (Savitri and Fajerman, forthcoming).

One reason for the low wages of domestic workers is their weak bargaining position. Because their workplace is a private household, domestic workers perform their duties to a large extent in relative isolation from other workers, often having to negotiate with two (or more) different employers. Domestic workers who live in the household for which they work (“live-in workers”) face particular isolation from other workers, leaving them even more vulnerable.<sup>108</sup> Domestic workers often have no co-workers, and long and unpredictable hours of work may make it exceptionally difficult for them to meet up with fellow workers to exchange experiences and information and to organize collectively.

Beyond these practical barriers, there tend also to be legal and administrative barriers limiting domestic workers’ right to organize, and domestic workers frequently do not benefit from trade union rights (see ILO, 2010a, pp. 83 ff.). In countries where they have the right to organize and to join and form trade unions, domestic workers have indeed done so, albeit with difficulty, due to the practical barriers to organizing. Such is the case in a number of countries in Latin America, Europe and Africa. In countries where domestic workers do not enjoy trade union rights, or where the administrative barriers to forming trade unions prevent them from realizing these rights, domestic workers have frequently formed other types of workers’ organizations, such as NGOs and cooperatives (see box 6.1). But even when relatively strong unions exist, traditional collective bargaining models are not very practical for a sector that is typically as dispersed, isolated and fragmented as the domestic work sector.

Moreover, migrant domestic workers who have been recruited through intermediaries in one country for employment in another country generally have little or no opportunity to engage in direct negotiations with the employing household. When their residence status is tied to their employment contract, they lack not only a voice but also an “exit” option, as they would have to return to their home country if they terminate their contact. Socio-cultural factors, such as language barriers, may also prevent domestic workers from engaging and negotiating with their employers. These factors also increase their vulnerability to abusive treatment, discrimination and unfair working conditions. Organizing migrant domestic workers is often a particular challenge, although some exceptions exist. For example, the nascent Network of Domestic Workers in Thailand counts many domestic workers from neighbouring Myanmar among its roughly 200 members.<sup>109</sup>

<sup>108</sup> Live-in workers may be subjected to restrictions on their freedom of movement outside working hours, which is problematic from a human rights point of view (Esim and Smith, 2004; United Nations, 2010).

<sup>109</sup> See *Report on the First National Conference of Domestic Workers in Thailand* (Bangkok, 8–9 October 2011), available at [http://www.ilo.org/asia/info/WCMS\\_174561/lang--en/index.htm](http://www.ilo.org/asia/info/WCMS_174561/lang--en/index.htm).

### Box 6.1 Towards strong and effective domestic workers' organizations\*

Despite the challenges of organizing in this sector, domestic workers around the world have for decades been building their own organizations. As early as 1881, washerwomen in the US state of Georgia organized in the thousands, and even went on strike (see Boris and Nadasen, 2008). In Brazil, the domestic worker movement goes back to 1936, when a domestic worker named Laudalina de Campos Mello started organizing domestic workers around São Paulo (see Secretaria Especial de Políticas de Promoção de Igualdade Racial, 2009). In South Africa, domestic workers began organizing in Cape Town in 1980 and, six years later, formed the South African Domestic Workers Union (SADWU) (see Ally, 2008). Many other historical examples exist throughout the world.

Nowadays, domestic workers' organizations can be found on every continent. As domestic workers face legal, administrative and practical barriers to accessing their rights to organize into trade unions and to bargain collectively, many domestic worker organizations exist without official recognition as a trade union. However, many of them are membership-based organizations that collect dues from their members, have democratic decision-making processes and promote an agenda for achieving legal and social change for domestic workers.

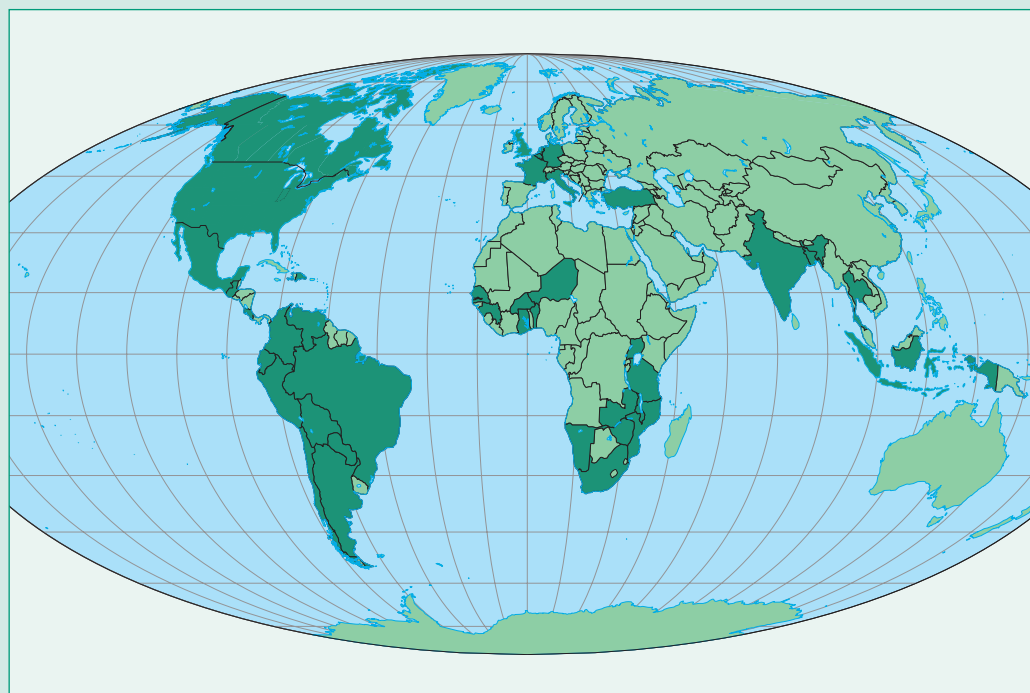
The largest international network of domestic workers is the International Domestic Workers' Network (IDWN). The IDWN was launched in 2009 to coordinate advocacy efforts around the ILO discussion of the new international labour standards on decent work for domestic workers, which took place at the 99th and 100th sessions of the International Labour Conference in 2010 and 2011. At the time of writing, the IDWN has reached out to member organizations on every continent, and in over 50 countries (see figure 6.2). By recruiting members, IDWN is in the process of building an international organization of membership-based domestic workers' organizations, based on democratic principles. A founding congress is planned for 2013.

Domestic workers' organizations have adopted a diversity of approaches and activities to improve the lives of domestic workers. In Hong Kong (China), six organizations of migrant domestic workers from various countries created a federation to strengthen their efforts. The Federation of Asian Domestic Workers' Unions (FADWU) then affiliated with the Hong Kong Trade Union Confederation in 2011, providing a good example of how domestic workers' organizations can affiliate to a trade union.<sup>1</sup> In New York, Domestic Workers United has won the first state law in the history of the United States to protect domestic workers (see Hobden, 2010), and is currently in the process of organizing neighbourhood-based Domestic Work Justice Zones to negotiate area-specific agreements on wages, benefits and terms of employment.<sup>2</sup> The Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) reached thousands of domestic workers by going door to door in five cities to recruit them (KUDHEIHA, 2011). In the Netherlands, FNV Bondgenoten organized a strike of domestic workers and cleaners to win a better collective agreement for cleaners. Finally, in Uruguay, domestic workers and a coalition of unions collaborated to achieve a national, sector-wide collective agreement in 2006 (MTSS, 2011).

Since the adoption of the Domestic Workers Convention, 2011 (No. 189), the International Trade Union Confederation (ITUC) has launched the "12 by 12" campaign, to achieve 12 ratifications of the convention by the end of 2012. As a result of this campaign, by March 2012, trade unions in over 70 countries, including many of the IDWN member organizations, had launched campaigns for domestic workers' rights (ITUC, 2012).

Indeed, domestic worker organizing is spreading, and it is likely that there are many more initiatives to organize domestic workers than summarized here. The current list, therefore, is far from exhaustive.

**Figure 6.2 Member organizations of the International Domestic Workers' Network (IDWN), May 2012**



**Africa:** Burkina Faso, Benin, Ghana, Guinea, Kenya, Malawi, Mali, Mozambique, Namibia, Niger, Senegal, South Africa, Tanzania, Uganda, Zambia, Zanzibar, Zimbabwe.

**Americas:** CONACTRAHO (including organizations in 15 countries: Argentina, Brazil, the Plurinational State of Bolivia, Chile, Colombia, Dominican Republic, Uruguay, Paraguay, the Bolivarian Republic of Venezuela, Peru, Mexico, Guatemala, Costa Rica, Canada, Ecuador, Jamaica, Trinidad & Tobago, United States, Canada).

**Europe:** Belgium, France, Germany, Italy, the Netherlands, Switzerland, United Kingdom.

**Asia:** Bangladesh, Hong Kong, India, Indonesia, the Republic of Korea, Nepal, Singapore, Sri Lanka, Taiwan (China), Thailand, Turkey.

\* This box was prepared by Claire Hobden (ILO Conditions of Work and Employment Branch).

<sup>1</sup> See the Federation of Asian Domestic Workers' Unions website: [www.fadwu.org](http://www.fadwu.org).

<sup>2</sup> See the Domestic Workers United website: <http://domesticworkersunited.org/index.php/en/our-work/campaigns>.

Source: International Domestic Workers' Network (IDWN), May 2012, available at <http://www.idwn.info/content/partners-domestic-worker-organizations>.

Collective bargaining is often also held back by the lack of strong and representative organizations for employers of domestic workers, which could serve as a counterpart in collective bargaining on wages and other working conditions. An exception is France, where the *Fédération des particuliers employeurs* (FEPPEM) has organized employers of domestic workers since 1949 and regularly concludes collective agreements with four trade unions. These agreements include a detailed schedule of wage rates by different skill levels and seniority, ranging from 8.91 euros to 10.65 euros per hour.<sup>110</sup> Other examples are Italy – where collective agreements have been signed since 1974 – Ireland and Belgium (see Gallotti, 2009). In the Belgian case, where domestic workers are usually employed through licensed enterprises under the *Titre-Service* programme, negotiations take place in a bipartite bargaining committee.<sup>111</sup>

## Minimum wages

Minimum wages are a classic tool for overcoming asymmetries in bargaining power or the lack of effective collective bargaining. In the words of the Minimum Wage Fixing Convention, 1970 (No. 131), one of their main objectives is to protect “disadvantaged groups of wage earners” against “unduly low wages”. As argued above, domestic workers are a particularly vulnerable group of workers in need of such protection. The Domestic Workers Convention, 2011 (No. 189), in Article 11, explicitly endorses minimum wage coverage for domestic workers:

Each Member shall 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 non-discrimination clause aims to address undervaluation and underpayment of domestic work resulting from discrimination based on sex, as envisaged in the Equal Remuneration Convention, 1951 (No. 100). Given the high proportion of women in the sector, minimum wages for domestic workers can also contribute to closing gender wage gaps.

Although enforcement of minimum wages is often weak and compliance by employers remains partial, minimum wages still have a noticeable impact on the wages of domestic workers. In South Africa, wages of domestic workers rose substantially after the introduction of a new minimum wage in 2002 (with a peak of the distribution around the new minimum wage level; see Dinkelman and Ranchhod, 2012). That many employers adjust their wages in line with a minimum wage even where the risk of sanctions is small might be linked to fairness perceptions and the special nature of the employer–employee relationship: where an employer pays below the new reference wage, this is likely to have negative impacts on the worker’s motivation and work

<sup>110</sup> See *Convention Collective Nationale des Salariés du Particulier Employeur, Avenant S36* dated 9 July 2009, available at <http://www.fepem.fr/documents/10163/19737/CCN+PE>.

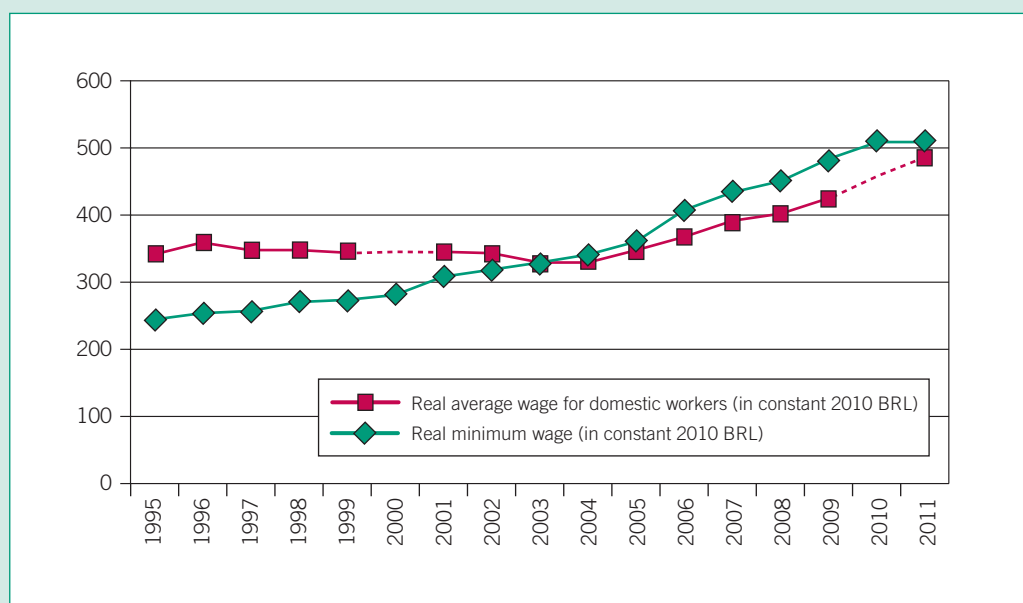
<sup>111</sup> Commission paritaire 322.00 pour le travail intérimaire et les entreprises agréées fournissant des travaux ou services de proximité.

### Box 6.2. Minimum wage increases and domestic workers in Brazil\*

Are minimum wages an effective tool to protect domestic workers against unduly low wages, or are they largely fruitless given the high degree of informality in the sector and weak enforcement mechanisms? Brazil provides an instructive case study regarding this question. With over 7 million domestic workers, the country is one of the largest employers of domestic workers worldwide (see Appendix II). One out of every six female workers is currently employed as a domestic worker in Brazil, with an even higher share among black female workers. As in other countries, domestic work is among the lowest paid professions and the level of informality is high – less than 30 per cent of all domestic workers hold a registered employment contract (*carteira assinada*).

Nonetheless, and despite the high incidence of informality, there is evidence that working conditions – and wages in particular – have improved substantially over the past decade or so. Since 2003, the Brazilian Government has (after consultation with the social partners) adopted a policy of gradual and predictable increases in the minimum wage. By 2011, the real minimum wage had grown by 55 per cent compared to its level in 2003. Domestic workers, whose wages had stagnated in real terms over the previous years, were among the primary beneficiaries of this policy: their monthly average wages grew from 333 Brazilian reais (BRL) in 2003 to BRL 489 in 2011 (both expressed in constant 2010 prices). This corresponds to a real increase of almost half (47 per cent), whereas the average wages of all wage employees only grew by one-fifth (20 per cent) in real terms over the same period.<sup>1</sup>

**Figure 6.3 Trends in real minimum wages and real average wages of domestic workers in Brazil, 1995–2011 (in constant 2010 BRL)**



Note: Real minimum wages and real average wages of domestic workers were calculated from nominal data provided by ILO/SIALC (Labour Analysis and Information System for Latin America and the Caribbean, Panama) and the Consumer Price Index from LABORSTA (re-based to 2010 = 100). No data are available for 2000 and 2010.

Sources: ILO/SIALC and LABORSTA (Consumer Price Index).



It is no surprise that the wages of domestic workers are particularly responsive to minimum wage increases, given that many of them are minimum wage earners. Almost half (46.4 per cent) of all registered domestic workers were paid exactly the minimum wage in 2008, as compared to only 15.5 per cent among other registered wage workers. Minimum wage increases therefore directly benefit a large share of those domestic workers who hold formal contracts. However, the effect of the minimum wage is broader: some 15.3 per cent of the unregistered (i.e. informal) domestic workers earned exactly the minimum wage, attesting to the importance of the minimum wage as a benchmark for wage negotiations in informal employment relationships. The influence of the minimum wage on wages in Brazil's informal sector was first recognized in the 1970s, and was named the *lighthouse effect* (*efeito farol*). The lighthouse effect is also evident with regard to other workers' rights, such as paid annual leave and the thirteenth month salary. Even with relatively low formalization rates, domestic workers in Brazil have therefore benefited from stronger worker protection.

\* This box was prepared based on inputs received from Janine Berg (ILO Policy Intergration Department).

<sup>1</sup> All data are based on ILO/SIALC (average wages, minimum wage) and LABORSTA (Consumer Price Index).

effort. Brazil is another example for the effectiveness of minimum wages as a tool for improving the working conditions of domestic workers (see box 6.2).

Many countries already use minimum wage legislation to set a wage floor for domestic workers. They have used one of two principal options: (1) including domestic workers into the coverage of a generally applicable national minimum wage, or (2) fixing specific minimum wages for domestic workers. The chosen approach often follows from the overall characteristics of the minimum wage system established in a given country.

In countries with national minimum wages, including domestic workers in the coverage ensures that workers in this sector benefit from the same rates as other workers, which is desirable from an equality perspective. It also avoids the need for separate procedures or mechanisms to determine and update specific rates for domestic workers. Examples of countries that have recently included domestic workers in their generally applicable national minimum wage rate are Chile, Portugal and Trinidad and Tobago. In Chile, domestic workers have been entitled to the national minimum wage since 1 March 2011.<sup>112</sup> This was achieved through progressively increasing the domestic workers' rate, which was previously set at 75 per cent of the general rate. Similarly, in Portugal the minimum wage rate applicable to domestic workers was gradually increased and, in 2004, a single national minimum wage was established for the first time, thus aligning the rate for domestic workers with that for other occupations. The Minimum Wages Order, 2005, of Trinidad and Tobago provides for a single national minimum wage applicable to the five sectors to which different rates were previously set by separate orders, including for "household assistants".

An alternative approach is for coverage to be provided under a system of sectoral or occupational minimum wages. For instance, in Argentina, where the national

<sup>112</sup> Note that Appendix III refers to the situation as of 31 December 2010, the cut-off date for the collection of data for the legal estimates. This information was maintained to generate consistent estimates with a common reference year (2010).

minimum wage does not cover domestic workers, minimum rates for five categories of domestic workers are set by the Ministry of Labour and Social Security Resolution. The various rates are established according to the living arrangement (live-in/live-out) and specific occupation (butler, maid, cook, tutor, etc.) of the worker.<sup>113</sup> In the United Republic of Tanzania, minimum wages are set for a number of sectors, one of which is domestic work. In this case, the legislation differentiates by the employer's capacity to pay and, based on this criterion, there are three rates for domestic services: (1) the employer is a diplomat or potential business person, (2) the employer is an entitled officer for domestic services provisions, and (3) other employers.<sup>114</sup> Minimum wage rates for domestic workers sometimes also differentiate by occupation, such as cook, driver or gardener (Mauritius), or by the region where the worker is employed (South Africa). Quite frequently, they are set on an hourly, weekly and monthly basis, with specifications as to the hours of work involved for daily or monthly rates.

Under the sectoral approach, special attention is needed to avoid an undervaluation of domestic work as there is the risk that minimum wages are set systematically lower for domestic workers and other female-dominated sectors than for male-dominated sectors with similar skills profiles.<sup>115</sup> For instance, the United Republic of Tanzania's 2010 Wage Order sets the lowest monthly minimum wage for domestic workers – of whom more than 80 per cent are women – at 5,000 Tanzanian shillings (TSh) (about US\$41), which compares with rates between TSh 150,000 and TSh 350,000 (between US\$95 and US\$220) for mining, where almost 90 per cent of all workers are men.<sup>116</sup> Here, minimum wages have the unintended consequence of reinforcing gender wage differentials. However, sectoral or occupational rates can allow countries without a general minimum wage to protect domestic workers. For instance, Austria has strong collective bargaining institutions to set wage rates in most sectors. This allows Austria to target minimum wages at domestic workers and a few other occupations, such as caretakers and nursery teachers. In 2012, Namibia – another country without a general minimum wage – formed a Wages Commission to recommend a new minimum wage for domestic workers (see box 6.3).

More than half of all domestic workers enjoy minimum wage coverage under one of the various mechanisms. Some 26.9 million domestic workers (or 51.3 per cent of the total)<sup>117</sup> are entitled to a minimum wage on par with that applicable to other groups of workers, and another 3.1 million (or 5.9 per cent of the total) entitled to a minimum wage below the general level (see figure 6.4). Some of these specific minimum wages

<sup>113</sup> Ministry of Labour and Social Security: Fija remuneraciones para el personal de trabajo doméstico, Resolución 1297/2010, 12 November 2010 (Buenos Aires).

<sup>114</sup> The Regulation of Wages and Terms of Employment Order, 2010, Subsidiary legislation, *Gazette of the United Republic of Tanzania*, No. 18, Vol. 91, 30 April 2010.

<sup>115</sup> Occupational minimum rates applicable to domestic workers are often among the lowest minimum (ILO, 2008b).

<sup>116</sup> Based on and analysis of the micro-data of the 2006 Tanzania Integrated Labour Force Survey.

<sup>117</sup> This figure includes a small minority (0.3 per cent of the total) where the minimum wage for domestic workers is higher than the general minimum wage, and a larger group (9.6 per cent of the total) where a comparison to a benchmark minimum wage was not possible.



### Box 6.3 The Wages Commission for Domestic Workers in Namibia

With some 36,000 domestic workers throughout Namibia, private households are a significant source of employment in the country, accounting for 10.9 per cent of total employment in 2008 (see MLSW, 2010). Unlike in many other countries, Namibian labour legislation covers domestic workers and gives them the same entitlements to employment protection, weekly rest and maternity leave that other employees enjoy. However, in practice their working conditions are often unregulated and employment relationships are typically informal (see Budlender, 2011b). According to the 2008 Namibia Labour Force Survey, only 5,500 domestic workers in the country had a written contract, while more than 80 per cent of domestic workers were employed on the basis of a verbal agreement. Entitlements therefore remain difficult to enforce, and fewer than one-third of all domestic workers said that they could take paid annual leave and paid sick leave (*ibid.*, pp. 55 ff.). And despite an obligation on employers to pay social security contributions for any domestic worker who works for at least one day per week, fewer than 20 per cent of all domestic workers were actually registered with the Social Security Commission (SSC) (see MLSW, 2010, p. 102).

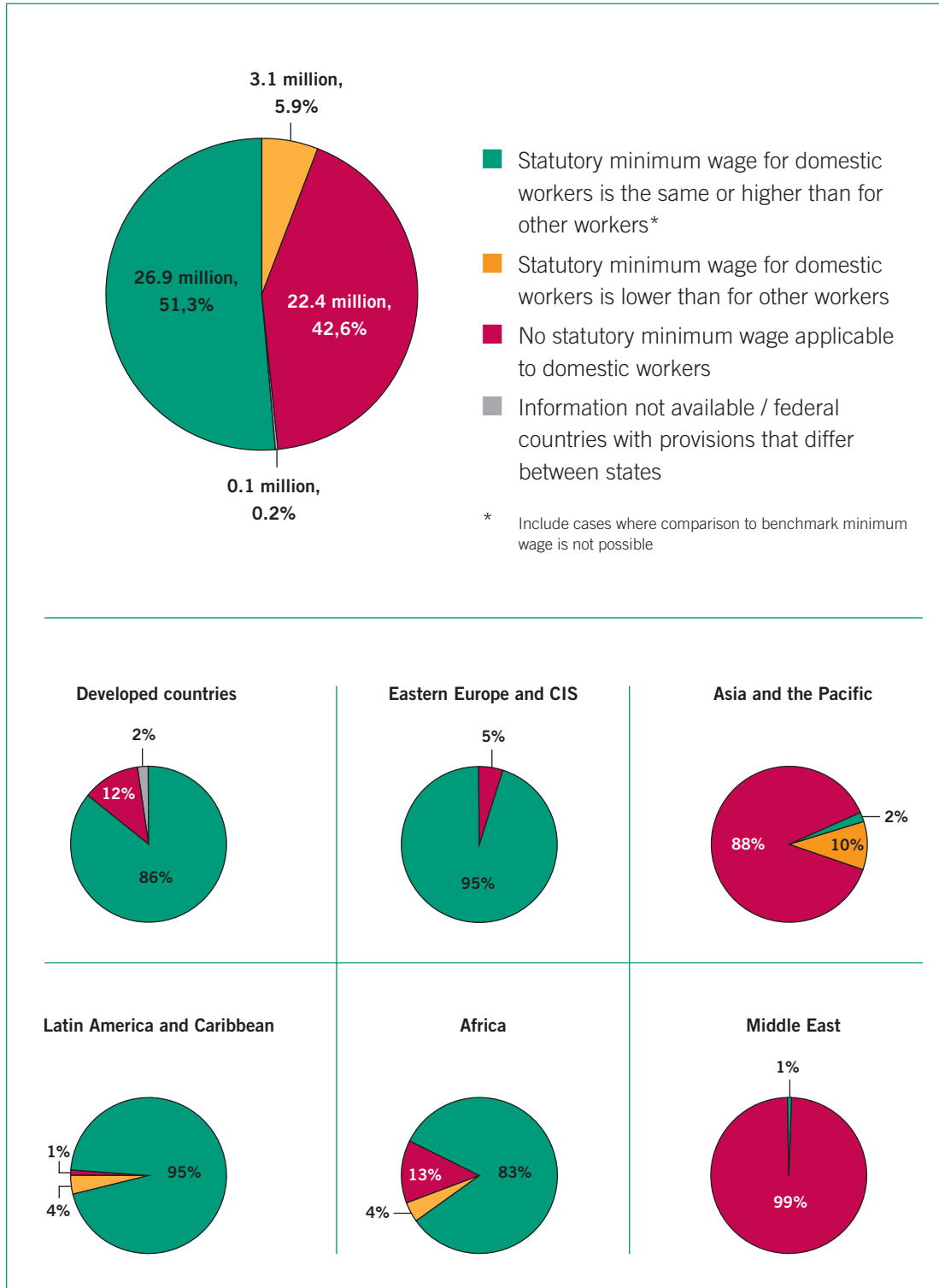
Wages are another area of vulnerability. According to the same survey, 60 per cent of all domestic workers earned less than 600 Namibian dollars (N\$) (about US\$70) per month. Such extremely low wages are far less common in private enterprises (where fewer than a quarter of employees were affected) and the public sector (with fewer than a tenth affected). One reason for the prevalence of low pay is the absence of collective agreements for most domestic workers. Currently, only those who work on farms or lodges are covered as part of a 2009 agreement for the agricultural sector, which was extended by the Minister to bind all employers in the sector. Domestic workers who are employed by non-farm households are therefore not even entitled to the hourly minimum wage of N\$2.87 for farm workers (or N\$115 for a 40-hour working week, equivalent to US\$13.50). Unsurprisingly, low salaries were among the most frequent complaints that domestic workers voiced in a series of interviews with Namibia's Labour Resource and Research Institute (LaRRI, 2008).

To address the situation, the Government of Namibia recently appointed a Wages Commission for Domestic Workers. It is the first time since independence in 1990 that a Wages Commission has been established in Namibia, and follows strong support from the social partners. Chaired by the former Deputy Prime Minister Dr Libertine Amadhila, the five-member Commission includes one member nominated by the trade unions and one who was appointed at the recommendation of the employers' federation. It has a broad mandate to recommend a new minimum wage for domestic workers, to investigate other conditions of employment and to make recommendations on the protection of child domestic workers. According to the Commission's terms of reference, its investigation will be guided by the existing Namibian legislation and the Domestic Workers Convention, 2011 (No. 189). With the assistance of the ILO, the Commission commenced its work in May 2012 in a three-day induction workshop and plans to hold a series of hearings across Namibia before submitting its final report in early 2013.

are substantially lower than those for other workers. For instance, domestic workers in Lesotho are entitled to 350 maloti (M) per month (about US\$45) when they have less than 12 months' tenure, as compared to a general minimum wage of M 935 per month (US\$120).<sup>118</sup>

<sup>118</sup> See Kingdom of Lesotho: *Gazette* No. 69 of 14th of October, 2011 (Supplement No. 1).

**Figure 6.4 Minimum wage coverage for domestic workers, 2010**



Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

Nonetheless, domestic workers are frequently excluded from minimum wage coverage – despite the fact that some form of minimum wage legislation is almost universally in place (see ILO, 2010e). For example, Japan and the Republic of Korea both have minimum wage systems in place, but their minimum wage Acts exclude domestic workers from their scope. In Indonesia, minimum wage legislation is only applicable to enterprises and hence excludes private households as employers.<sup>119</sup> These exemptions cause a significant gap in protection: some 21.5 million domestic workers are not covered in countries where there are minimum wage regulations in place. By contrast, only 0.8 million domestic workers lack coverage because they work in a country without minimum wage setting institutions (not tabulated). In total, some 22.4 million domestic workers (or 42.6 per cent of the total) are not entitled to any minimum wage, and are therefore left vulnerable to abusive wage practices.

The data show a significant regional variation. Minimum wage coverage on an equal footing with other workers exists for a large majority of domestic workers in developed countries (86 per cent), Eastern Europe and the CIS countries (95 per cent), Latin America and the Caribbean (95 per cent) and in Africa (83 per cent). In contrast, the overwhelming majority of domestic workers in Asia and the Middle East remain unprotected. About 88 per cent of domestic workers in Asia and 99 per cent in the Middle East are not entitled to a statutory minimum wage. Given that the primary objective of minimum wage legislation is to protect vulnerable workers at the bottom of the wage distribution, this is a serious gap in coverage.

India is one of the countries where domestic workers have traditionally not been covered by minimum wage legislation. However, some progress has recently been made in some Indian states: among other advances, Andhra Pradesh and Rajasthan added domestic workers to the list of scheduled employments for which minimum wages are fixed in 2008, and Bihar included domestic workers in 2009.<sup>120</sup> The Task Force on Domestic Workers recommended in 2010 that domestic workers should be included on the central list of scheduled employments under the Minimum Wage Act of 1948 and that states that have not yet set a minimum wage follow in setting specific wage rates for domestic workers.<sup>121</sup>

On the whole, there are nonetheless parallels with the exclusion of domestic workers from working time regulation, which is prevalent in the same regions (see Chapter 5). In fact, the two issues are linked: minimum wages regulate permissible wage rates in relation to a specific working time. Therefore, when working time is undefined or not recorded, hourly minimum wage rates are in fact meaningless. In deliberations in Hong Kong (China), where foreign domestic helpers are covered by a

<sup>119</sup> For Japan, see Minimum Wages Act 1959, para. 2(1); for Korea, see Minimum Wage Act 1986, para. 3; for Indonesia, see Law on Manpower Affairs 2003 paras. 1, 90.

<sup>120</sup> See Ministry of Labour and Employment: *Report on the working of the Minimum Wage Act, 1948*, for the years 2008 and 2009.

<sup>121</sup> See Ministry of Labour and Employment (2011). Note that for the purposes of the global and regional estimates (which refer to 2010), India is still considered to have no minimum wage for domestic workers because the overwhelming majority of domestic workers in the country were not protected at the time and there was no federal minimum wage.

monthly Minimum Allowable Wage, this was used as a justification to exclude live-in domestic workers from the new Statutory Minimum Wage (SMW), which is calculated on an hourly basis.<sup>122</sup>

It is common knowledge that domestic duties are multifarious and can vary day in day out, depending on the prevailing needs of the employer and his/her family members. Since the proposed SMW would be calculated on an hourly basis, it would be impossible to ascertain the actual hours worked so as to determine the wages to be paid.<sup>123</sup>

When introducing the new minimum wage that will take effect on 1 January 2013, Malaysia followed Hong Kong's example and exempted domestic workers from the coverage on similar grounds. By contrast, South Africa took the opposite approach and the Sectoral Determination 7 for the Domestic Work Sector<sup>124</sup> regulates working time and respective hourly, weekly and monthly minimum wage rates. Just under half of all countries and territories follow the same approach and regulate both the minimum wage and the weekly hours of domestic workers, while a quarter exclude domestic workers from the scope of either working time regulation or minimum wage coverage (for details, see Appendix III).

A specific problem relates to *au pairs*, usually young women who stay with a household in a foreign country to carry out childcare duties and housework in exchange for board and lodging. Although the functions they perform for the host family are similar to those of live-in domestic workers (see Cox, 2007), they are generally not considered to be workers and are hence often not covered by minimum wage legislation. For instance, the United Kingdom exempts them from the national minimum wage and limits the "reasonable allowance" for up to 25 hours of work to no more than 55 pounds per week.<sup>125</sup> By contrast, Austria – which does not have a general minimum wage – has introduced a specific minimum wage that guarantees *au pairs* a monthly wage of at least 376 euros (and limits working time to 20 hours per week).<sup>126</sup>

<sup>122</sup> The monthly Minimum Allowable Wage for foreign domestic helpers is currently 3,740 Hong Kong dollars (HK\$) (plus free food). This compares with an hourly Statutory Minimum Wage of HK\$28, which corresponds to HK\$5,824 in a month with 30 days that starts on a Monday, with a standard six-day working week and 8 hours per day. See the Minimum Wage Reference Calculator ([http://www.labour.gov.hk/eng/erb/smw\\_cal/smw\\_cal.html](http://www.labour.gov.hk/eng/erb/smw_cal/smw_cal.html)) and the press release "Minimum Allowable Wage and food allowance for foreign domestic helpers" dated 1 June 2011 (<http://www.info.gov.hk/gia/general/201106/01/P201106010151.htm>).

<sup>123</sup> Legislative Council Brief: Minimum Wage Bill, available at [http://www.legco.gov.hk/yr08-09/english/bills/brief/b24\\_brf.pdf](http://www.legco.gov.hk/yr08-09/english/bills/brief/b24_brf.pdf), p. 5.

<sup>124</sup> See Sectoral Determination 7: Domestic Worker Sector, South Africa (Government Gazette No. 23732, 15 August 2002).

<sup>125</sup> See *Immigration Directorates' Instructions*, Chapter 4, Section 1, Annex A, "Au Pair Placements" (March 2004).

<sup>126</sup> Mindestlohnentarif für Au-Pair-Kräfte (M 22/2011/XXV/99/1), Bundesgesetzblatt für die Republik Österreich, Jahrgang 2011, Teil II, published on 16 December 2011.

## In-kind payments

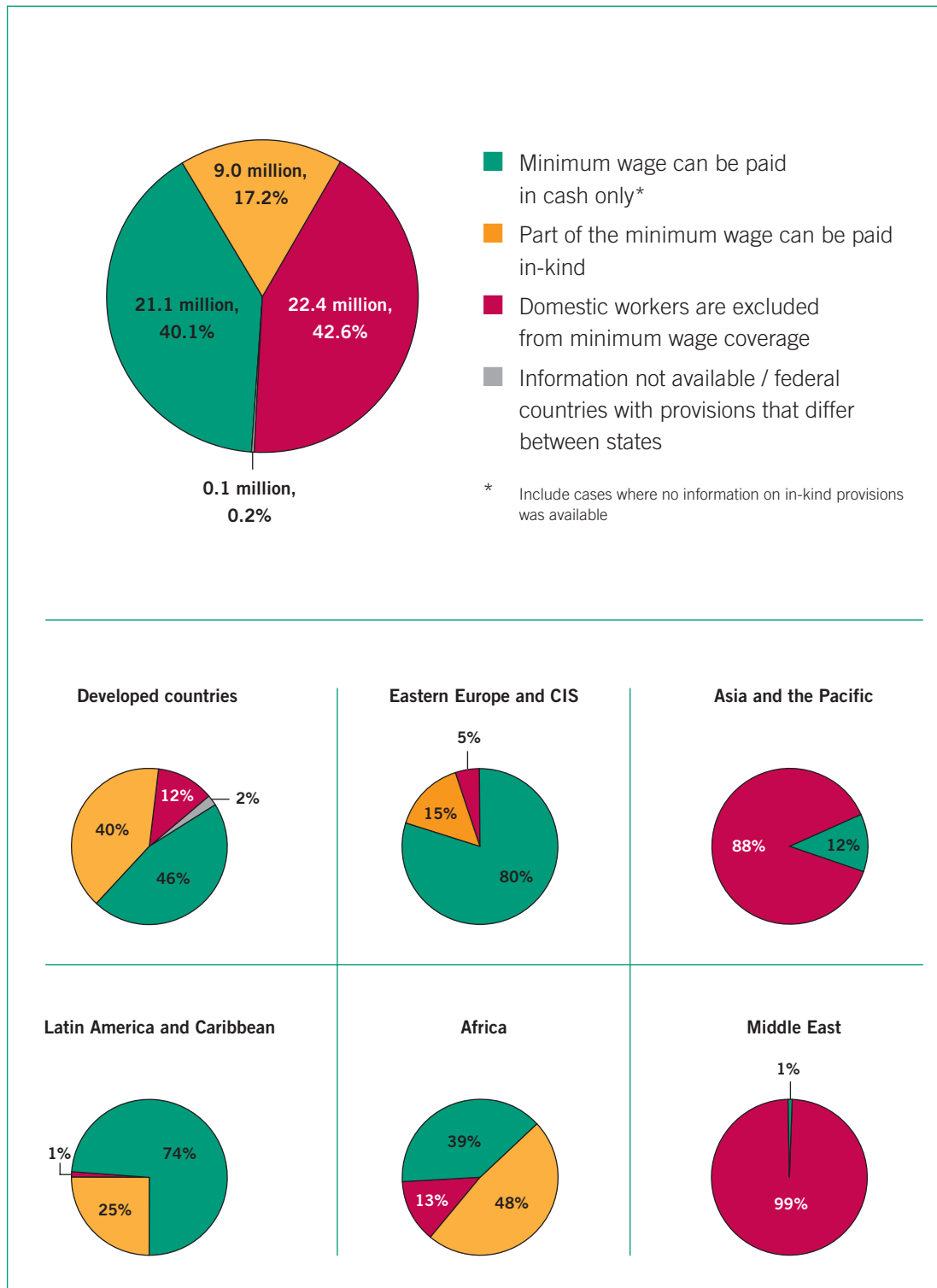
Regardless of the level of remuneration, domestic workers are particularly vulnerable to abusive practices with regard to the payment of wages. Payment in kind continues to be customary in the domestic work sector in many parts of the world, particularly in the form of accommodation and food. While this can be in the interests of the worker and the worker's family, these in-kind payments bear the potential for abusive practices – especially when the value attributed to the in-kind payments is excessive, or when the in-kind payments are unilaterally imposed by the employer. In particular, residence in the household might be an employer-required term of employment that primarily serves the employer's desire to receive round-the-clock services. Excessive deductions can also greatly reduce the already low amount of wages that is paid in money, and hence undermine domestic workers' economic independence and their freedom to decide how to spend their earnings.

The Protection of Wages Convention, 1949 (No. 95), therefore obliges countries that authorize the partial payment of wages in kind to put certain safeguards into place to prevent abuses. However, the Convention also allows ratifying countries to “exclude from the application of all or any of the provisions of the Convention categories of persons [...] who [...] are employed in domestic service or work similar thereto” (Article 2.2.). The Domestic Workers Convention, 2011 (No. 189), therefore aims to put domestic workers on an equal basis with other workers. Provisions found in the Protection of Wages Convention, 1949 (No. 95), therefore resonate in Article 12(2) of the new instrument:

National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind that are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

The Convention therefore does not prohibit deductions for food and accommodation, but requires treatment on par with other workers and the institution of certain safeguards. To prevent abusive practices, many countries have already adopted safeguards that either strictly limit the proportion of the remuneration that may be paid through allowances in kind or that establish maximum amounts that can be deducted for accommodation or meals. For example, in Uruguay up to 25 per cent of the total remuneration can be paid in kind, and Switzerland has established a maximum amount that can be deducted per day for meals and lodging. Moreover, the laws may clarify that no deductions can be made for domestic workers' uniforms or work tools, which cannot be considered part of remuneration (but are basic work equipment provided by the employer).

In some countries, payments in kind are not permitted at all. Brazil's new law on domestic workers, the *Nova Lei do Emprego Doméstico* (No. 11.324), prohibits any deductions for lodging and meals (and strengthens domestic workers' legal position in

**Figure 6.5 Permissible in-kind payments of minimum wages, 2010**

Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

a number of other areas). Similarly, in the Canadian province of Quebec, an employer may not deduct an amount for room and board from a domestic worker who is housed or takes meals in the employer's residence. In France, the applicable collective agreement provides that no deductions for accommodation can be made where the worker is hired to be present during night hours. In Bolivia, the law generally does not allow for any payments in kind for domestic workers.

These provisions are particularly relevant in the context of minimum wages, which are frequently protected as cash payments. For example, the minimum wage can be paid in cash in Australia, Austria, Ireland, the United Kingdom and the United States and most countries in Eastern Europe. Likewise, no deductions from the minimum wage are permitted in the Philippines, Algeria, Burkina Faso and Zimbabwe, and across most of Latin America (see Appendix III). In total, some 21.1 million domestic workers worldwide (40.1 per cent of the total) are entitled to receive the entire minimum wage in cash (see figure 6.5). Under national legislation, deductions from the minimum wage rate for in-kind payments can be made for 9.0 million domestic workers (just above 17 per cent). Finally, in line with the case of the entitlement to minimum wages, 22.4 million domestic workers (42.6 per cent) are excluded from minimum wage coverage and hence the protection of the cash content of minimum wage is not applicable.

Again, a substantial regional variation can be observed (see figure 6.4). While in-kind payments of the minimum wage are frequently allowed in the developed countries and in Africa, the minimum wage is commonly guaranteed as a cash payment for domestic workers in Latin America and the Caribbean (74 per cent) and in Eastern Europe and the CIS countries (80 per cent). Due to lack of minimum wage coverage, such guarantees are usually not applicable in Asia and the Middle East. In some countries, low minimum wages and permissible deductions can severely erode the guaranteed cash remuneration of domestic workers. An extreme case is the United Republic of Tanzania, where the 2010 Wage Order permits deductions for live-in domestic workers of up to 68 per cent from the minimum wage rate. Applied to the lowest minimum wage rate of TSh 65,000, this leaves domestic workers with monthly cash incomes of only TSh 20,800 (or US\$13). Deductions from the minimum wage are not permissible in any other sector.

The regulation of in-kind payments for domestic workers contrasts with the rules applicable to seafarers, another group of workers who are commonly provided with food and lodging at their place of work. More than 60 years before the adoption of the new standards for domestic workers, the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), already required the "provision of food and water supplies which, [...], are suitable in respect of quantity, nutritive value, quality and variety". Likewise, the Accommodation of Crews Convention, 1946 (No. 75), regulated ventilation, heating and minimum floor space for accommodation on ships. The Maritime Labour Convention of 2006, which revises the earlier standards, explicitly states that "[s]eafarers on board a ship shall be provided with food free of charge during the period of engagement" (Regulation 3.2). Although the same Convention goes into great detail regarding the accommodation of seafarers on ships (mentioning the installation of reading lamps at the head of each berth), it does not contain any corresponding provision that accommodation has to be provided free of charge – this was apparently taken for granted by the Committee members who drafted the Convention.



## Summary

As this chapter has shown, domestic workers frequently receive extremely low wages. While this can partly be attributed to the fact that the formal skill requirements are relatively low, other factors play a significant role. For example, innate skills required for domestic work are often overlooked and not recognized on the basis that “any woman can do this type of work”. Further, the bargaining position of domestic workers is often weak, especially in the face of high employment and where domestic workers lack strong representative organizations. These factors lead to lower wages for domestic workers than one would otherwise expect, given the skill level and work content of domestic work. Protecting vulnerable workers from unduly low wages is, of course, a classical motivation for minimum wages. The Domestic Workers Convention, 2011 (No. 189), therefore states that “domestic workers enjoy minimum wage coverage, where such coverage exists”.

At present, just over half of all domestic workers already enjoy such protection on an equal basis with other workers, while lower sectoral or occupational minimum wage rates apply to approximately 5.9 per cent of the world’s domestic workers. This leaves a large coverage gap for 22.4 million domestic workers (or 42.6 per cent of the total), although some countries, such as Namibia, have recently taken steps to set new minimum wages for domestic workers. Deductions from wages for food and housing constitute another area of vulnerability. Such partial “in-kind payments” of the minimum wage are common, even where workers are required to live at their employer’s premises. Here, the Convention stipulates that that proportion that can be paid in kind is limited and that the practice with respect to in-kind payments is brought into line with that applicable to other workers.



## Chapter 7. Maternity protection

More than 80 per cent of all domestic workers are women, many of whom are of childbearing age (see Chapter 3). But while they help their employers to combine care duties with work outside the household, they often encounter particular difficulties in reconciling work with starting their own family. As this chapter shows, more than a third of domestic workers are excluded from key maternity protection provisions, such as maternity leave and income replacement during their leave (in the form of maternity cash benefits).<sup>127</sup> Pregnancy therefore often entails job loss for domestic workers (see ILO, 2010a, p. 63). In the case of migrant domestic workers, some countries link work permits to a negative pregnancy status. For example, Singapore requires foreign domestic workers to undergo a medical examination for infectious diseases and pregnancy every six months. A failure of the test results in immediate repatriation.<sup>128</sup> Similar policies and approaches exist at various levels in other countries. While international labour standards and the national legislation of most countries provide for protection from dismissal during pregnancy, the informal nature of the employment relationship often enables employers to lay off pregnant domestic workers without fear of recourse from the worker. They have a particular incentive to do so where the payment of maternity benefits is the employer's responsibility and is not covered by a social insurance fund.

Under international labour standards, domestic workers enjoy the same maternity protection as other workers. For example, the Maternity Protection Convention (Revised), 1952 (No. 103), explicitly includes those who perform “domestic work for wages in private households” (Article 3(h)) and the Maternity Protection Convention, 2000 (No. 183), “applies to all employed women, including those in atypical forms of dependent work” (Article 2(1)). Convention No. 183 has two key aims: first, to ensure that work does not threaten the health of women and their new-borns during pregnancy and nursing, and second, that maternity and women's reproductive roles do not jeopardize their economic security. The Convention defines the five core elements of maternity protection at work, namely: maternity leave; cash and medical benefits; employment protection and non-discrimination; health protection; and breastfeeding arrangements at the workplace.

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<sup>127</sup> For further details on maternity protection for domestic workers, see the Domestic Work Policy Brief No. 6 (ILO, forthcoming) on which this chapter draws extensively.

<sup>128</sup> Ministry of Manpower, Singapore: *Working Permit (Foreign Domestic Worker) – Inform MOM 6-Monthly Medical Examination* (2011), at <http://www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/inform-mom/Pages/medical-examination.aspx>

The Domestic Workers Convention, 2011 (No. 189), addresses maternity protection in the context of social security protection and establishes in Article 14(1) that:

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.

The Convention recognizes that the measures to ensure social security protection in case of maternity for workers employed by private households need to be adapted to the specific context and features of domestic work, but also stipulates that they should provide domestic workers with entitlements that are at least as good as those applicable to other workers. Given that some countries will face challenges to adapt current practice in the short term, Article 14(2) allows for a progressive implementation of the measures.

Extending maternity protection to domestic workers will be a crucial element to improving the working conditions in a highly feminized sector, and to strengthening their rights as women workers. The following sections focus on two key elements where progress could be made rapidly by bringing domestic workers under the coverage of existing provisions, namely maternity leave and maternity cash benefits. While many countries already have systems in place that include domestic workers, a large number of workers are still excluded from these two basic entitlements. The chapter then turns to other elements of a comprehensive maternity protection policy for domestic workers.

## Maternity leave

Maternity leave is necessary to protect the health of the mother and child, and is key to placing women on an equal footing with men in the labour market. The Maternity Protection Convention, 2000 (No. 183), identifies a single criterion for entitlement to claim maternity leave: that the pregnant woman has to provide a medical certificate stating the presumed date of childbirth (Article 4.1). Imposing additional eligibility criteria on women – such as providing notice to the employer within a specified time frame, continued employment for a certain period of time, minimum working hours, restrictions on the number of times maternity leave can be claimed and citizenship requirements – decreases the likelihood that women will benefit from maternity leave. Pregnant women who are deemed ineligible for maternity leave are placed at a serious disadvantage. They may be fired, forced to quit their jobs – despite mounting family-related costs – or face undue health risks.

In addition to restrictive eligibility criteria, domestic workers frequently face exclusion from maternity leave protection when the scope of national legislation is not clearly defined. Given the historical exclusion of domestic workers from labour legislation and the widespread acceptance of informal employment arrangements, legislation that is silent on this issue hinders domestic workers from claiming their rights and can

**Figure 7.1 Entitlement to maternity leave for domestic workers under national legislation, 2010**

Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

bolster employers looking to shirk their obligations. Domestic workers' right to maternity leave should not be doubted and should be enshrined in clear and decisive legislation that provides protection to all domestic workers.

The entitlement to maternity leave is a major concern in the domestic work sector. Fewer than two-thirds of all female domestic workers are entitled to maternity leave under national legislation (not considering additional exclusions due to restrictive eligibility criteria). Approximately 27.6 million women domestic workers (63.3 per cent of all female domestic workers) are entitled to leave periods of at least the same duration as other workers (see figure 7.1). A further 0.3 million (0.7 per cent of the total) have some entitlement to maternity leave, but the duration is shorter than for other workers. In contrast, 15.6 million women employed by private households (or 35.9 per cent of the total) have no legal entitlement to maternity leave at all. This lack of coverage is due to the exclusion of domestic workers from existing provisions that establish the right to maternity leave for other types of workers, which are almost universally in place (see ILO, 2010f).

The eligibility for coverage by maternity leave legislation varies considerably between regions. In the Middle East, domestic workers are generally excluded from maternity leave. In Asia, three out of four domestic workers lack the right to take maternity leave. Likewise, substantial proportions are excluded in the developed countries (32 per cent) and in Eastern Europe and the CIS (41 per cent). By contrast, virtually all domestic workers in Africa and Latin America and the Caribbean have the right to maternity leave (although sometimes on less favourable terms than other workers).<sup>129</sup> Following intense lobbying by domestic workers unions, South African domestic workers are now entitled to at least four months of maternity leave, paid by the Unemployment Insurance Fund, a compulsory contributory social security system.<sup>130</sup> Moreover, in Bolivia, the Labour Code provides domestic workers with better maternity leave entitlements than other workers, an exceptional example of more than equivalent maternity leave provisions for this category of workers. Domestic workers benefit from a total of 90 days of maternity leave, rather than the 60 days applicable to other workers.

## Maternity cash benefits

Adequate cash benefits during maternity leave provide female workers with some economic security. This short-term financial assistance substantiates the right to maternity leave. Without income replacement, most workers cannot afford to suspend their economic activity and are forced to compromise their health in order not to forgo earnings. Domestic workers in particular face a number of obstacles to claiming these cash benefits. The informality of their work often impedes their affiliation with maternity benefits schemes, even where they are entitled to join. The irregularity of informal

<sup>129</sup> In Latin America and the Caribbean all women domestic workers are covered by maternity leave entitlements that are the same as or more favourable than for other workers, but in Africa, 8 per cent of the women domestic workers in the region are entitled to maternity leave that is shorter than for other workers (i.e. less favourable).

<sup>130</sup> See South Africa's Sectoral Determination 7. For further details on the origins of the provision, see Fish (2005).

Figure 7.2 Entitlement to maternity cash benefits for domestic workers under national legislation, 2010



Note: See Appendix I for detailed notes on the methodology used to generate the legal coverage estimates and Appendix III for coverage of working conditions laws by country.

Source: ILO estimates based on data from official sources.

employment makes it an unreliable source of income for social security contributions (ILO, 1999) and the use of payments in kind exacerbates the income instability. Domestic workers, especially women, are therefore disproportionately affected by loss in wages and are less likely to maintain the consistent period of contributions to social security schemes that is often a prerequisite to receiving benefits (ILO, 2010g). Moreover, many domestic workers face a blanket exclusion from maternity benefit legislation and associated social insurance schemes.

The Maternity Protection Convention, 2000 (No. 183), prescribes that maternity leave benefits “shall be provided through compulsory social insurance or public funds” (Article 8). This provision is aimed at protecting the situation of women in the labour market by exempting employers from individual liability for these benefits, hence removing a disincentive for hiring women workers (and also removing an incentive to dismiss pregnant workers). The provision of maternity benefits through social insurance or public funds is particularly relevant for domestic workers because employers – who are private households – will often not be in a position to continue paying a substantial proportion of a domestic worker’s wage during her maternity leave, which will last for several months.

Some 39.6 per cent of all women domestic workers (or 17.3 million) are not entitled to maternity cash benefits (see figure 7.2.). As in the case of maternity leave, such entitlements are absent in the Middle East, and more than three-quarters of domestic workers in Asia are excluded from any entitlements. Likewise, a substantial proportion of domestic workers in the developed countries (33 per cent) and in Eastern Europe and the CIS countries (41 per cent) lack entitlements to maternity cash benefits. By contrast, more than 90 per cent of all domestic workers in Africa and in Latin America and the Caribbean and Latin America are in principle entitled to maternity cash benefits under national legislation (exceptions are Argentina, Bolivia and Egypt; see Appendix III).

One country with such an entitlement is South Africa, where four months of maternity leave are paid by the Unemployment Insurance Fund, a compulsory contributory social security system that was introduced by the Basic Conditions of Employment Act (2002). A key success factor was government’s sectoral approach. Strategies focusing on domestic workers and their employers were developed to overcome non-compliance and enforce the law (Samson, 2009). In Uruguay, a tripartite commission for equal opportunities led to the adoption of the Domestic Service Law (2008), which establishes better working conditions for domestic workers, including maternity benefits. This initiative has been crucial in substantially reducing the share of undeclared domestic workers (ILO and UNDP, 2009). In 2010, El Salvador launched a national campaign to extend social security coverage to domestic workers. Maternity cash benefits are paid at 100 per cent of the insured salary for 12 weeks, complemented with access to outpatient health-care services for the worker and her children up to the age of 12 years. The scheme is based on voluntary monthly contributions by workers and employers and provides employers with income tax breaks to promote take-up (ILO, 2012c).

Even where insurance is mandatory for domestic workers, many employers do not comply with the obligation to register their workers with the social insurance fund. For instance, in Namibia, the Maternity Leave, Sick Leave and Death Benefits Fund (MSD Fund) explicitly covers domestic workers, and employers are obliged to register any

domestic worker who works at least one day per week with the Social Security Commission (SSC). Nonetheless, according to the 2008 Namibia Labour Force Survey, only 6,200 of the country's 36,000 domestic workers were actually affiliated to the SSC (see MLSW, 2010, p. 102). How to improve effective coverage is therefore one of the topics currently being investigated by the new Wages Commission for Domestic Workers (see box 6.2). Brazil, which started from a similar position in the mid-1990s, has already managed to substantially increase the proportion of domestic workers who are contributing to the Social Security Institute, from 18.2 per cent in 1993 to 30.6 per cent in 2007.<sup>131</sup> The Institute covers 120 days of paid maternity leave for all insured domestic workers.

These examples show that including domestic workers within any legislation on maternity cash benefits is only a first step towards more effective maternity protection for this group of women workers. It needs to be complemented with efforts to formalize the domestic work sector and to improve implementation of existing provisions through public awareness raising and enforcement. Another area that deserves attention is that of restrictive qualifying conditions, such as an extensive minimum period of social security contributions or a very low threshold for means-tested benefits paid out of public funds.

## Other elements of maternity protection

While maternity leave and associated cash benefits are the most visible aspects of maternity protection, other important elements – such as employment protection and non-discrimination, health protection and breastfeeding arrangements at the workplace – complement them under the Maternity Protection Convention, 2000 (No. 183). Data on these aspects are less readily available and, for this reason, no coverage ratios are provided in this chapter. Most obviously, protection against dismissal – and the right to return to work after the maternity leave – is a necessary addition to maternity leave and cash benefits. It is not uncommon for an employer to terminate the employment upon learning that the domestic worker is pregnant, or to replace the domestic worker during her maternity leave and then refuse to continue employment once she can return to work. The Termination of Employment Convention, 1982 (No. 158), explicitly declares in Article 5(d) that pregnancy is an invalid reason for dismissing a worker. Likewise, the Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (ratified 1983), obliges countries to prohibit dismissal on the grounds of pregnancy (see Article 11.2.a). In most countries, this rule is part of the generally applicable labour legislation.<sup>132</sup> In addition, the Maternity Protection Convention, 2000 (No. 183), provides guidance on legislation protecting domestic workers from discrimination through employment termination and exclusion, including through a prohibition of pregnancy testing (Articles 8 and 9).

<sup>131</sup> See Instituto Brasileiro de Geografia e Estatística (IBGE), FDT240 - Contribuintes de instituto de previdência no trabalho principal, na população de 10 anos ou mais de idade, ocupada - Serviços domésticos, at: <http://series estatisticas.ibge.gov.br/series.aspx?vcodigo=FDT240> Retrieved in June 2012.

<sup>132</sup> Several legal examples may be found in EPLex, the ILO's database on employment protection legislation.



Where domestic workers are not yet covered by legal protection from discrimination based on pregnancy, consideration should be given to introducing such provision. For example, in South Africa the dismissal of an employee on account of her pregnancy, intended pregnancy or any reason related to her pregnancy is automatically deemed unfair.<sup>133</sup> The definition of dismissal in section 186 of the Labour Relations Act, 1995, includes the refusal to allow an employee to resume work after she has taken maternity leave in terms of any law, collective agreement or her contract. Likewise, Brazil's Act No. 11.324, section 4(a), prohibits dismissal of a domestic worker without just cause from the time a pregnancy is discovered until five months after the delivery.

Apart from a protective legal framework, comprehensive approaches to combating the multiple forms of maternity-based discrimination in domestic work also include the establishment of reliable, accessible and efficient judicial systems and complaints mechanisms. Some governments have created specialized authorities to deal with discrimination cases. For instance, in Hong Kong (China), the Equal Opportunities Commission is a statutory body responsible for implementing the sex discrimination ordinance, which covers pregnancy-based discrimination. The Commission is based on a complaint system that involves investigation and conciliation, which is at its discretion and free of charge.

While sanctions are one way of deterring discrimination, another method is to invert the burden of proof regarding a dismissal, such that the employer has to prove a dismissal was not based on maternity, in line with Article 8.1 of the Maternity Protection Convention, 2000 (No. 183). Periodic review of anti-discrimination frameworks, enhanced guidance for both employers and workers on how to comply, as well as collection and publication of data on maternity-based discrimination will increase accountability and public awareness of this issue.

Like other expecting and new mothers, domestic workers have special needs with respect to a safe and healthy work environment during maternity. This means that pregnant or nursing workers should not be required to undertake potentially harmful work, and also implies that employers must assess any risks in private households and – where necessary – remove hazards and adjust the work to fit the needs of pregnant or breastfeeding workers. To promote safety and health throughout pregnancy and breastfeeding, it is essential to raise awareness regarding the rights and duties of both employers and workers. For example, in Mexico the Confederation of Latin American and Caribbean Domestic Workers (CONLACTRAHO) runs a placement service for domestic workers. At the Support and Training Centre for Domestic Workers, prospective employers receive information on their obligations, including with respect to occupational health and safety.<sup>134</sup> In Japan, the maternal health communication card issued by the Ministry of Health, Welfare and Labour is a tool to convey information from health-care providers to employers. Through the card, maternity-related health problems and required arrangements at the workplace are transmitted to the employer so

<sup>133</sup> See section 187(1)(e) of the Labour Relations Act, 1995.

<sup>134</sup> ITUC (2009): Interview with Marcelina Bautista of CONLACTRAHO, at: <http://www.ituc-csi.org/spotlight-interview-with-marcelina.html?lang=en>



that the employer can take timely measures to protect the health of the worker during her maternity (ILO, 2012c).

Enabling domestic workers to breastfeed or express breast milk upon return to work, through the provision of breastfeeding breaks, can be a win–win scenario for workers and employers. It increases workers' morale and loyalty, minimizes absenteeism, reduces turnover and eliminates unnecessary work disruptions. In order to address the reality of domestic workers, breastfeeding breaks should be paid. An example of such legislation occurs in Belgium, which in 2002 enacted the right to breastfeeding breaks. Women, including domestic workers, are entitled to a 30-minute break to breastfeed or to express milk for every four hours of work, and to a one-hour break for every seven-and-a-half hours of work. The breaks are paid by the national health insurance at 82 per cent of the gross hourly wage, and therefore pose no burden on the employer. In India, the Association for Consumers Action on Safety and Health implemented a project to raise awareness about the benefits of breastfeeding among domestic workers from the slum community of Mumbai and their employers. The campaign succeeded in both identifying the obstacles these workers faced in combining work and breastfeeding and creating an enabling environment for this practice (Menon and Mulford, 2007, pp. 100–107). In Russia, mothers can choose to combine their breastfeeding breaks and take the allowed time at the beginning or end of the day. In Tajikistan, these breaks also can be added to the regular lunch or rest breaks (ILO, 2010f).

## Conclusions and points for consideration

More than a third of all women domestic workers are not entitled to maternity leave or associated maternity cash benefits. This is a serious Decent Work deficit in a highly feminized sector, and poses a substantial obstacle to domestic workers combining their work and their own family responsibilities. The coverage gaps are particularly large in the Middle East and Asia, but shortcomings are also found in other regions. Even where domestic workers are included in social insurance schemes that provide maternity benefits, restrictive eligibility criteria or lack of enforcement can mean that they do not receive the benefits in practice. However, experience from several countries shows that the inclusion of domestic workers into mainstream social insurance funds can be successful and that affiliation rates can be substantially increased. Publically funded benefits are another alternative. To cite Convention No. 189, they can help 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” (see Article 14(1)).



## Chapter 8. Summary and conclusions

As this report has shown, domestic workers are present in every single country for which data are available. They cook, clean and wash, look after children and elderly people in need of care, and take care of a myriad of other daily duties in households. Based on official statistics from 117 countries and territories, the new ILO estimates presented in this report point to 52.6 million domestic workers across the world at the end of 2010. As a single occupational category, this is a huge workforce. The estimates also provide evidence of that this workforce had grown significantly, by more than 19 million since 1995, when the global count of domestic workers was 33.2 million. Both figures are conservative approximations and are likely to understate the true extent of domestic work because domestic workers often go uncounted in labour force surveys. The figures also exclude the 7.4 million children below the age of 15 years who toil as domestic workers, who are often deprived of access to education and hence see their further prospects in life diminish.<sup>135</sup>

Even though a substantial number of men work in the sector – often as gardeners, drivers or butlers – it remains a highly feminized sector: more than 80 per cent of all domestic workers are women. Globally, domestic work accounts for 7.5 per cent of women's wage employment, and in some regions as many as one in three (Middle East) and one in four (Latin America and the Caribbean) female wage workers are domestic workers. Domestic work is therefore an important entry point for women into the labour market, and so improving working conditions in the sector has broader ramifications for greater gender equality in society. Very low wages, excessively long hours, the absence of a weekly rest day, risks of physical, mental and sexual abuse and restrictions on freedom of movement are some of the problems that have frequently characterized the working conditions of domestic workers worldwide. These can partly be attributed to gaps in national labour and employment legislation and often reflect discrimination along the lines of sex, race and caste.

Research carried out for this report shows that only 10 per cent of all domestic workers (or 5.3 million) are covered by general labour legislation to the same extent as other workers. In contrast, more than one-quarter – 29.9 per cent, or some 15.7 million domestic workers – work in countries where they are completely excluded from the scope of national labour legislation. Between these extremes, a number of intermediate regimes exist. Exclusions and partial coverage result in weaker protection for

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<sup>135</sup> Domestic workers aged 15 to 17 years, who may be old enough to work, still fall within the category of "children" and must be considered as child domestic labourers if they are engaged in long hours or other types of hazardous work, or as a result of trafficking or other situations that fall under the worst forms of child labour; see Worst Forms of Child Labour Convention, 1999 (No. 182).

domestic workers in a number of important areas, including key working conditions provisions. This report has focused on three subjects, namely: (1) working time regulation, (2) minimum wage coverage and in-kind payments, and (3) maternity protection. For each of these areas, this report has provided new global and regional estimates on the number of domestic workers who are covered by legislation. These estimates are based on statistical data on the number of domestic workers (see Appendix II) and on information on provisions in national legislation that was gathered during the standard-setting process and from the ILO's Database of Conditions of Work and Employment Laws (Appendix III).

In all areas, large disparities between domestic workers and other workers become apparent. Working time is one of the areas where the principle of equal treatment that is found in Domestic Workers Convention, 2011 (No. 189), is not yet a universal reality. More than half of all domestic workers have no limitation on their weekly normal hours under national law, and approximately 45 per cent have no entitlement to weekly rest periods or paid annual leave. However, the data also show that many countries in Latin America and the Caribbean, in Africa and in the industrialized world have already extended the same minimum protections that apply to workers generally to domestic workers. By contrast, most countries in the Middle East and Asia still have to implement the principle of equal treatment. The recent extension of weekly rest to migrant domestic workers in Singapore might be an indication of future efforts, stimulated by the adoption of Convention 189, towards better legal protection of domestic workers in the region and a signal that countries have begun to revise outdated legislation.

While low wages of domestic workers can partly be attributed to the fact that the formal skills requirements in the sector are usually relatively low, other factors such as the undervaluation of domestic work by society and the weak bargaining position of domestic workers play a substantial role. This is a strong rationale for the setting of minimum wages in order to protect domestic workers from exploitation and unduly low wages. The establishment of a fair minimum wage is all the more important due to the fact that domestic workers face important legislative, administrative and practical barriers to forming trade unions and using traditional collective bargaining methods.<sup>136</sup> However, at present just over half of all domestic workers already enjoy such protection on an equal basis with other workers, and some 5.9 per cent are entitled to lower sectoral or occupational minimum wage rates. This results in a large coverage gap for 22.4 million domestic workers (or 42.6 per cent of the total). Deductions from wages for food and housing is another area of vulnerability. Such partial "in-kind payments" of the minimum wage are common, even where workers are required to live at their employers' premises. Again, some hopeful signs exist that countries have begun to address the shortfall. For instance, Namibia has recently established a Wages Commission to set new minimum wages for domestic workers and to regulate in-kind payments – a first in the country's post-independence history.

Finally, given that the overwhelming majority of domestic workers are women, the right to maternity protection is a key area of concern. More than a third of all

<sup>136</sup> See Chapter 6 for a discussion of these barriers and box 6.1 for examples of successful organizing initiatives.

women domestic workers are not entitled to maternity leave and associated maternity cash benefits. This poses a substantial obstacle for women domestic workers who wish to combine work with their own family responsibilities. The coverage gaps are particularly large in the Middle East and Asia, but shortcomings are also found in other regions. Even where domestic workers are included in social insurance schemes that provide maternity benefits, restrictive eligibility criteria or lack of enforcement can mean that those women do not receive the benefits in practice. However, experience from countries such as Brazil shows that the inclusion of domestic workers into mainstream social insurance funds can be successful and that affiliation rates can be substantially increased. Publically funded benefits are another alternative. To cite Convention No. 189, they can help 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” (see Article 14(1)).

In sum, the research carried out for this report shows the urgency of the need to address decent work deficits at the national level through legislation and effective implementation of those laws. The Domestic Workers Convention, 2011 (No. 189), and the accompanying Recommendation provide a normative framework for these efforts. The new international labour standards have already prompted many countries to review their current regulations and practices with the objective of extending protection for domestic workers. They have also started to impact on law reform in favour of domestic workers.<sup>137</sup> More guidance can be found in the ILO publication *Effective protection for domestic workers: A guide to designing labour laws* (ILO, 2012a) and a number of other materials published by the ILO. Ultimately, it will be joint actions taken at the national level by governments, trade unions and employers that will bring decent work to the millions of domestic workers across the world.

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<sup>137</sup> See, for example, Spain’s Royal Decree 1620/2011 of 14 November 2011, which updates previous regulations on domestic work (from 1985) or Zambia’s Minimum Wages and Conditions of Employment (Domestic Workers) Order, 2011, which for the first time extends minimum wage protection to domestic workers. In Singapore, domestic workers will for the first time be entitled to one day off per week as of January 2013. At the time of finalization of this report, legislative bills on domestic work were pending adoption in the Parliaments of Chile and the Philippines.



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# ***Appendix I: Methodology for global and regional estimates***

This appendix summarizes concepts and definitions and the methodology used to generate the global and regional estimates on the number of domestic workers, as well as the estimates on the coverage of domestic workers by key working conditions laws.

## **a) Concepts and definitions**

For the purpose of this report, domestic workers are defined in accordance with Article 1 of the Domestic Workers Convention, 2011 (No. 189), that was adopted at the 100th International Labour Conference in June 2011:

- (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.

The corresponding statistical definition found in the International Standard Industrial Classification of all Economic Activities (ISIC Rev. 3.1) for Division 95 “Activities of private households as employers of domestic staff” refers to:

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, which is self-consumed, is considered non-market and assessed according to the cost of the personnel in the national accounts. These services cannot be provided by companies.

Although most countries utilize ISIC Revision 3.1 (or a national adaptation), which allows domestic workers to be identified in labour force and other household surveys, some still use the previous Revision 3, and several have already adopted Revision 4. Table A1.1 therefore shows the relevant correspondences for the past three revisions of ISIC.

**Table A1.1 Private households with employed persons under different revisions of the International Standard Industrial Classification (ISIC)**

ISIC Rev. 3	ISIC Rev. 3.1	ISIC Rev. 4
<p><b>Section P</b> Private households with employed persons</p> <p><b>Division 95</b> Private households with employed persons</p>	<p><b>Section P</b> Activities of private households as employers and undifferentiated production activities of private households</p> <p><b>Division 95</b> Activities of private household as employers of domestic staff</p>	<p><b>Section T</b> Activities of households as employers; undifferentiated goods- and-services-producing activities of households for own use</p> <p><b>Division 97</b> Activities of household as employers of domestic personnel</p>

Source: International Standard Industrial Classification, United Nations Statistics Division.

## b) Global and regional estimates on the number of persons employed as domestic workers

### Census approach

The methodology used for the global and regional estimates on the number of domestic workers follows the census method with non-response employed in the *Global Wage Report 2010/11* (ILO, 2010b). In the present context, the aim of the census approach was to find data on domestic workers from as many countries as possible and to develop an explicit treatment in the case of missing data (total non-response). The universe consisted of the 177 countries and territories included in the ILO's Global Employment Trends (GET) model.<sup>138</sup> For this report, the countries and territories are grouped into six regional groupings (largely along the lines of the ILO's field structure) (see table A1.2).

In total, data on the number of domestic workers could be found for 117 countries and territories, or two-thirds of all countries and territories included in the universe (see table A1.3). They were mostly retrieved from official publications (labour force surveys, censuses and other household survey reports) and complemented with records from LABORSTA.<sup>139</sup> In addition, micro-data analyses were conducted for four countries for which tabulated data were not available, and in two cases (Oman and Hong Kong, China) the number of domestic workers comes from administrative data. For China, a synthetic figure was generated from several sources (see Chapter 2). Detailed information on the sources used can be found in Appendix II. Since data were available for most populous countries, the available data cover 88.7 per cent of global employment outside China, and 91.5 per cent of global employment if China is included. However, there are differences between regions, with the best employment coverage achieved in the developed countries (98.4 per cent) and the lowest in Africa (62.3 per cent). Table A1.3 provides details on the coverage of the domestic workers database by region.

<sup>138</sup> The study excluded some small countries and territories (e.g. the Turks and Caicos Islands and the Isle of Man) that have no discernible impact on global or regional estimates. However, all countries and territories for which country-level data are available are listed in Appendix II (regardless of whether they were used for the global estimates).

<sup>139</sup> LABORSTA is a database on labour statistics operated by the ILO's Department of Statistics; <http://laborsta.ilo.org>.

**Table A1.2 Regional groupings**

Region	Countries and territories
<b>Developed countries</b>	Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Luxemburg, Malta, Netherlands, New Zealand, Norway, Portugal, Singapore, Spain, Sweden, Switzerland, United Kingdom, United States of America
<b>Eastern Europe and Commonwealth of Independent States (CIS)</b>	Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Republic of Moldova, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, Uzbekistan
<b>Asia and the Pacific</b>	Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, Hong Kong (China), India, Indonesia, Iran, Democratic Republic of Korea, Lao People's Democratic Republic, Macau (China), Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Solomon Islands, Sri Lanka, Thailand, Timor-Leste, Viet Nam
<b>Latin America and the Caribbean</b>	Argentina, Bahamas, Barbados, Belize, Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guadeloupe, Guatemala, Guyana, Haiti, Honduras, Jamaica, Martinique, Mexico, Netherlands Antilles, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Suriname, Trinidad and Tobago, Uruguay, Bolivarian Republic of Venezuela
<b>Africa</b>	Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Democratic Republic of Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Reunion, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, United Republic of Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe
<b>Middle East</b>	Bahrain, Iraq, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Yemen

Source: ILO.

**Table A1.3 Coverage of the statistical database on domestic workers**

	Number of countries covered	Country coverage (%)	Employment coverage (%)
Developed countries	25	89.3	98.4
Eastern Europe and CIS	21	75.0	79.4
Asia and the Pacific (excluding China)	18	69.2	94.8
Asia and the Pacific (China)	(1)	(100)	(100)
Latin America and Caribbean	23	74.2	95.5
Africa	20	39.2	62.3
Middle East	10	83.3	78.4
Total (excluding China)	117	66.5	88.7
Total (including China)	118	66.7	91.5

Note: Country coverage refers to the number of countries for which both statistical and legal data are available, expressed as a percentage of all the countries in the region. Employment coverage refers to the total number of employed persons in countries with available statistical and legal data as a percentage of all employed persons in the region (as of 2010). China enters the global and regional estimates with a national-level estimate of the number of domestic workers which was synthesized from several sources and a weight of 1 (see Chapter 2). Data for an additional 17 countries and territories, mainly small island states or dependent territories, are included in Appendix II but were not used for the global and regional estimates, given their minuscule impact on global and regional figures.

Source: ILO estimates based on data from official sources.

### Estimation of country-level statistical data for 2010

Not all available national sources refer to 2010, the target date for the global and regional estimates.<sup>140</sup> Where available data refer to earlier years, the first step of the estimation process is therefore to estimate the number of domestic workers in a given country in the year 2010. This is done based on the assumption that employment in domestic services has increased (or declined) in proportion to changes in total employment. The first step is therefore to calculate the share of domestic workers in total employment, here denoted as  $\omega$ , in each responding country:

$$\omega_{j,t} = \frac{D_{j,t}}{E_{j,t}} \quad (1)$$

where  $D_{j,t}$  is the number of domestic workers in country  $j$  in the most recent available year  $t$  and  $E_{j,t}$  is total employment for the same country and year, as estimated by the official national source (usually from the national statistical office).

In a second step, this ratio is then used to estimate the number of persons employed as domestic workers,  $\hat{D}$ , in a given country for the year 2010:

$$\hat{D}_{j,2010} = \hat{\omega}_{j,2010} \times E_{j,2010} \quad (2)$$

where the result obtained in equation (1) is used as a weight estimator for the share of domestic workers in total employment in 2010,  $\hat{\omega}_{j,2010}$ , and total employment is denoted by  $E$ . To obtain consistent estimates for 2010, employment data from the ILO's GET model were used for all countries.<sup>141</sup> The figures obtained in equation (2) provide an unbiased estimate of the number of domestic workers in a given country if there has been no systematic change in the proportion of domestic workers in total employment since the year the national data were collected.

In addition to the total number of persons employed as domestic workers, data disaggregated by sex are needed. To generate these, the assumption is made that the share of women workers among domestic workers,  $\psi$ , has remained constant since the data were last collected. It is calculated as follows for the base year:

$$\psi_{j,t} = \frac{Df_{j,t}}{D_{j,t}} \quad (3)$$

where female domestic workers are denoted by  $Df$ . The result from equation (3) is then used as an estimator,  $\hat{\psi}_{j,2010}$ , for the female share in 2010 to generate an estimate of the number of female domestic workers,  $\hat{Df}_{j,2010}$ , in 2010:

$$\hat{Df}_{j,2010} = \hat{D}_{j,2010} \times \hat{\psi}_{j,2010} \quad (4)$$

<sup>140</sup> On average, the latest available observations date back to 2007. Details on the years the underlying data were collected are provided in Appendix II.

<sup>141</sup> For detailed methodological information on the GET model, see ILO (2010h).

Where no sex disaggregated data on domestic workers were available for a country, the share of women among domestic workers in the corresponding region as a whole is used as an estimator for  $\hat{\psi}_{j,2010}$ .<sup>142</sup> An estimate of the number of male domestic workers in 2010 is then simply obtained as the difference between the total number of domestic workers and the number of female domestic workers. To obtain country-level estimates for 1995, the same estimation routine is used, except that estimates from the ILO's GET model for employment in 1995 and national observation for the year closest to 1995 are used.

## Treatment of non-response for statistical data

### Response weights

As depicted in table A1.3, national-level data on the number of persons employed as domestic workers were not available for every country. This introduces a bias if the proportion of domestic workers in total employment differs systematically between “responding” countries (i.e. those with data) and “non-responding” countries (i.e. those without data). To address this problem, a solid methodology is needed that corrects for such non-response bias. Two principal options exist. The first option is that one can make imputations for all missing country-level data. However, with the exception of China, where a synthetic estimate was made on the basis of different official data sources, this approach was not taken.<sup>143</sup> The second option is to treat non-response as a sampling issue. This approach was used and a methodology similar to that previously employed in the ILO's *Global Wage Report 2010/11* (ILO, 2010b) was employed to correct for non-response bias.<sup>144</sup>

In this framework, each country responds with a probability  $\phi_j$ , and it is assumed that countries respond independently from one another. With the probabilities of response,  $\phi_j$ , it is then possible to estimate the total,  $Y$ , of any variable  $y_j$ :

$$Y = \sum_{j \in U} y_j \quad (5)$$

by the estimator:

$$\hat{Y} = \sum_{j \in R} \frac{y_j}{\phi_j} \quad (6)$$

where  $U$  is the universe and  $R$  is the set of respondents. This estimator is unbiased if the assumptions are true (see Tillé, 2001). In the present case,  $U$  is the universe of all

<sup>142</sup> This concerned seven, mainly smaller countries (namely Ecuador, Latvia, Luxembourg, New Caledonia, Papua New Guinea, Paraguay, Peru). Sex disaggregated data were also missing for Curaçao, Saint Lucia, Sint Maarten, and the Turks and Caicos Islands. However, due to their small size, these countries and territories are not covered by the ILO's GET model and hence did not enter the global and regional estimates; See Appendix II for details.

<sup>143</sup> For estimation of sex disaggregated data, see previous footnote and the discussion above.

<sup>144</sup> Note that the following methodological descriptions draw heavily on Technical Appendix I of the ILO's *Global Wage Report 2010/11*.

177 countries and territories listed in table A1.2 and  $R$  is the set of 117 “responding” countries and territories for which data on the number of persons employed as domestic workers are available.

Given that the response propensity of a country,  $\phi_j$ , is generally unknown, it is necessary to estimate it. This is done in a logistic regression relating the probability of response or non-response of a given country (independent variable) to its GDP per capita in 2005 PPP\$ and its total population (explanatory variables). The choice of explanatory variables is based on the observation that data on the number of persons employed as domestic workers are more likely to be available for larger and wealthier countries than for smaller and poorer countries. Thus, the logistic regression with fixed effects estimated is as follows:

(7)

$$\text{prob}(\text{response} = 1) = \Lambda(\alpha_r + \beta_1 \text{gdp}_{j, 2010} + \beta_2 \ln(\text{gdp}_{j, 2010}) + \beta_3 \text{pop}_{j, 2010} + \beta_4 \ln(\text{pop}_{j, 2010}))$$

where  $\text{gdp}_{j, 2010}$  is GDP per capita of country  $j$  in the year 2010 (expressed in 2005 PPP\$),  $\text{pop}_{j, 2010}$  is the total population of country  $j$  in 2010,  $\alpha_r$  are regional dummies for the regional groupings listed in table A1.2, and  $\Lambda$  denotes the cumulative logistic distribution function. The natural logarithms of GDP per capita and of the population size are included to allow for non-linear relationships. China, where the national-level data were generated from different sources, is excluded from the response model (and given a weight of 1).

The logistic regression had a universe of  $N = 176$  and produced a pseudo  $R^2 = 0.2086$ . The relatively low explanatory power of the regression might look disappointing at first. However, it is actually a welcome result since it is evidence that only a weak systematic response bias exists (at least with respect to differences in region, income level and population size).<sup>145</sup> In other words, the division of countries into “responding” and “non-responding” is only slightly skewed in favour of bigger and wealthier countries, which should improve the reliability of the global and regional estimates. The estimated parameters are then used to calculate the response propensity of country  $j$ ,  $\phi_j$ . The initial response weight for country  $j$ ,  $\varphi_j$ , can then be calculated as the inverse of the response propensity:

$$\varphi_j = \frac{1}{\phi_j} \quad (8)$$

### Calibration of response weights

In order to ensure consistency of the estimates with known aggregates, the response weights need to be calibrated (Särndal and Deville, 1992). This ensures that the different regions are appropriately represented in the final global estimate, i.e. proportional

<sup>145</sup> Other model specifications, with different combinations of explanatory variables (employment, GDP, etc.), did not yield any higher explanatory power.

to their share in global employment. Total employment in 2010 was therefore used for calibration purposes and the calibration factors,  $\gamma_j$ , are given by:

$$\gamma_j = \frac{E_r}{\hat{E}_r}, j \in r \quad (9)$$

where  $r$  represents the region to which country  $j$  belongs,  $E_r$  is the known total employment figure in that region (based on GET model data) and  $\hat{E}_r$  is the estimated total employment in the same region. The estimate  $\hat{E}_r$  can be obtained by multiplying the employment figure in responding countries with the uncalibrated weights given in equation (8) above and then summing the results for each region.

Note that equation (9) implies that countries from the same region will have identical response weights. The resulting calibration factors were 0.986 (developed countries), 1.115 (Eastern Europe and CIS), 1.007 (Asia), 0.963 (Latin America and the Caribbean), 0.953 (Africa) and 1.094 (Middle East). The fact that all calibration factors are very close to 1.000 shows that the uncalibrated response weights already produced regional estimates of employment that were very close to the known aggregates.

In a final step, the initial response weights for all countries are multiplied by the calibration factors to obtain the calibrated response weights,  $\varphi'_j$ :

$$\varphi'_j = \varphi_j \times \gamma_j \quad (10)$$

The calibrated response weights adjust for differences in non-response between regions and ensure consistency with the known employment aggregates. In other words, when using the calibrated response weights, the regional estimate of total employment is equal to the known total employment figure in the region and each region will enter the global estimate in proportion to its share in global employment.

### Estimating routine for global and regional estimates

Based on national-level data and the response weight as described above, it is straightforward to estimate the number of persons employed as domestic workers in each region  $r$  and for the world as a whole:

$$\hat{D}_{r, 2010} = \sum_{j \in R} \hat{D}_{j, 2010} \times \varphi'_j \quad (11)$$

where the national-level estimates for the number of domestic workers in 2010 are obtained from equation (2) and the calibrated response weights  $\varphi'_j$  from equation (10). To obtain the number of male and female domestic workers, results from equation (4) and the calibrated response weights are used.

The same estimation routine as described in equations (1) to (4) and (7) to (11) was used to generate estimates for 1995. Note that the set of responding countries is the same as for the 2010 estimate, and hence the response propensity and the uncalibrated response weight are also identical to those used for the 2010 estimates. However, the



calibration was carried out with employment data for 1995 so that calibration factors and calibrated response weights differ.

### c) Estimates on the coverage of domestic workers by key working conditions laws

In addition to global and regional estimates on the number of domestic workers, this report also provides data on the coverage of domestic workers by key working conditions laws (hereafter: legal coverage estimates). To generate these estimates, two types of data are needed for a given country: (1) statistical data on the number of domestic workers in a given country, drawn from the database compiled for the global and regional estimates; and (2) legal information on the coverage of domestic workers by working conditions laws. These were compiled by the ILO as part of the preparations for the international labour standard-setting process and during the regular update of the Database on Employment and Working Conditions Laws.<sup>146</sup> To facilitate the legal coverage estimates, the available textual information was coded to mirror the different degrees to which domestic workers are covered by working conditions laws (see Appendix III).

**Table A1.4 Coverage of the combined statistical and legal database on domestic workers**

	Number of countries in region	Number of countries covered	Coverage, in percentage of countries in region	Coverage, in percentage of employment in region
Developed countries	28	18	64.3	95.5
Eastern Europe and CIS	28	9	32.1	59.4
Asia and the Pacific*	27	12	44.4	93.1
Latin America and Caribbean	31	15	48.4	89.8
Africa	51	11	21.6	39.9
Middle East	12	5	41.7	53.0
Total*	177	70	39.5	84.0

\* Including China, where an estimate on the number of domestic workers has been produced on the basis of a combination of official sources (see discussion in Chapter 2)

Note: Country coverage refers to the number of countries for which both statistical and legal data are available, expressed as a percentage of all the countries in the region. Employment coverage refers to the total number of employed persons in countries with available statistical and legal data as a percentage of all employed persons in the region (as of 2010). China enters the global and regional estimates with a national-level estimate of the number of domestic workers that was synthesized from several sources and a weight of 1 (see Chapter 2)

Source: ILO estimates based on data from official sources.

<sup>146</sup> Based on the textual information that describes the coverage of relevant laws in detail, a coding scheme was developed to record how far domestic workers are covered by key working conditions laws and whether the provisions applicable to them are identical to those applicable to other wage workers or are less (or more) favourable.

A combination of statistical and legal data was available for 70 countries and territories,<sup>147</sup> or 39.5 per cent of all countries and territories in the database. However, because data were available for all major economies, these 70 countries account for 84 per cent of global employment. Employment coverage is particularly good for the developed countries, Asia and the Pacific and Latin America and Caribbean, but poorer for the Middle East and Africa. Table A1.4 provides details on country and employment coverage by region of the combined statistical and legal database.<sup>148</sup>

### Treatment of non-response and estimation routine for legal coverage estimates

To correct for response bias due to missing data, the same basic methodology was used as for the global and regional estimates (as described above). A logistical regression identical to that in equation (7) was used to estimate the response probability, but a country was now considered to have responded when both legal and statistical data were available.<sup>149</sup> On the basis of these estimated response probabilities, a non-response weight was constructed, using the formula of equation (8). To ensure consistency between the legal coverage estimates and the global and regional estimates, the weight was calibrated to match the (known) number of domestic workers in 2010 by region. Equation (9) therefore used domestic workers (rather than employment) to obtain calibration factors, and equation (10) was used to produce calibrated response weights.<sup>150</sup>

This made it possible to produce regional (and by implication global) legal coverage estimates as follows:

$$\hat{C}_r, 2010 = \sum_{j \in R} \hat{D}_j, 2010 \times c_j \times \delta_j' \quad (12)$$

where  $\hat{C}_r$  is the estimated number of domestic workers to which a certain legal protection applies in region  $r$ ,  $\hat{D}_j$  is the number of domestic workers in country  $j$ ,  $c$  is a set of dummy variable that takes the value of 1 if a certain condition is met in country  $j$ ,<sup>151</sup> and  $\delta_j'$  is the calibrated legal response weight.

<sup>147</sup> The total of 70 countries includes China, for which the statistical data were derived from a combination of sources (see discussion in Chapter 3).

<sup>148</sup> Legal data for Kuwait and the United Arab Emirates were added to the database after publication of Policy Brief No. 5 (see ILO, 2011a) to improve the reliability of the estimates for the Middle East. This addition only had negligible impact on overall results.

<sup>149</sup> For reasons of consistency with the global and regional estimates and the special nature of the Chinese data, China was excluded from the regression and given a weight of 1.

<sup>150</sup> A second set of weights was constructed to produce estimates by sex that are consistent with the sex composition of the global and regional estimates.

<sup>151</sup> The full coding for these variables, which represent the coverage of domestic workers by key working conditions laws, is supplied in Appendix III.



## Appendix II: National source statistics

Table A2.1 Number of domestic workers and their share in total employment, by sex (latest available year)

Country/Territory	Year	Number of domestic workers		Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F		
<b>Developed countries</b>								
Australia	2010	3 800	3 600	200	<0.1	0.1	<0.1	Australian Bureau of Statistics, Labour Force Survey 2010 (Time Series Workbook: Labour Force, Australia, Detailed, Quarterly [table 6]) (1)
Austria	2009	9 900	9 100	—	0.2	0.5	<0.1	Statistik Austria, Mikrozensus 2009 (Arbeitskräfteerhebung 2009: Ergebnisse des Mikrozensus )
Belgium	2008	42 100	38 500	3 500	0.9	1.9	0.1	Direction Générale Statistique et Information économique de la Belgique, Enquête sur les Forces de Travail 2008 (2)
Canada	2008	72 800	70 300	2 500	0.4	0.9	<0.1	Statistics Canada, Labour Force Survey 2008 (2)
Cyprus	2009	16 800	16 500	300	4.4	9.7	0.1	Statistical Service of the Republic of Cyprus, Labour Force Survey 2009
Denmark	2007	3 900	3 600	300	0.1	0.3	<0.1	Statistics Denmark, Labor Force Survey 2007 (2)
Finland	2008	8 200	4 200	4 000	0.3	0.3	0.3	Statistics Finland, Labour Force Survey 2008 (2)
France	2009	589 900	500 600	89 300	2.3	4.1	0.7	Institut National de la Statistique et des Études Économiques de la France, Enquête Emploi en Continu 2009

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Germany	2009	203 000	191 000	12 000	0.5	1.1	0.1	Statistisches Bundesamt, Mikrozensus 2009 (Bevölkerung und Erwerbstätigkeit, Fachserie 1 Reihe 4.1.1)	
Greece	2009	88 500	85 300	3 300	2.0	4.8	0.1	National Statistical Service of Greece, Labour Force Survey 2009 [Research Data – table 4]	(1)
Ireland	2008	10 100	9 600	600	0.5	1.0	0.1	Central Statistics Office of Ireland, Quarterly National Household Survey 2008	(2)
Isle of Man	2006	200	100	—	0.4	0.6	0.2	Treasury Department of Isle of Man, 2006 Census	(2)
Israel	2009	50 800	45 700	5 100	1.8	3.5	0.3	Central Bureau of Statistics of Israel, 2009 Labour Force Survey	
Italy	2008	419 400	370 200	49 300	1.8	4.0	0.4	Istituto Nazionale di Statistica d'Italia, Indagine sulle Forze di Lavoro 2008	(2)
Japan	2005	27 300	26 700	700	<0.1	0.1	<0.1	Statistics Bureau of Japan, 2005 Population Census	
Korea, Republic of	2008	150 000	145 000	5 000	0.6	1.5	<0.1	Statistics Korea, Economically Active Population Survey 2008	(2)
Luxembourg	2008	5 000	...	...	1.4	...	...	Institut National de la Statistique et des Études Économiques du Grand-Duché de Luxembourg, Enquête sur les Forces de Travail 2008 (Luxembourg in Figures 2010)	
Malta	2009	100	100	—	0.1	0.2	<0.1	National Statistics Office of Malta, Labour Force Survey 2009 (Malta in Figures 2010)	(3)
Netherlands	2008	6 000	5 000	—	0.1	0.1	<0.1	Statistics Netherlands, Labour Force Survey 2008	(2)
New Zealand	2008	2 200	2 100	—	0.1	0.2	<0.1	Statistics New Zealand, Household Labour Force Survey 2008	(2)
Norway	2008	2 000	1 000	—	0.1	0.1	0.1	Statistics Norway, Labour Force Survey 2008	(2)

Country/Territory	Year	Number of domestic workers				Domestic workers as % of total employment				Source	Notes
		MF	F	M	M	MF	F	M	M		
Portugal	2008	175 500	173 400	2 000	2 000	3.4	7.2	0.1	0.1	Statistics Portugal, Labour Force Survey 2008	(2)
Spain	2010	747 000	683 500	63 500	63 500	4.0	8.4	0.6	0.6	Instituto Nacional de Estadística de España, Encuesta de Población Activa 2010 (Tables of the Economically Active Population Survey 2010 at <a href="http://www.ine.es">www.ine.es</a> )	
Switzerland	2009	69 000	59 000	10 000	10 000	1.5	2.8	0.4	0.4	Office Fédéral de la Statistique Suisse, Statistique de la Population Active Occupée 2009	(1)
United Kingdom	2008	136 000	84 000	52 000	52 000	0.5	0.6	0.3	0.3	Office for National Statistics of the United Kingdom, Labour Force Survey 2008	(2)
United States	2010	667 000	606 300	60 700	60 700	0.5	0.9	0.1	0.1	U.S. Bureau of Labor Statistics, Current Population Survey 2010 (Labor Force Statistics: tables 17 and 18 at <a href="http://www.bls.gov">www.bls.gov</a> )	
<b>Eastern Europe and CIS countries</b>											
Armenia	2009	4 400	3 200	1 300	1 300	0.4	0.6	0.2	0.2	National Statistical Service of the Republic of Armenia, Integrated Living Conditions Survey 2009 (The Informal Sector and Informal Employment in Armenia)	
Azerbaijan	2006	68 000	36 900	31 100	31 100	1.7	2.0	1.5	1.5	Ministry of Labour and Social Protection of Population of Azerbaijan (in partnership with UNDP), Labour Force Survey 2006	(2)
Bulgaria	2009	5 900	...	...	...	0.2	...	...	...	Eurostat, EU Labour Force Survey 2009	
Croatia	2008	5 400	4 400	1 000	1 000	0.3	0.6	0.1	0.1	Croatian Bureau of Statistics, Labour Force Survey 2008	(2)
Czech Republic	2008	2 500	1 800	700	700	0.1	0.1	<0.1	<0.1	Czech Statistical Office, Labour Force Sample Survey 2008	(2)
Georgia	2007	11 200	9 800	1 400	1 400	0.7	1.2	0.2	0.2	Department of Statistics of Georgia, Household Integrated Survey 2007 (Labour Market in Georgia 2009)	

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Hungary	2008	1 900	1 500	400	<0.1	0.1	<0.1	Hungarian Central Statistical Office, Labour Force Survey 2008	(2)
Kazakhstan	2009	21 400	16 000	5 400	0.3	0.4	0.1	Agency of Statistics of the Republic of Kazakhstan, Survey of Population Employment 2009 (Women and Men in Kazakhstan 2010)	
Kyrgyzstan Republic	2006	15 300	6 300	9 000	0.7	0.7	0.7	National Statistical Committee of Kyrgyz Republic, Integrated Survey of Households 2006 (Employment and Unemployment Module)	(2)
Latvia	2008	4 400	...	...	0.4	...	...	Central Statistical Bureau of Latvia, Labour Force Survey 2008	(2)
Lithuania	2009	1 500	900	700	0.1	0.1	0.1	Statistics Lithuania, Labour Force Survey 2009 (Statistical Yearbook of Lithuania 2010)	
Macedonia, Former Yugoslav Republic of Macedonia	2009	1 100	700	400	0.2	0.3	0.1	Republic of Macedonia State Statistical Office, Labour Force Survey 2009 (Statistical Review: Population and Social Statistics)	
Moldova, Republic of	2008	4 500	3 900	600	0.4	0.6	0.1	National Bureau of Statistics of the Republic of Moldova, Labour Force Survey 2008	(2)
Montenegro	2003	100	...	...	<0.1	0.1	<0.1	Statistical Office of Montenegro, Population Census 2003	(2)
Poland	2006	11 000	9 000	2 000	0.1	0.1	<0.1	Central Statistical Office of Poland, Labour Force Survey 2006	(2)
Romania	2009	28 900	20 800	8 100	0.3	0.5	0.2	Eurostat, EU Labour Force Survey 2009	
Russian Federation	2008	43 000	34 000	9 000	0.1	0.1	<0.1	Federal State Statistics Service of the Russian Federation, Labour Force Survey 2008	(2)
Serbia	2009	6 000	5 300	700	0.2	0.5	<0.1	Statistical Office of the Republic of Serbia, Labour Force Survey 2009 (Labour Force Survey October 2009 – Communication RS10)	



Country/Territory	Year	Number of domestic workers				Domestic workers as % of total employment				Source	Notes
		MF	F	M	M	MF	F	M	M		
Slovakia	2009	5 100	4 600	500	0.2	0.4	<0.1	<0.1	Statistical Office of the Slovak Republic, Labour Force Sample Survey 2009 (SLOVSTAT – online database sources)	(2)	
Slovenia	2009	500	300	200	0.1	0.1	<0.1	<0.1	Statistical Office of the Republic of Slovenia, Statistical Register of Employment 2009 (Statistical Yearbook of the Republic of Slovenia 2010)	(2)	
Tajikistan	2004	3 400	1 000	2 400	0.1	0.1	0.2	0.2	Agency on Statistics under President of the Republic of Tajikistan, Labor Force Survey 2004	(2)	
Turkey	2004	182 000	120 000	62 000	0.8	2.1	0.4	0.4	Turkish Statistical Institute, Household Labour Force Survey 2004	(2)	
<b>Asia and the Pacific</b>											
Bangladesh	2005/2006	331 000	264 000	67 000	0.7	2.3	0.2	0.2	Bangladesh Bureau of Statistics, Labour Force Survey 2005/2006 (Key Findings of Labour Force Survey 2005/2006)	(4)	
Brunei	2001	19 000	17 400	1 600	13.0	28.8	1.9	1.9	Department of Economic Planning and Development of Brunei Darussalam, 2001 Census (Statistical Yearbook 2007)	(5)	
Cambodia	1997	37 900	18 800	19 200	0.8	0.8	0.9	0.9	National Institute of Statistics of Cambodia, Cambodia Socio-Economic Survey 1997 (Report on the Cambodia Socio-Economic Survey 1997)	(2)	
French Polynesia	2002	2 100	1 700	400	2.3	4.8	0.7	0.7	Institut de la Statistique de la Polynésie Française, 2002 Census	(6)	
Hong Kong (China)	2009	267 800	...	...	7.7	...	...	...	Census and Statistics Department, Immigration Department (Hong Kong Annual Digest of Statistics 2010)	(6)	
India	2004/2005	4 206 600	2 955 300	1 251 300	1.0	2.2	0.5	0.5	National Sample Survey Office of India, Employment and Unemployment Survey 2004/05 [micro-data]	(6)	

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Indonesia	2010	2 405 800	1 791 600	614 200	2.2	4.4	0.9	BPS-Statistics Indonesia, National Labour Force Survey 2010 (August)	
Iran	2008	19 000	14 000	5 000	0.1	0.4	<0.1	Statistical Centre of Iran, Labour Force Survey 2008	(2), (5)
Macau (China)	2009	15 700	15 200	500	4.9	9.9	0.3	Statistics and Census Service of Macao, Employment Survey 2009	
Malaysia	2008	253 000	223 600	29 400	2.4	5.9	0.4	Department of Statistics of Malaysia, Labour Force Survey 2008 (Malaysia Economic Statistics – Time Series 2009)	(2)
Mongolia	2008	11 800	5 900	5 900	1.1	1.1	1.2	National Statistical Office of Mongolia, Official estimates 2008	(2)
Nepal	2008	33 000	19 000	14 000	0.3	0.3	0.3	Central Bureau of Statistics of Nepal, Labour Force Survey 2008 (Report on the Nepal Labour Force Survey 2008)	
New Caledonia	2009	3 500	...	...	4.2	...	...	Institut de la Statistique et des Etudes Economiques de la Nouvelle-Calédonie, CAFAT (Caisse de Compensation des Prestations Familiales, des Accidents du Travail et Prévoyance des Travailleurs)	
Pakistan	2008/2009	284 700	133 600	151 100	0.5	1.2	0.3	Federal Bureau of Statistics of Pakistan, Labour Force Survey 2008/2009 (Report of Labour Force Survey 2008/2009)	(5), (7), (8)
Papua New Guinea	2000	15 500	...	...	0.7	...	...	National Statistical Office of Papua New Guinea, Population Census 2000	(2), (5)
Philippines	2010	1 926 000	1 627 000	299 000	5.3	11.5	1.4	National Statistics Office of the Philippines, Labour Force Survey 2010	(1)
Samoa	2006	800	500	300	1.5	3.1	0.8	Samoa Bureau of Statistics, Population and Housing Census 2006	
Solomon Islands	1999	1 100	1 000	100	1.9	5.6	0.2	National Statistics Office of the Solomon Islands, Population Census 1999	

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Sri Lanka	2007	87 400	60 400	27 000	1.2	2.5	0.6	Department of Census and Statistics of Sri Lanka, Labour Force Survey 2007	(2), (5)
Thailand	2010	233 900	203 400	30 500	0.6	1.2	0.1	National Statistical Office of Thailand, Labor Force Survey 2010 (Report on the Labor Force Survey 2010)	(1)
Tonga	2003	600	300	300	1.8	2.4	1.3	Department of Statistics of Tonga, Labour Force Survey 2003 (Report on the Tonga Labour Force Survey 2003)	
Vanuatu	1999	1 900	...	...	2.5	...	...	Vanuatu National Statistics Office, 1999 Population Census	
Vietnam	2009	240 100	214 800	25 300	0.5	0.9	0.1	General Statistics Office of Vietnam, Labour Force Survey 2009 (Report on Labour Force Survey 2009)	(9)
<b>Latin America and the Caribbean</b>									
Anguilla	2001	200	100	—	2.9	4.8	1.2	Statistics Department of Anguilla, 2001 Population and Housing Census	
Antigua and Barbuda	2008	1 500	1 200	300	3.9	6.3	1.4	Official estimates 2008	(2)
Argentina	2006	797 000	778 800	18 200	7.9	18.3	0.3	Instituto Nacional de Estadística y Censos de Argentina, Encuesta Permanente de Hogares 2006	(2), (5)
Aruba	2007	1 200	1 100	100	2.3	4.5	0.3	Central Bureau of Statistics of Aruba, Labour Force Survey 2007	
Bahamas, The	2000	6 700	4 500	2 300	4.6	6.4	3.0	Bahamas Department of Statistics, 2000 Census of Population and Housing Report	
Belize	2005	5 800	4 300	1 500	5.9	12.8	2.3	Belize Central Statistical Office, Labour Force Survey 2005	(2)

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Bermuda	2000	1 000	800	100	2.6	4.6	0.8	Department of Statistics of Bermuda, Population Census 2000	(2)
Bolivia	2007	160 700	154 900	5 900	3.4	7.4	0.2	Instituto Nacional de Estadística de Bolivia, Encuesta de Hogares 2007	(2)
Brazil	2009	7 223 000	6 719 000	504 000	7.8	17.0	0.9	Instituto Brasileiro de Geografia e Estatística, Pesquisa Nacional por Amostra de Domicílios 2009 (Síntese de Indicadores 2009)	(5)
Cayman Islands	2009	3 100	2 900	200	9.1	17.3	1.1	Economics and Statistics Office of the Cayman Islands, Labour Force Survey 2009 (Statistical Compendium 2009)	
Chile	2010	484 700	396 100	88 700	6.8	14.3	2.0	Instituto Nacional de Estadísticas de Chile, Nueva Encuesta Nacional de Empleo 2010	(1)
Colombia	2004	987 400	929 900	57 600	5.7	13.0	0.6	Departamento Administrativo Nacional de Estadística de Colombia, Encuesta Continua de Hogares 2004 [micro-data, Luxembourg Income Study]	
Costa Rica	2010	135 500	122 400	13 100	7.1	17.3	1.1	Instituto Nacional de Estadística y Censos de Costa Rica, Nueva Encuesta Nacional de Hogares Julio 2010 (Cifras básicas sobre la fuerza de trabajo Julio 2009 – Julio 2010)	
Curaçao	2009	2 200	...	...	3.8	...	...	Central Bureau of Statistics Netherlands Antilles, Labour Force Sample Survey 2009 (Employment Statistics at <a href="http://www.cbs.an">www.cbs.an</a> )	
Dominican Republic	2007	194 600	175 100	19 500	5.5	14.4	0.8	Oficina Nacional Estadística de la República Dominicana, Encuesta Nacional de Fuerza de Trabajo 2007	(2), (5)
Ecuador	2009	210 000	...	...	3.4	...	...	Instituto Nacional de Estadística y Censos de Ecuador, Encuesta de Empleo, Desempleo y Subempleo 2009 (Indicadores Mercado Laboral)	(10)

Country/Territory	Year	Number of domestic workers				Domestic workers as % of total employment				Source	Notes
		MF	F	M	MF	F	M	MF	M		
El Salvador	2009	112 400	102 400	10 000	4.8	10.2	0.7			Dirección General de Estadística y Censos de El Salvador, Encuesta de Hogares de Propósitos Múltiples 2009	
Guatemala	2006	177 100	166 900	10 200	3.6	8.8	0.3			Instituto Nacional de Estadística de Guatemala, Encuesta Nacional de Condiciones de Vida 2006 [micro-data, Luxembourg Income Study]	
Guyana	2002	6 200	4 800	1 300	2.7	7.1	0.8			Bureau of Statistics Guyana, Population and Housing Census 2002 (National Census Report)	
Honduras	2010	85 500	...	...	2.6	...	...			Instituto Nacional de Estadística de Honduras, Generalidades del Mercado Laboral 2010 at www.ine.gob.hn	(4)
Jamaica	2009	59 500	49 900	9 600	5.3	10.2	1.5			Statistical Institute of Jamaica, Labour Force Survey 2009 (Labour Force Statistics at www.statinja.gov.jm)	(1)
Mexico	2008	1 851 800	1 700 600	151 200	4.2	10.3	0.6			Instituto Nacional de Estadística, Geografía e Informática de México, Encuesta Nacional de Ocupación y Empleo 2008	(2)
Nicaragua	2006	117 400	94 800	22 600	5.6	12.1	1.7			Instituto Nacional de Información para el Desarrollo de Nicaragua, Labour Force Survey 2006	(2), (5)
Panama	2008	77 400	68 800	8 600	5.8	13.8	1.0			Dirección de Estadística y Censo de Panamá, Encuesta Continua de Hogares 2008 (Estadísticas del Trabajo 2008)	(2)
Paraguay	2009	198 400	...	...	6.7	...	...			Dirección General de Estadística, Encuestas y Censos de Paraguay, Encuesta Permanente de Hogares 2009 (Compendio Estadístico 2009)	(4)
Peru	2008	475 300	451 000	24 400	3.2	6.7	0.3			Instituto Nacional de Estadística e Informática de Perú, Encuesta Nacional de Hogares sobre Condiciones de Vida y Pobreza 2008	(9)

Country/Territory	Year	Number of domestic workers				Domestic workers as % of total employment				Source	Notes
		MF	F	M	M	MF	F	M	M		
Saint Lucia	2006	2 400	2 000	400	...	3.4	7.0	0.9	...	Statistical Department of Saint Lucia, 2006 Labour Force Report (Labour Force Tables at <a href="http://www.stats.gov.lc">www.stats.gov.lc</a> )	(1)
Sint Maarten	2009	600	...	...	...	3.0	...	...	...	Central Bureau of Statistics Netherlands Antilles, Labour Force Sample Survey 2009 (Employment Statistics at <a href="http://www.cbs.an">www.cbs.an</a> )	
Turks and Caicos Islands	2007	400	...	...	...	1.9	...	...	...	Statistical Office, Department of Economic Planning and Statistics the Turks and Caicos Islands, Labour Force Survey 2007	
Uruguay	2007	128 200	116 600	11 600	...	8.6	18.5	1.4	...	Instituto Nacional de Estadística de Uruguay, Encuesta Continua de Hogares 2007	(2)
Venezuela	2001	445 400	398 800	46 600	...	5.7	14.4	0.9	...	Instituto Nacional de Estadística de Venezuela, Censo de Población y Vivienda 2001	(5)
<b>Africa</b>											
Algeria	2004	34 900	15 700	19 200	...	0.4	1.2	0.3	...	Office National des Statistiques de l'Algérie, Enquête Main d'Oeuvre 2004	(2)
Botswana	2006	25 200	18 000	7 200	...	4.7	7.0	2.6	...	Central Statistics Office of Botswana, 2005/06 Labour Force Survey (2005/06 Labour Force Report)	
Burkina Faso	2005	30 800	19 900	10 900	...	0.5	0.6	0.3	...	Institut National de la Statistique et de la démographie du Burkina Faso, Enquête annuelle sur les conditions de vie des ménages 2005 (EA-QUIBB) (Annuaire statistique 2009)	(8)
Djibouti	1996	7 200	6 700	600	...	16.0	41.6	1.9	...	Direction Nationale de la Statistique de Djibouti, Enquête Djiboutienne Auprès des Ménages – Indicateurs sociaux (EDAM-IS 1996)	
Egypt	2008	66 000	13 000	53 000	...	0.3	0.3	0.3	...	Central Agency for Public Mobilization and Statistics of Egypt, Labour Force Survey 2008	(2)

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Ethiopia	2005	248600	225500	23100	0.8	1.5	0.1	Central Statistical Agency of Ethiopia, 2005 National Labour Force Survey (Report on the 2005 National Labour Force Survey)	(5)
Ghana	2006	27300	11400	15900	0.3	0.3	0.4	Ghana Statistical Service, Ghana Living Standards Survey (GLSS 5) (GLSS 5: Report of the Fifth Round)	(8)
Guinea	1996	11800	6200	5600	0.4	0.4	0.3	Direction Nationale de la Statistique de la Guinée, Recensement Général de la Population et de l'Habitat 1996	
Kenya	2007	105000	43100	61900	0.7	0.6	0.7	Kenya National Bureau of Statistics, Employment Statistics – Kenya National Bureau of Statistics at <a href="http://www.knbs.or.ke">www.knbs.or.ke</a>	(11)
Lesotho	1999	26400	22000	4500	4.3	8.1	1.3	Lesotho Bureau of Statistics, 1999 Labour Force Survey	(2), (5)
Liberia	2007	8000	3000	5000	0.8	0.6	1.0	International Labour Organization, National Core Welfare Indicators Questionnaire (CWIQ) 2007 by the Liberia Institute of Statistics and Geo-Information services (Report on labour-related data from the Liberia CWIQ 2007 survey)	(4)
Mali	2004	103900	85100	18800	4.4	8.7	1.4	Institut National de la Statistique du Mali, Enquête Permanente Auprès des Ménages 2004	(2)
Mauritius	2000	14600	12600	2000	3.1	8.1	0.6	Central Statistics Office of Mauritius, 2000 Housing and Population Census	(12)
Namibia	2008	36000	28200	7800	10.9	19.4	4.2	Minsitry of Labour and Social Welfare, Namibia Labour Force Survey 2008 (table 5.2b).	
Nigeria	2007	197900	98300	99600	0.5	0.6	0.4	National Bureau of Statistics of Nigeria, NBS/CBN/NCC Survey 2006 & 2007, (Women and Men in Nigeria, 2009)	
São Tomé and Príncipe	2006	700	700	—	1.6	3.3	0.1	Instituto Nacional de Estatística de São Tomé y Príncipe, Inquérito específico ao emprego e desemprego 2006	



Country/Territory	Year	Number of domestic workers				Domestic workers as % of total employment				Source	Notes
		MF	F	M		MF	F	M			
Senegal	2001/ 2002	132 700	106 100	26 600		3.8	6.7	1.4		Direction de la Prévision et de la Statistique du Sénégal, Deuxième Enquête Sénégalaise Auprès des Ménages (Rapport de Synthèse de la Deuxième Enquête Sénégalaise Auprès des Ménages)	(5), (9)
Sierra Leone	2004	8 100	4 200	3 900		0.4	0.5	0.4		Statistics Sierra Leone, UNFPA and EU, 2004 Population and Housing Census (Analytical Report on Employment and Labour Force)	
South Africa	2010	1 140 000	879 000	261 000		8.7	15.5	3.5		Statistics South Africa, 2010 Quarterly Labour Force Survey	(1)
Tanzania, UR (mainland)	2006	131 500	104 800	26 700		0.8	1.2	0.3		National Bureau of Statistics of Tanzania, 2006 Integrated Labour Force Survey (micro-data set)	
Tanzania, UR (Zanzibar)	2006	1 900	1 700	300		0.4	0.7	0.1		Office of Chief Government Statistician of Zanzibar, 2006 Integrated Labour Force Survey (2006 Integrated Labour Force Survey: General Report (Volume II))	(9)
Uganda	2002/ 2003	111 100	82 200	28 900		1.2	1.8	0.6		Uganda Bureau of Statistics, Uganda National Household Survey 2002/2003 (Uganda National Household Survey 2002/2003: Report on the Labour Force Survey 2002/2003)	(5), (9)
Zimbabwe	2004	120 500	89 300	31 200		2.3	3.6	1.2		Central Statistical Office of Zimbabwe, 2004 Indicator Monitoring --- Labour Force Survey	
<b>Middle East</b>											
Bahrain	2009	76 500	48 500	28 000		12.8	42.2	5.8		Labour Market Regulatory Authority, Kingdom of Bahrain, Estimation of Employment and Wages at <a href="http://blmi.lmra.bh">http://blmi.lmra.bh</a>	(1)
Iraq	2008	9 700	3 500	6 200		0.1	0.2	0.1		Central Organisation for Statistics and Information Technology of Iraq, Labour Force Survey 2008	(2)
Jordan	2009	6 100	4 400	1 700		0.5	2.2	0.2		Department of Statistics of Jordan, Employment and Unemployment Survey 2009 (Labor Force Database)	(13)

Country/Territory	Year	Number of domestic workers			Domestic workers as % of total employment			Source	Notes
		MF	F	M	MF	F	M		
Kuwait	2005	246 100	151 100	95 000	21.9	53.3	11.3	Statistics and Information Sector – Ministry of Planning of Kuwait, Population Census 2005	(2)
Oman	2009	94 600	69 300	25 300	9.2	59.3	2.8	Ministry of National Economy of the Sultanate of Oman, Manpower Survey 2009 and Public Authority for Social Insurance (Statistical Yearbook 2010)	(14)
Qatar	2009	80 300	48 100	32 200	6.4	38.9	2.8	Qatar Statistics Authority, Labour Force Sample Survey 2009	
Saudi Arabia	2009	784 500	507 900	276 600	9.6	47.1	3.9	Central Department of Statistics and Information of the Kingdom of Saudi Arabia, Manpower Survey 2009 (Manpower Research Bulletin 2009)	
United Arab Emirates	2008	236 500	146 100	90 500	12.8	42.4	6.0	National Bureau of Statistics of the United Arab Emirates, Labour Force Survey 2008	(2)
West Bank & Gaza	2008	500	200	300	0.1	0.2	0.1	Palestine Central Bureau of Statistics, Labour Force Survey 2008	(2)
Yemen	2005/2006	23 300	8 100	15 200	0.6	2.5	0.4	Central Statistical Organisation of Yemen, Household Budget Survey 2005/2006 (Statistical Yearbook 2009)	

**Notes:**

- (1) Average of quarterly data.
  - (2) Retrieved from LABORSTA.
  - (3) Original source states that private households with employed persons are "under-represented" in the figures.
  - (4) Data according to the status-in-employment classification (national adaptation of ICSE).
  - (5) Figures refer to domestic workers aged 10 years and above.
  - (6) Figure refers to those who have a valid limit of stay in Hong Kong as a foreign domestic helper as at the end of that year.
  - (7) Data in original source refers to female [male] domestic workers as percentage of total employment.
  - (8) Data published only as percentages in original source; absolute figures calculated based on GET estimates for employment.
  - (9) Data published only as percentages in original source; absolute figures calculated based on employment statistics from the same national source.
  - (10) Figures refer to the sum of urban and rural data.
  - (11) Number of domestic workers refers to wage employment in domestic services, as published by the KNBS; percentage in total employment estimated on the basis of GET employment figures.
  - (12) Original data are cross-tabulated by age; figures refer to workers aged 15 years and above only.
  - (13) Refers to Jordanian employed population only.
  - (14) Figure on domestic workers refers to expatriate workers with valid labour cards; percentages calculated over the sum of total Omanis working in the private sector registered with the public authority for social insurance and total expatriate workers in the private sector with valid labour cards.
- If not otherwise noted, data are directly taken from national source and correspond to the definition discussed in Chapter 2. All figures are rounded to the nearest 100s.
- ... data not available
- insignificant / not published in original source.

## Appendix III: Coverage of domestic workers under national legislation

Table A3.1 Coverage of domestic workers by working time, minimum wage and maternity protection laws, by country (2010)

Country/Territory	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
<b>Developed countries</b>								
Australia	1	1	3	1	1	1	1	1
Austria	2	2	1	1	1	1	1	1
Belgium	1	3	1	2	1	2	1	1
Canada	9	9	9	9	9	9	9	9
Denmark	1	3	3	1	3	3	1	1
Finland	3	2	2	1	3	3	1	1
France	2	1	1	1	1	2	1	1
Germany	1	3	1	1	3	3	1	1
Ireland	1	1	1	1	1	1	1	3
Italy	2	1	1	1	1	2	1	1
Japan	4	3	3	3	3	3	3	3
Korea, Republic of	4	3	3	3	3	3	3	3
Netherlands	2	1	1	2	1	9	1	1
Portugal	2	2	1	1	1	2	1	1
Spain	2	1	1	1	1	1	1	1
Switzerland	3	1	1	1	1	2	1	1
United Kingdom	1	3	1	1	1	1	1	1
United States	2	1 (1)	9	9	1 (2)	1	3	3
<b>Eastern Europe and CIS countries</b>								
Bulgaria	1	1	1	1	1	1	1	1
Croatia	1	1	1	1	3	3	1	1
Czech Republic	1	1	1	1	1	1	1	1
Kazakhstan	2	1	1	1	1	1	1	1
Latvia	1	1	1	1	1	2	1	1
Moldova, Republic of	1	1	9	1	1	1	1	1
Romania	1	1	1	1	1	1	1	1
Russian Federation	1	1	1	1	1	2	1	1
Turkey	4	3	3	3	1	1	3	3

Country/Territory	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
<b>Asia and the Pacific</b>								
Bangladesh	4	3	3	3	3	3	3	3
Cambodia	4	3	3	3	3	3	3	3
China	4	3	3	3	3	3	3	3
Hong Kong (China) (live-in)	1	3	1	1	1 (3)	1 (3)	1	9
Hong Kong (China) (live-out)	1	3	1	1	3 (3)	3 (3)	1	9
India	9	3	3	3	3 (4)	3 (4)	3	3
Indonesia	4	3	3	3	3	3	1	1
Iran	1	1	1	1	9	1	1	1
Malaysia	2	3	3	3	3	3	3	3
Pakistan	4	3	3	3	3	3	3	3
Philippines	2	3	3	3	2	1	1	1
Sri Lanka	4	1	3	3	3	3	3	3
Thailand	2	3	3	3	3	3	3	3
<b>Latin America and the Caribbean</b>								
Argentina	2	3	2	1	1	1	1	3
Bolivia	3	3	1	1	1	1	1	3
Brazil	2	1	1	1	1	1	1	1
Chile	1	2	1	1	2 (5)	2	1	1
Colombia	2	2	1	1	1	2	1	1
Costa Rica	1	1	1	1	1	1	1	1
El Salvador	1	1	1	1	3	3	1	1
Guatemala	1	3	3	1	1	2	1	1
Mexico	1	1	1	1	1	2	1	1
Nicaragua	2	1	1	1	1	2	1	1
Panama	1	3	1	1	2	2	1	1
Paraguay	2	3	3	1	1	2	1	1
Peru	3	1	1	2	1	1	1	1
Uruguay	3	1	1	1	1	2	1	1
Venezuela (live-in)	2	3	1	1	1	1	1	1
Venezuela (live-out)	2	1	1	1	1	1	1	1

Country/Territory	Scope	Working time			Minimum wage		Maternity protection	
		Weekly hours	Weekly rest	Annual leave	Minimum wage	In-kind payment	Maternity leave	Maternity cash benefits
<b>Africa</b>								
Algeria	1	1	1	1	1	1	1	1
Burkina Faso	2	1	1	1	1	1	1	1
Egypt	4	3	3	3	3	3	3	3
Ethiopia	2	3	2	2	3	3	2	2
Kenya	1	1	1	1	1	2	1	1
Mali	2	3	1	1	1	2	1	1
Namibia	3	1	1	1	3	3	1	1
Senegal	2	2	2	1	1	2	1	1
South Africa	2	1	1	1	1	2	1	1
Tanzania	1	1	1	1	2	2	1	1
Zimbabwe	2	1	1	2	1	1	1	1
<b>Middle East</b>								
Jordan	3	3	1	1	2	2	3	3
Kuwait	4	3	3	3	3	3	3	3
Saudi Arabia	4	3	3	3	3	3	3	3
United Arab Emirates	4	3	3	3	3	3	3	3
Yemen	4	3	3	3	3	3	3	3

**LEGEND****Scope**

- 1 Domestic workers are covered by the general labour laws to the same extent as other workers
- 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 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 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 or longer than for other employees
- 2 Annual leave is shorter than for other employees
- 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 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

**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 or more favourable than for other workers
- 2 Maternity leave entitlements less favourable than for other worker
- 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 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

**Notes:**

- (1) Under federal legislation, casually employed babysitters, employees performing companionship services and live-in domestic workers are exempted from overtime provisions.
- (2) Under federal legislation, casually employed babysitters and employees performing companionship services are exempted from minimum wage provisions.
- (3) Foreign live-in domestic workers (who account for the overwhelming majority of live-in domestic workers) are entitled to a monthly Minimum Allowable Wage (plus free food), while as of 2010 live-out domestic workers were not covered by any minimum wage legislation. This has changed with the adoption of the Statutory Minimum Wage (SMW) in 2011 (see discussion in Chapter 6).
- (4) Domestic workers are not included as a scheduled employment at the federal level. However, some states have recently adopted minimum wages for domestic workers (see discussion in Chapter 6)
- (5) Minimum wage for domestic workers was increased to 100 per cent of the general minimum wage with effect of 2011.