



DEAR COLLEAGUES,

You are reading the 18th newsletter of the Research Network for Domestic Worker Rights, including information on the implementation process of the ILO Convention, campaigns, and news from the world of research.

1. UPDATES ON THE CONVENTION AND CAMPAIGN NEWS

The Philippines

In January 2013, the national law for domestic workers, Republic Act 10361 or the Domestic Workers Act, or "Kasambahay" Law came into force. This encouraged the organizing of local domestic workers in the Metro Manila where most of the estimated 2.5 million domestic workers are located. In the same year, the first union of domestic workers, UNITED (The United Domestic Workers of Philippines) was launched with joint support from local trade unions and LEARN (Labor Education and Research Network). The domestic workers union was officially launched on April 2015 with the support of the ILO-Manila Office and the Technical

Working Group on Domestic Workers, a network of various national trade unions, NGOs, migrant organizations and domestic workers associations. The keynote speaker in the inauguration was the Philippine Overseas and Employment Authority (POEA) Administrator, Mr. Hans Cacdac, a supporter of domestic workers organizing. January 18 has been declared as Domestic Workers Day in the Philippines and the UNITED domestic workers union has organized actions to push the government to strongly enforce the social security benefits of domestic workers. Employers must pay for a monthly social security fee for their domestic workers, but this law largely ignored by a majority of DW employers.

<http://www.gmanetwork.com/news/story/312182/news/special-reports/infographic-what-you-should-know-about-the-kasambahay-law>

Malaysia: Domestic worker campaign

In 2011, a coalition of non-governmental civil society, the national trade union and faith-based organizations formed the Domestic Workers Campaign (DWC) to advocate for the inclusion of domestic workers in the Employment Act of Malaysia. The ongoing campaign calls for structural and legal reforms that

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PICTURE: APRIL 2015 LAUNCHING OF THE UNITED DOMESTIC WORKERS OF THE PHILIPPINES.

include the integration of a right-based framework at every stage of migration; inclusion of all key elements of ILO C189, including the right for workers to organize; recognize domestic work as work and expand the inclusion of the Employment Act to include all domestic workers; a standardized contract; access to justice for violations and abuses committed against domestic workers; mobilization of non-governmental, civil society, trade unions and faith-based organizations. The DWC involves: Archdiocesan Office for Human Development (AOHD), Coordination of Action Research on AIDS and Mobility (CAR-AM) Asia, Change Your World, Liber8, Migrant Ministry, Malaysian Trades Union Congress (MTUC), Tenaganita, Women's Aid Organization (WAO), and Pusat Kebajikan Good Shepherd (PKGS).

Malaysia: National labor organization from the Philippines works in Malaysia

SENTRO (see <http://www.sentro.org/>), a national labor organization from the Philippines, sent an union organizer to Malaysia in order to work with Filipino domestic workers. The first step has been achieved in form of contact-building and exposure with labor and migrant organizations (BWI, MTUC, Tahanang Filipino, ASETUC, Bar Council) until the end of 2014. By June 2015, the Filipino migrant domestic workers in Malaysia have formed a mutual-help support group called United Workers for Mutual Protection, Advancement and Development (UniMAD). The group aims to operate as a workers' organization representing Filipino migrant domestic workers in Malaysia. The work of the union organizer focuses on (1) building contacts through education activities (i.e. migrant rights orientation), (2) networking with the Filipino communities, (3) supporting and assisting abused domestic workers, and (4) building bridges with other civil society groups in Kuala Lumpur.

Indonesia-Malaysia Corridor: Workshop on Recruitment and Protection

On 3 and 4 November 2015, trade union representatives joined government representatives from Indonesia and Malaysia and migrant rights organizations in Jakarta to discuss recruitment and protection of migrant domestic workers. The Workshop was organized within the framework of the ILO Global Action Programme (GAP) on Migrant Domestic Workers and Their Families and Tripartite Action for Protection and Promotion of the Rights of Migrant Workers in the ASEAN Regional (ASEAN Triangle) project. In Indonesia, there are an estimated 500,000 plus migrant workers of which 54% are female. The workshop drew on research carried out in the region under the GAP-MDW project including on: (1) working conditions and protection, (2) recruitment process and risks, (3) bilateral agreements, and (4) skills training.

http://www.ilo.org/jakarta/info/public/pr/WCMS_421136/lang--en/index.htm

Indonesia: Information Passport

The Indonesian trade union KSBISI has produced a new Migrant Domestic Worker information passport. The passport provides Indonesian workers headed to Malaysia, with pre-departure information regarding labor rights and employment. https://gallery.mailchimp.com/9ec9283adb344a1c2d1abff67/files/Pocket_Book_Migrant_Domestic_Workers_KSBISI_FINAL_1_.pdf

South Africa: Domestic Workers Empowerment Program

The Social Law Project (University of the Western Cape) invites domestic workers to apply for a 1-year training program with the title "Domestic Workers Empowerment Program (DWEPP) - Organising for a better future". The Project offers a training and capacity building program for domestic workers. The pro-

gram seeks to empower domestic workers through a series of 6 workshops, and activities towards a better understanding of the value of their work and rights in society and their workplace, and the value and importance of organization building within the sector.

The program is open to all domestic workers: a) South African and foreign b) working full-time or part time c) male and female d) between ages 18-35 e) committed to improving conditions for domestic workers f) able to identify and sign up 10 domestic workers to collaborate with, for the duration of the program.

If you would like to apply, please contact the Social Law Project, by 4 March 2016, on: Tel: 021-959 3562 Email: slp@uwc.ac.za

South Africa: Domestic Workers' Cooperatives

Domestic workers in South Africa amount to five per cent of the total South African workforce. Almost all (96 per cent) of the domestic workers are women and they account for almost 15 per cent of the total South African women's workforce, making the sector the biggest employer of women in the country. Many work informally, in particular migrant workers. While the ratification of C189 by the South African government has led to an upsurge of organizational activity among domestic workers, as well as by the NGOs and other agencies working to support them, their capacities to respond to their members' needs is quite varied.

In 2015, the ILO COOP commissioned a study to look at the viability of developing domestic workers' cooperatives in South Africa based on the requests from the constituents. The findings of the report indicated that a number of possible opportunities exist for cooperatives of domestic workers (employment services; training; sewing; catering; frail care; child-care and hospitality). During a validation workshop,

the discussion of the findings identified the need for domestic workers and their representative organizations to be the ones who are driving the process. Since then a community organizer who is experienced in helping set up and incubate domestic workers' cooperatives has worked with the constituents to develop an implementation strategy to guide the development of two pilot cooperatives of domestic workers. The implementation strategy report is currently under review by the constituents. Upon receiving their inputs, the ILO will work with the constituents to move the initiative forward.

UK: Independent inquiry of Overseas Domestic Workers Visa recommends removal of the tied visa

The report by Ewin James in "An Independent Review of the Overseas Domestic Workers Visa" reveals that the British government is exposing thousands of women brought to the UK by wealthy Gulf families to conditions of slavery, trafficking and abuse. This is because the United Kingdom visa for domestic workers continues to tie these employees to their employers. By bonding domestic workers, it creates a system of "Kafala" which is widely prevalent in Arab nations. This system prevents vulnerable workers from leaving their jobs without permission. Some of these Arab nations have outlawed this practice but their nationals continue to maintain this system through their conduct and in so doing create a human rights conundrum for the UK state that did not ratify C189. In 2015, over 17,000 domestic workers traveled with their employers under this visa. More than half of them came from Gulf nations including Qatar, Saudi Arabia and the United Arab Emirates. Some of these employers continue to subject their employees to cruel, inhumane and degrading treatment under the system that Yasin Kakande, a Ugandan journal-

ist documents in "Slave States: The Practice of Kafala in the Gulf Arab Region".

Basing on evidence from interviews with overseas domestic workers, barrister James Ewins, the independently commissioned-government reviewer, recommends that the government might enhance the situation of employees by improving the visa terms through the removal of the tied visa and revised provision of information (i.e. mandatory meetings on arrival). By doing this the government will empower overseas domestic workers with information, advice and support them and they will be able to identify human rights abuse and crime and engage voluntarily, and more willingly, in any civil and/or criminal proceedings from the outset. Following this reportage, the UK government says that it is carefully considering the report's recommendations and will announce its response in due course.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_-_Final_Report__6_11_15_.pdf

<http://www.migrantsrights.org.uk/news/2016/domestic-workers-face-conditions-slavery-trafficking-and-abuse-says-review>

Switzerland: C189 came into force

On 12th November 2015 C189 came into force in Switzerland. A broad alliance of unions, church organizations, women and migrant NGOs, solidarity organizations and individuals signed an appeal to implement C189. Online-petition "Decent Work for Domestic Workers" (German):

http://www.vpod.ch/file-admin/vpod_zentrale_files/Frauen/PDFs/Aufruf_Hausangestellte_12_11_2015-d.pdf

Short movie

Euronews shows how domestic workers have won better working conditions in

countries around the world. Through examples in Italy and Hong Kong, it debunks the myths that domestic workers and their employers are unable to organize and bargain collectively.

<http://www.euronews.com/2015/12/02/domestic-workers-debunking-the-myths/>

2. RESEARCH

2.1 RESEARCH QUESTION

The online economy in the domestic work sector

The National Domestic Workers Alliance (NDWA - USA) seeks your help tracking how the online/app economy is impacting domestic work around the world. Over the last few years, we have seen domestic work shift online to marketplaces and the on-demand economy. Online economy has increasing presence in the domestic work sector beyond the United States, for example, babajob in India. Increasingly, the on-demand workforce mirrors the symptoms of an unprotected class of workers, challenges that domestic workers have struggled with for decades. In October 2015, NDWA launched the Good Work Code to advance an overarching framework to guide the on-demand economy in creating good work. NDWA is meeting with companies and other advocates to ensure that as we create the future of work, we are solving for equity as well as efficiency.

Please contact about on-demand companies in the domestic work sector and about any organizing related to it Jill Shenker, jill@domesticworkers.org and Palak Shah, palak@domesticworkers.org.

2.2 RESEARCH NEWS

Czech Republic: Quantitative Study

With the expanding aging population, the growing number of women entering the labour market, and the tightening of public social services across the globe, the need for care is growing worldwide. Looking ahead, the project argues, innovative solutions for both providing care and employing care workers are needed. Rooted in values of social justice, equity, democracy and decent work for all, cooperative enterprises are emerging as one such solution. However, much remains to be understood about this new area of care and work.

To address this gap, the ILO Cooperatives Unit (COOP) and the Gender, Equality and Diversity Branch (GED) have embarked on a global mapping of the provision of care through cooperatives. Using data gathered from an online survey and interviews with key informants, it aims to identify the ways in which cooperatives affect the livelihood of care beneficiaries, care workers, and the larger community; and determine the resource cooperatives need to become viable enterprises and employers in the care sector. In 2014, SIMI (Association for Integration and Migration, Czech Republic) conducted a quantitative research among migrant women working as domestic workers in private households in the Czech Republic. The first of its kind in the Czech Republic, this research is primarily concerned with working conditions of migrant women, their tasks in private households as well as with matters related to paid domestic work. The research is conducted by experts from the Faculty of Humanities at Charles University in Prague and the Economic Institute CERGE-IE. www.pracovnicevdomacnosti.cz.

You can download the English version of the report with the title Situation of migrant women on the Czech market of domestic work.

www.migrace.com/docs/160118_simi_research-on-domestic-workers_en.doc

3. CONFERENCES AND CALLS

Call for a conference in Ljubljana

The Peace Institute (Slovenia) is organizing an international conference "Problems and Visions in Social Care" which will be held in September 14 -15, 2016 in Ljubljana. You can get detailed information at: <http://www.mirovni-institut.si/en/call-for-papers-for-the-conference-problems-and-visions-in-social-care/> There is no participation fee. Moreover, the organizer will cover the accommodation costs. The conference language will be English.

The XIV Nordic Social- and Labour History Conference

The XIV Nordic Social- and Labour History Conference takes place in Reykjavik November 28-30, 2016. One of the major themes of the conference is global and feminist labour history (<http://www.nordiclabourhistory.org/>).

4. PUBLICATIONS

Zhe Jiang and Marek Korczynski (2016) When the 'unorganizable' organize: The collective mobilization of migrant domestic workers in London, in: Human Relations, published online before print January 14, 2016, doi: 10.1177/0018726715600229. <http://hum.sagepub.com/content/early/2016/01/08/0018726715600229?paper=1>

The article explores the collective mobilization of migrant domestic workers in London. Mobilization changed the framing of migrant domestic workers from 'labourers of love' to workers with rights. It was able to do this because it addressed the three

barriers to mobilization: by creating a space for the development of communities of coping among migrant workers; by using politicized learning; and by using participative democracy and collective leadership development, tied to links with formal organizations.

Sebastian Walter (University of Kassel) published his PhD dissertation on the question whether the German labour and employment law is consistent with C189 (in German): Die Vereinbarkeit des deutschen Arbeits- und Sozialrechts mit der Domestic Workers Convention, 2011 (ILO-Konvention Nr. 189), Kassel University Press, Kassel 2015.

Bassina Farbenblum, Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin, edited version forthcoming in Asian Journal of International Law.

Draft available at http://www.law.unsw.edu.au/sites/law.unsw.edu.au/files/images/governance_of_migrant_worker_recruitment_-_a_rights-based_framework_for_countries_of_origin.pdf

Andersen, Nina Trige & Myong, Lene. 2015. "From Immigration Stop to Intimidations of Migration: Cross-Reading the Histories of Domestic(ated) Labor Migration and Transnational Adoption in Denmark 1973-2015". Retfærd Vol. 38, no. 3/150. Copenhagen: Djøf Forlag <https://www.djoef-forlag.dk/da/tidsskrifter/ret>

This article presents a cross-reading of au pair migration and adoption migration within the national context of Denmark after the so-called immigration stop of 1973. These forms of migration have been politically encouraged during a period in which successive Danish governments have implemented some of the strictest immigration laws in the EU. The article points to the biopolitical logics that make the au pair and the transnational adoptee desired migrants, albeit on different terms. While the adoptee migrant is desired

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because of her perceived permanent attachment to Denmark and her adoptive family, the au pair migrant is desired precisely because of her temporary and suspendable attachment to Denmark and her host family. The authors argue that au pair and adoption migration point to the ways in which processes of intimizations of migration are linked to consumptive demands and affective needs in the white middle-class family in a time of antiimmigration politics.

Migrant Domestic Workers and Family Life. International Perspective, edited by Maria Kontos and Glenda Tibe Bonifacio, published Palgrave Macmillan in 2015 brings timely and comprehensive analysis of the non-recognition of the right to a family life of migrant live-in domestic and care workers in Argentina, Canada, Germany, Italy, Lebanon, Norway, the Philippines, Slovenia, South Korea, Spain, the United Arab Emirates, the United States of America and, Ukraine.

More info about the book you can find here <http://www.palgrave.com/us/book/9781137323545>

Poblete, Lorena (ed.) (2015) "El Trabajo doméstico: entre regulaciones formales e informales. Miradas desde la historia y la sociología". This collective volume analysis the challenges for formal regulation of domestic work in Argentina. From historical and sociological perspectives, we trace changes in domestic work regulation since XIX, highlighting the persistence of the tension between informal arrangements and formal regulation.

<http://ides.org.ar/wp-content/uploads/2012/03/Cuadernos-del-IDES-N%C2%BA-30-Octubre-2015.pdf>

Katharine Jones (2015): For a fee: the business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon. International Labour Office. Geneva: ILO, 2015, (Working paper, No. 2/2015)

This study aims to shed light on the industry that profits from the recruitment of women from South Asian countries into domestic work employment in the Middle East, with a particular focus on Bangladesh, Jordan and Lebanon. It analyses the 'business model' utilised by labour recruiters to generate income and profit and to minimize risk and loss. By illuminating how and why such recruiters do what they do, the study aims to inform better policies and interventions to protect migrant domestic workers and eliminate abusive recruitment and employment practices.

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/--protrav/documents/publication/wcms_377806.pdf

International Labour Office (2015) Labour inspection and other compliance mechanisms in the domestic work sector. Introductory Guide, Geneva: ILO.

This publication aims to contribute to a better understanding of the challenges for compliance in the domestic work sector. It also identifies how countries have defined policies and practices to provide better services to domestic workers and their employers in the domain of working conditions, with a specific focus on labour inspection. The guide provides information in a user-friendly manner, aiming to assist member States to identify practical measures to address non-compliance issues and to better shape the action of relevant institutions, in particular labour inspectorates, to bring the laws protecting domestic workers into practice.

http://www.ilo.org/labadmin/info/pubs/WCMS_429836/lang--en/index.htm

Martin Oelz and Uma Rani (2015) Domestic work, wages, and gender equality: Lessons from developing countries, Working paper; No. 5/2015, International Labour Office, Gender, Equality and Diversity Branch (GED), Geneva: ILO.

GED Working Paper No. 5/2015

The paper seeks to contribute to a better understanding of developments regarding labour market participation and remuneration in the domestic work sector in comparison with other sectors. It looks at the basic characteristics of female domestic workers, gaps in minimum wage coverage, compliance, and the extent of minimum wage violations. Presenting empirical evidence on labour market inequality along gender lines, the paper discusses the role of minimum wages for reducing gender disparity, questions of regulatory design and enforcement issues.

http://www.ilo.org/wcmsp5/groups/public/---dgreports/--gender/documents/publication/wcms_430902.pdf

New report from the Office of the High Commissioner on Human Rights, "Behind Closed Doors: Protecting and Promoting the Human Rights of Migrant Domestic Workers in an Irregular Situation". The report was prepared in the context of the @ILO Global Action Programme on Migrant Domestic Workers and Their Families.

https://gallery.mailchimp.com/9ec9283adb344a1c2d1abff67/files/Behind_closed_doors_HR_PUB_15_4_EN.pdf

ILO GAP-MDW Corridor report on Paraguayan Migrant Domestic Workers in Argentina (in Spanish).

<https://gallery.mailchimp.com/9ec9283adb344a1c2d1abff67/files/InformeMigrantesCD.pdf>

You can read a German article on the situation of care workers with references to Switzerland and Respekt.

<https://chrismon.evangelisch.de/artikel/2016/31942/pflegerinnen-aus-osteuropa-dann-holen-wir-uns-eine-polin>

The Legal and Policy assessment report on child domestic workers in Uganda:

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The study aims to identify gaps about child labor in domestic work in Uganda and study the legal and policy framework in order to find out whether rights of child domestic workers are recognized by law in Uganda. The study a) assess the legal provision to find out whether domestic work is recognized b) identify the opportunities and requirements for ratifying the ILO Convention 189 c) identify the opportunities for better mainstreaming child domestic work into the existing frameworks d) determines whether the existing educational policies and training programs accommodate the training needs of child domestic workers.

<http://iday.org/wp-content/uploads/2015/01/IDAY-Legal-and-Policy-Assessment-Uganda-light.pdf>

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