

# Law & Informality Insights N° 10



*Abra Djotsi, Elyse Goumaye and Déborah Assogba (from left) at a legal empowerment training session in Lomé, Togo. Photo credit: Teresa Marchiori*

## Legal Empowerment at Work: Using Legal Empowerment to Advance the Rights of Domestic Workers, Strengthen Movements and Bring Systemic Change

By Teresa Marchiori, Krithika A. Dinesh and Tapiwa Gorejena

During a training session in Harare, Zimbabwe, Linda, a 50-year-old domestic worker, reflected on her employment situation. “I have been working 12 hours a day and haven’t been given vacation leave in years. Is that right?” she asked. She had just heard about the labour rights domestic workers are entitled to under Zimbabwean law and, for the first time, she thought she might have been wronged.

Like Linda, many domestic workers face injustice in the workplace. Sometimes, the law does not protect their rights. But, even when it does, without legal knowledge, domestic workers often do not recognize that their experience is not just unfair, it’s also unlawful.

We launched the Legal Empowerment for Domestic Workers project in August 2022 in Dar es Salaam, Tanzania, together with International Domestic Workers Federation (IDWF), four of its African affiliates and other allies. The project, born out of IDWF’s vision, seeks to empower domestic workers to know, use and shape the law. This entails training a core group of union organizers to provide paralegal services, including legal education, legal assistance, outreach, and evidence-based advocacy. It has been piloted with the Zimbabwe Domestic and Allied Workers Union (ZDAWU) and the Syndicat National des Domestiques du Togo (SYNADOT). Training with the Conservation, Hotels Domestic and Allied Workers

Union (CHODAWU) has begun, and work with the Kenya Union of Domestic Hotels Educational Institutions Hospitals & Allied Workers (KUDHEIHA) will follow.

The project's unique characteristic is that it embeds legal empowerment in a trade union setting. Critical Legal Empowerment<sup>1</sup> is the conceptual framework underpinning it. The hypothesis we are testing is that legal empowerment work is sustainable in the long term and can build traction to effect systemic change when successfully institutionalized within a union structure.

This edition of Law & Informality Insights reflects on how legal empowerment interventions can improve the working conditions of domestic workers. It considers the particular ecosystem in which our legal empowerment work is situated: that of domestic workers' trade unions. We discuss the challenges presented by this particular setting, as well as the significant opportunities for translating individual empowerment into systemic change.

First, we highlight the challenges of domestic workers and their need for legal empowerment. The following section outlines the "theory of change" that guides us in using a worker education approach to embed Critical Legal Empowerment within a union structure. We then reflect on the application of our theory of change, sharing our learnings and reflections on the dynamics we have observed. Lastly, we make the case that by building workers' critical consciousness and understanding of the law, legal empowerment contributes to broader socio-political change and builds resistance to the shrinking of civic space.

## Legal Empowerment at Work

Legal empowerment is a rights-based methodology<sup>2</sup> – "an approach that enables communities facing injustice to use legal mechanisms to pursue transformative improvements to laws and systems".<sup>3,4</sup> Our critical approach to legal empowerment seeks to equip individuals and communities to understand the law as political and unpack the interests it serves and the power dynamics it reflects. We prioritize reflection on power structures and analysis of the political economy of law over building knowledge through purely technical training on law.<sup>5</sup> This approach highlights how the law is often used as a tool to marginalize vulnerable groups and how such groups can transform the law and tackle systems of oppression and domination.<sup>6</sup>

We understand critical legal empowerment as a process through which workers:

- Gain a critical understanding of the laws that impact livelihoods, recognizing that what is legal is not always just, and that laws are not sacred and immutable but rather a product of human actors and institutions and, as such, can be changed.
- Strengthen their own identity as right holders.
- Are able to use the law to improve their working conditions and their livelihoods through negotiation with their employers and rights-based advocacy.
- Participate effectively in union meetings, outreach and other union activities to strengthen collective power.
- Create or participate effectively in civic spaces – mobilizing for change.

<sup>1</sup> See Satterthwaite, M. 2022. Critical legal empowerment for human rights. *Legal Mobilization for Human Rights: Collected Courses of the Academy of European Law*.

<sup>2</sup> NYU Law website. n.d. "Legal Empowerment." Available at [https://www.law.nyu.edu/centers/bernstein-institute/legal\\_empowerment](https://www.law.nyu.edu/centers/bernstein-institute/legal_empowerment)

<sup>3</sup> Seligstein, Aimee. 2021. "Fund 101: What is Legal Empowerment?" *The Fund for Global Human Rights*. Available at <https://globalhumanrights.org/commentary/fund-101-what-is-legal-empowerment/>

<sup>4</sup> Golub, Steven. 2003. Beyond the Rule of Law Orthodoxy, p. 25: Legal empowerment is the use of legal services and related development activities to increase disadvantaged populations' control over their lives.

<sup>5</sup> Von Broembsen, Marlese. 2012. "Legal Empowerment of the Poor: The Re-emergence of a Lost Strand of Human Rights?" The Bernard and Audre Rapoport Center for Human Rights and Justice.

<sup>6</sup> See Satterthwaite, M. 2022. Critical legal empowerment for human rights. *Legal Mobilization for Human Rights: Collected Courses of the Academy of European Law*.

Paramount to our approach is the understanding of rights – and the process through which rights are contested, recognized in law and enforced in practice – as eminently political. Rights result from power struggles between different groups, driven by different interests and incentives.

On the surface, laws are the result of the power of institutional decision makers, such as members of parliament, government and other actors. However, other forms of power also shape laws. Hidden power, for one, is the power of social actors to define the boundaries and “unwritten rules” of the playing field, and to “set the agenda” for action and decision making. This form of power is hidden from the public eye because it is wielded by actors outside the institutional power circle, but its influence is great as it defines what is and is not possible or debatable. Even more subtle than hidden power is invisible power, which refers to social and cultural values and beliefs that shape individuals’ worldview and the way people define what is acceptable and what isn’t. It also contributes to our sense of self worth, of inferiority or superiority, setting limits on opportunities for change.<sup>7</sup> These values and beliefs – and skewed sense of self-worth – largely explain the situation where Linda, from this brief’s introduction, had never had paid vacation leave, while her employers no doubt enjoyed holidays.

Political theorist Steven Lukes talks of the “power to”, the “power with”, and the “power within”.<sup>8</sup> “Power to” is the power to do – participate, make decisions, take action. The “power within” refers to “self-identity, awareness, and confidence which is a precursor to taking action”. “Power with” stems from collective action and alliances.

Legal empowerment, as we understand it, is ultimately aimed at enabling workers to take action (“power to”) to acquire institutional –

visible – power. But it focuses first on unpacking hidden and invisible power arrangements – building workers’ “power within” and facilitating the emergence of “power with”. Before domestic workers can begin to see the possibility of change in the law and how to effect it, they first need to see that current laws that give them fewer rights than other workers are not sacrosanct. These laws are instead the result of structural inequality and a game of politics that they stood no chance of winning – in fact they were excluded from playing.

## Why is Legal Empowerment Important for Domestic Workers?

Domestic workers – mostly women – face unique challenges in the workplace that stem from dominant social values and intersect with domestic workers’ identities – including their gender, class, race, caste, nationality and migrant status. First, the patriarchal system devalues domestic work as “women’s work” and therefore less deserving in terms of respect and remuneration. Second, and closely intertwined, is the persistent perception of domestic work as “household chores”, which blurs the lines between paid professional work and unpaid family contributions.<sup>9</sup> Third, because domestic work is often seen as “dirty” or undignified, it has been assigned to women of marginalized racial, ethnic and economic status.<sup>10</sup> All this is compounded by the fact that, since domestic work takes place within private homes, domestic workers are usually isolated. This makes it difficult for them to develop a collective identity as workers, as well as to find assistance to identify and challenge violations of their rights.<sup>11</sup>

The skewed power dynamics that both underpin and result from such biases and barriers play a part in domestic workers’ exclusion from policy and law-making processes, including collective bargaining. This, in turn, contributes to discriminatory and

<sup>7</sup> VeneKlasen, L. and Miller, V. 2002. “Power and Empowerment”, Chapter 3 in *A New Weave of Power, People & Politics: The Action Guide for Advocacy and Citizen Participation*. Practical Action Publishing, Bourton on Dunsmore, UK.

<sup>8</sup> Gaventa, John. 2006. “Finding the spaces for change: a power analysis.” *IDS bulletin* 37, No. 6 pp 23-33.

<sup>9</sup> This point is exemplified by employers’ common habit of referring to domestic workers as “auntie” or “sister”; interestingly, this was one of the main points raised by domestic worker organizations we interviewed, who noted that this attitude weakens workers’ identity and collective consciousness.

<sup>10</sup> Nadasen, Premilla and Tiffany Williams. 2011. *Valuing Domestic Work*. Barnard Center for Research on Women. January.

<sup>11</sup> Blackett, Adelle. 2011. *Canadian Journal of Women and the Law*, 23, 1.; Bamu, Pamhidzai H. 2024. “From the Palace to the Kitchens: Making C189 Real for Domestic Workers in Africa.” *WIEGO Law & Informality Insights* No. 9.



exclusionary policy and legal frameworks.<sup>12</sup> From a legal standpoint, domestic workers face three main challenges. The first is exclusion from labour laws. As a recent ILO analysis shows, 36.1% of countries completely exclude domestic workers from labour laws (ILO 2021). Regionally, these figures vary, with 61.5% of domestic workers excluded from labour laws in Asia and 37% in Africa (ILO 2021). Migrant domestic workers, even if documented, may be subject to legal provisions that hinder their freedom of movement and their ability to leave their employment.

Second, even when they have some legal protection, domestic workers are often excluded from specific aspects such as maximum working hours, minimum wages, social security, and occupational health and safety. This amounts to discrimination: for instance, in Zimbabwe, domestic workers are regulated by a statutory instrument,<sup>13</sup> which excludes domestic workers from the right to the social protections that other workers enjoy.<sup>14</sup> In Togo, while 40 hours per week is the maximum number of working hours allowed, for domestic workers it is 56.

Third, even where the law protects domestic workers' rights, there is little enforcement. For instance, non-compliance with set minimum wages is three to four times greater for domestic workers than for other workers.<sup>15</sup> Two main issues explain the low rate of enforcement. First is the scarcity of labour inspectors and the difficulty of entering private homes. Second is the lack of political will among lawmakers, which undermines the possibility of change. In the words of Lita Anggraini, who co-founded and is the national coordinator of the National Network for Domestic Workers Advocacy of Indonesia, the key challenge is "parliamentarians who are themselves employers of domestic workers and benefit from the status quo".<sup>16</sup>

This combination of discriminatory attitudes, practical barriers to collective action and exclusionary legal systems creates a range of challenges for reaching and organizing domestic workers. Domestic worker organizations face additional barriers to exercising their right to bargain collectively. In some countries, they are fighting for the right to register as trade unions; in others, there is no employers' organization to act as a bargaining counterpart. Also, they often find it difficult to adequately support domestic workers with legal issues because of resource constraints and gatekeeping by legal professionals. Lawyers and the legal system are expensive and difficult to access. Many domestic workers earn minimum or less-than-minimum wages, which makes it difficult for organizations to rely on subscriptions to support the provision of legal services.

For all these reasons, empowering domestic workers to know, use and shape the law to protect and realize their rights is essential. Building a critical knowledge of the law and creating a core group of trained domestic workers to provide legal services allows individual domestic workers to advocate for their rights and strengthens unions.

## Embedding Legal Empowerment in the Trade Union Context

Legal empowerment is not completely new to domestic worker organizations, specifically, or trade unions, in general. Unions have historically used "worker education" to empower workers and advance their rights. Domestic worker organizations periodically train their officers and organizers to assist with employment problems such as low wages, unfair dismissals, long working hours, non-compliance of rest periods, leave, and discrimination and harassment at the workplace; mobilize other domestic workers; and advocate for legal and social change.<sup>17</sup> IDWF affiliates have

<sup>12</sup> There is often a culture of servitude associated with domestic work, i.e. one where "social relations of domination or subordination, dependency, and inequality are normalised and permeate both the domestic and public sphere" Ray, Raka and Qayum, Seemin. 2009. *Cultures of servitude: Modernity, domesticity, and class in India*. Stanford University Press.

<sup>13</sup> The Statutory Instrument 377 of 1992, Labour Relations (Domestic Workers) Employment Regulations, 1992.

<sup>14</sup> In 2024, ZDAWU brought a case to the High Court of Zimbabwe challenging the constitutional validity of this provision and demanding the recognition of domestic workers' right to social protection. As of the date of this publication, the parties to the case are seeking to negotiate a settlement out of court.

<sup>15</sup> ILO. 2021. Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189). International Labour Office – Geneva.

<sup>16</sup> IDWF. 2024. Fighting for Legislation in Indonesia, Episode 6 of Domestic Workers Organizing for Legal Change in Asia. Available at [https://idwfd.org/publications/podcast/domestic-workers-organizing-for-legal-change-in-asia/#podcast\\_6](https://idwfd.org/publications/podcast/domestic-workers-organizing-for-legal-change-in-asia/#podcast_6)

<sup>17</sup> Based on interviews conducted with six IDWF affiliates in May 2021.

organizers or union officers who assist members with their legal issues.

Building on this, our legal empowerment project offers an innovative approach<sup>18</sup>, tailored to the union context. It includes the following features:

### **Linking knowledge to action – Empowering legal education**

The project provides a model of legal education that combines training on labour law with a critical approach to the law and in-depth power analysis. Partnering with Namati, a global legal empowerment network, we included modules on critical consciousness and power analysis in the training curriculum. These modules address the biases and socio-economic structures sustaining power dynamics that exclude domestic workers. They also show the path to becoming active agents of change. This helps participants acquire not only knowledge of the law, but also a critical understanding of the rules that regulate their work and the power dynamics that underpin the rules – so that they can strategize on how to challenge them. In addition, the training adopts a worker education methodology, a core objective of which is “building working class unity, collective organisation and solidarity”.<sup>19</sup>

Unlike traditional legal education efforts, which only focus on transfer of knowledge without a clear connection to action, legal education based on the methods of worker education<sup>20</sup> is:

- Grounded in workers’ practical problems.
- Always political – and unearths the political nature of workers’ socio-economic status and the laws that shape it.
- Inherently linked to workers’ struggles and aims to build collective power.
- Aware that learning is necessarily connected to action.
- Not separate from the union, but part of building union strength.
- Committed to democratic participation.

Worker education methods allowed us to tailor the conceptual framework of critical legal empowerment to the union context. In particular, it helped to:

- Keep participants’ focus on their broader political struggle and collective identity while gaining a technical knowledge of the law.
- Build class consciousness.
- Make legal concepts and technicalities accessible and meaningful by meeting participants where they are.
- Connect knowledge to action.
- Prioritize building collective power for change.

### **Navigating power within unions**

The project seeks to build a group of organizers trained in the law and embedded in the union structure, who can provide worker education, legal assistance and other services to union members. While, on one hand, this deepens the connection between knowledge and action for change, on the other hand, it requires navigating the union’s existing structures to creatively leverage its strengths.

Unions can serve as a powerful amplifier of legal empowerment efforts. They are spaces where workers can grow both their “power within” and their “power with”, translating the empowerment of individual domestic workers into collective power. The empowerment of individual domestic workers to identify and seek redress for rights violations by their employers is enhanced by the collective power expressed by the union, as unions support their members in cases of retaliation by employers.

Our experience highlighted that the key to embedding legal empowerment in the context of unions, which are typically collective spaces with hierarchical structures, is making a conscientious effort to leverage - rather than disrupt - the union’s established order and ways of working. We sought to do this in a number of ways. First, we built on the rich experience of senior union organizers participating in the project. We invited

<sup>18</sup> The Bernstein Institute for Human Rights at New York University drafted the legal empowerment module and, through continued collaboration, contributed to shape our understanding of the theory and practice of legal empowerment.

<sup>19</sup> Cooper, Linda. 2007. “Workers’ education and political consciousness: a case study from South Africa.” *The Economic and Labour Relations Review* 17, 2: 183-198.

<sup>20</sup> The authors participated in a worker education training course conducted by South African-based worker education specialists Linda Cooper and Sandra van Niekerk. The training, which focused on adapting worker-education methods to legal education and legal empowerment, informed the authors’ understanding of worker education.

them to facilitate training sessions and to support other participants with the provision of paralegal services. But we also encouraged them to get out of their comfort zone and incorporate new ways of thinking and working more critically. Second, we stressed that legal empowerment is inherently non-hierarchical: its core principle is that knowledge and skills, once acquired, are shared. Third, we encouraged participants to think about how to avoid elevating themselves to a higher “rank” above the other union members, which might have the negative effect of incentivizing gatekeeping. For example, in Zimbabwe, the union decided to refer to the trained domestic workers as “unionists” rather than paralegals to emphasize the union identity of the members, rather than a newly acquired status.<sup>21</sup>

### **Supporting domestic workers at their workplace**

The project is tailored to address the particularity of domestic workers’ workplace conditions. Working in isolation in their employers’ homes, domestic workers find themselves negotiating with their employers alone and run a high risk of retaliation, even losing their job. Because of this, we leverage – and strengthen – the union’s outreach capacity and experience with negotiation to ensure that 1) the knowledge generated under the project reaches every union member and beyond, and 2) workers can easily access the union for support with planning and conducting negotiations with employers.

To do this, we stress the practical implications of a legal empowerment approach which demands that participants share the knowledge and skills they have acquired. Among these, skills to negotiate an employment contract and how (and why) to collect evidence to prove an employment relationship have been particularly useful for workers to improve their working conditions.

It is also essential to minimize the possible negative consequences of confronting employers about rights violations or negotiating for better working conditions. On hearing that two of the domestic worker project participants in Zimbabwe had been fired when they sought to negotiate new terms of employment, we revised the curriculum to include sessions on risk mitigation strategies. There we stress the importance of contacting

union officials throughout the negotiation process, or when seeking redress for right violations. For its part, the union strives to build accessible channels of communication with its domestic worker members, including through visits to their places of work. Union visits to workplaces are commonplace around the world as unions routinely check in on their members and run recruitment campaigns.

### **How Have We Supported Domestic Worker Unions to Know, Use and Shape the Law in Practice?**

Using a training of trainers’ approach, the project trains a core group of domestic workers on the principles and practices of legal empowerment, and they then train union members and other domestic workers, expanding the legal services they provide as their capacity grows. The model we have piloted includes three components: building legal knowledge through a series of multi-day in-person training workshops; deepening legal knowledge through online follow-up sessions; and putting knowledge into action through accompaniment and support to trained domestic workers as they start providing paralegal services. Here, we share features of each phase.

#### **Building a space for foundational learning**

For legal knowledge to be truly empowering and lead to action, domestic workers must own and master it. This is challenging as law is technical and complex. Essential in this phase is to create a safe space for participants to learn, with a critical lens, and contribute their experiences to strategies for action. The ways we sought to do this included:

#### **Building worker-centric legal education**

**materials:** In collaboration with popular education and legal empowerment experts, we developed a training manual covering legal empowerment, critical consciousness, domestic workers’ employment rights, negotiating skills, worker education methods, and case handling and tracking. Workers’ feedback on the draft materials – its content, structure, language and design – was part of the training agenda.

#### **Centring legal education around practical**

**problems:** Using domestic workers’ employment problems as case studies was key in building

<sup>21</sup> Parajuristes is the term that SYNADOT members in Togo chose for themselves. In Tanzania, they will tentatively be calling themselves organizers, a term already in their structure.





*At a training session in Harare, Zimbabwe, in July 2023 are ZDAWU members (first photo, from left): Lessiwe Madhambi, Marian Nyangani and Esther Maringire (second photo, from left): Hazel Makumbe, Anywhere Mapuranga and Charity Ngaliwa. Photos credit: Fungai Munetsi*

understanding of how the law relates to the participants' lived realities. Training sessions began with workers' experiences – enabling participants to connect the law with their everyday challenges. This problem-oriented and practical approach helped participants to break down complex social systems and identify what is possible to solve through law.

**Combining legal education and organizing:** The workshops included participatory activities such as group reading, role playing, story telling, legal problem-solving exercises, poster making, and mock courts. Scenarios such as negotiating with employers using the law and organizing workers to advocate for labour rights were enacted.

Peer learning was weaved into the workshops, which helped build the participants' facilitation skills for their outreach and training of other workers. Learning from each others' experiences and to facilitate requires training and practice. This is valuable training as the vast majority of participants had never been facilitators, and even union leaders, who generally have access to legal and negotiation training, have few opportunities to strengthen their facilitation skills.

Again, leveraging the union's existing structures was key. For instance, in Zimbabwe, participants

in the training included domestic workers having legal training for the first time and experienced senior union organizers who were familiar with the issues, had strong ties with workers and had negotiated with employers and in arbitration processes. In choosing this mix of participants, we sought to harness the experience of the senior organizers to support and train the others.

**Being inclusive about language:** Legal texts often are framed in highly technical and complex language, which makes them difficult to access by the very people the law seeks to protect. The exclusionary nature of legal language is compounded in countries where laws are written in the languages of their former colonizers.<sup>22</sup> Early in the training, we realized that being inclusive about language was the key to creating an enabling learning environment. While participants could speak and understand the official language (English or French), it was only when we switched to a free dynamic where participants and facilitators used the language they were most comfortable with – allowing time for translation when needed – that participants started fully engaging, and we moved to a space of participatory learning. The project now prepares training material in the participants' first language and provides interpretation services so that participants can use their preferred language during the training of trainers sessions.

<sup>22</sup> For example, the labour laws in Togo are available in French but not Ewe, and in Zimbabwe in English but not Shona or Ndebele. These are official languages used by the domestic workers who participated in our training.

Access to the law in local languages is essential; however, official translations are not commonly available. In Togo, participants indicated among the priorities for action that the Labour Code be translated into Ewe.

### Deepening legal knowledge

We found that in-person multi-day intensive workshops worked very well to familiarize participants with the fundamental mindsets, knowledge and skills of legal empowerment. But thorough follow-up was needed to ensure that participants developed a critical understanding. This process of “scaffolding”<sup>23</sup> comprised online discussions and in-person sessions on selected topics. Online discussions were led by a facilitator and held via WhatsApp, which was accessible to most workers.<sup>24</sup> These discussions took place weekly or bi-weekly, using one-page summaries of training modules that had been translated into the local language and could easily be shared on WhatsApp and read on a phone. Online sessions were made lively through questions and polls.<sup>25</sup>

The online sessions were supplemented by in-person discussions as needed. In Zimbabwe, for instance, we organized one-to-one sessions with domestic workers who could not join due to weak network connectivity, were on work duty, or needed clarifications. In Togo, the union organized monthly in-person review sessions.

The accessibility of the hybrid format helped build rapport, increased participation levels and maintained the momentum of learning. Participants’ feedback was encouraging.

*“The workshop had a few days and a lot of information to capture, however, with the help of WhatsApp training where content was broken down, it became understandable and easily accessible at my own convenience.”*

– Sophia, ZDAWU participant

### Putting knowledge into practice

Worker education follows the sequence of learning, action and reflection. For our project, we focused the final training session on making sure that participants 1) were equipped with the knowledge and skills to train others using the legal empowerment approach and methods; and 2) jointly prepared a clear and realistic plan to do their work as providers of paralegal services for domestic workers.

Following the conclusion of the legal empowerment training programme, in March 2024, ZDAWU’s unionists provided a one-day legal training to about 100 domestic workers in three different towns with the help of the union’s senior organizers. It was interesting to note the adaptation of methods of relaying knowledge from the traditional teaching methods used in earlier training. Even though their legal education was only a year in the making, the unionists’ confidence and awareness of domestic workers’ rights was evident. The unionists were able to prepare their workshop agenda and materials, design the training methodology and assign facilitation roles. Critically, they used participatory and empowering methods to share legal knowledge. The circle had been formed, with unionists now able to train and empower other domestic workers with zeal and clarity.

Domestic workers participating in the training have been quick to use their acquired knowledge to negotiate with their employers and support their peers to do the same. Members of both ZDAWU and SYNADOT have succeeded in improving their working conditions. Some of the participants obtained vacation leave for the first time. Others who had never had a written contract of employment managed to obtain one from their employer. Some also renegotiated their starting times and weekly rest periods.

<sup>23</sup> Scaffolding is an educational technique whereby temporary support is provided to the students in learning concepts and skills.

<sup>24</sup> While all Zimbabwe’s training participants except one had access to WhatsApp, only 7 out of 15 participants in Togo could access it. When this is the case, follow-up training must rely more heavily on in-person sessions, which are more resource intensive.

<sup>25</sup> One of the authors, Tapiwa Gorejena, led the WhatsApp sessions through five months in Zimbabwe. The sessions were then taken forward by the unionists themselves, as and when needed.



## How Has Infusing Legal Empowerment Supported the Domestic Workers' Movement?

Our work with domestic workers and their unions provides valuable insights into how legal empowerment and union organizing can feed each other, creating a virtuous cycle. On the one hand, empowered domestic workers strengthen their unions; on the other, unions amplify workers' empowerment and connect empowerment to action for change.

### Empowered domestic workers strengthen their unions

As Vicky Kanyoka, IDWF assistant secretary-general, says, *"If our domestic workers will be empowered legally, we can win"*.<sup>26</sup> Her statement points to the momentous transformation that empowered domestic workers can bring to their unions and, through it, to the enhancement of domestic workers' rights. By building workers' critical consciousness and their ability to challenge power dynamics, legal empowerment also strengthens the ability of domestic worker unions to fight for systemic change.

In the almost two years since the training with SYNADOT and ZDAWU began, both participants and their organizations have reported a shift in their ways of thinking. The critical understanding of the law that governs domestic work has brought about a new consciousness, with many domestic workers becoming aware that they are entitled to labour rights and protections just like other workers. As participants in Zimbabwe said, *"I never knew that there was a law that protected me as a domestic worker"* (Charity Ngaliwa, ZDAWU). *"Now that I see myself in the law, I feel like I am someone"* (Anywhere Mapuranga, ZDAWU).

This shift in thinking has enabled domestic workers to strengthen their unions' power in many ways. For example, ZDAWU and SYNADOT have reported:

**A rise in membership numbers:** The services unionists/paralegals offer have the potential to attract more members. For example, the organizing of legal training sessions for domestic workers has been useful in recruiting new members and retaining existing ones. ZDAWU found that the training resulted in new members

joining and some who had lapsed renewing their membership. In addition, traditional outreach activities are enriched by the unionists' ability to share information about domestic workers' rights, which might make immediately visible the relevance of the unions. In Togo, following the training, the union took to social media – including through a TikTok account they set up – to spread legal awareness and increase visibility. SYNADOT gained another 65 members as a result, and employers have expressed interest in participating in the legal training themselves.

**More members voicing their concerns:** Enhancing members' legal knowledge means that, first, they will be able to formulate right-based demands and, second, they will be actively engaged in the union, ensuring it voices their concerns. In Togo, members of SYNADOT rarely if ever reported their challenges to the union. After the legal empowerment training, as unionists shared their learnings at the monthly union meetings, other members began to reach out to them for assistance. This robust engagement allows SYNADOT to design its advocacy strategy based on the experiences and needs of its members.

**Strengthened organizational capacity:** Trained domestic workers increase a union's ability to provide assistance to members. They can help create protocols to document union activities. Setting standards for case handling and tracking, and collecting and analyzing data on claims and dispute resolutions are among the tasks that unionists are trained in and can enhance unions' advocacy capacity. ZDAWU, which had been struggling to hold regular members' meetings, benefitted from the consistency of the WhatsApp sessions. The legal empowerment training helped participants to master facilitation skills, which increased the union's capacity to offer legal education to its members.

### Unions amplify workers' empowerment and connect empowerment to action for change

Trade unions provide the space and the structure to channel workers' newly acquired knowledge and skills. In Togo, for example, project participants have consistently used the union's monthly meetings to update members about the training and select topics from the training manual to share.

<sup>26</sup> ILAW webinar. 2023. Launch of Mapping Domestic Worker & Discrimination in Africa Report. March 15.

Also, trained domestic workers are able to leverage unions' knowledge of domestic worker networks, meeting places and outreach techniques to spread knowledge of the law, attract new members for the union, and provide support and protection in cases of abuse. For example, in Zimbabwe, ZDAWU uses several strategies to reach domestic workers at their workplaces. Exercising their right as a union, they can access the workplaces to conduct recruitment campaigns and raise employers' awareness about the law and make clear that knowledge of the laws is helpful to both employer and employee. Another strategy is distributing fliers in public spaces or mailboxes. ZDAWU members also meet other domestic workers informally to talk about domestic-worker issues at their usual lunchtime gathering places. In Togo, regular union activities, such as neighbourhood clean-ups and Labour Day celebrations, have served to build rights awareness. Unions also provide trained domestic workers with opportunities to "learn by doing" by accompanying experienced union officials as they assist members with negotiations and dispute resolution. For example, the participant from Bulawayo, Zimbabwe, has accompanied a senior organizer on several occasions when assisting domestic workers seeking legal help. Finally, unions provide support and protection to trained domestic workers as they use their new skills. For example, during negotiations with employers, domestic workers can reach out to unionists and union organizers through WhatsApp or other means.

## **Legal empowerment builds on and contributes to the global momentum of domestic workers' rights**

Since the adoption of ILO Convention 189 in 2011, domestic workers' coverage under labour law has expanded.<sup>27</sup> Since 2019, IDWF has grown from 67 affiliates to 93 affiliates in 69 countries, representing over 669,000 domestic/household worker members.<sup>28</sup> IDWF and its affiliates are undertaking national-level campaigns and advocacy measures to shift the legal landscape for domestic workers.<sup>29</sup>

## **Conclusion**

Legal-empowerment approaches provide powerful tools to strengthen domestic worker movements, improve the legal protections of domestic workers and bring about change in their working conditions. Incorporating worker education into legal empowerment work and embedding this in the structure and functioning of domestic worker organizations can set in motion a transformative process whereby empowered domestic workers strengthen unions' collective voice and ultimately result in the effective recognition and protection of domestic workers' rights.

Our work has shown that the legal empowerment approach is particularly suitable for domestic workers and their unions. First, it addresses the barriers to legal knowledge and action stemming from the isolation of domestic workers in private homes. It does this by providing a framework to generate and share accessible legal knowledge and skills to identify and address rights violations by employers. Second, it guides workers to engage with the law critically and see the power dynamics and biases underpinning regulations – thus opening up a path for action and change.

<sup>27</sup> ILO. 2021. Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189). International Labour Office – Geneva: ILO, 2021.

<sup>28</sup> IDWF. n.d. Five year report of IDWF: Building Power, Realizing Rights. Available at [https://idwfed.org/wp-content/uploads/2024/06/IDWF-5year-report-EN-V.1.4\\_web.pdf](https://idwfed.org/wp-content/uploads/2024/06/IDWF-5year-report-EN-V.1.4_web.pdf) and IDWF. N.d. "IDWF Affiliates" Available at <https://idwfed.org/affiliates/>

<sup>29</sup> WIEGO website. n.d. "Making Convention 189 Real for Domestic Workers" Available at <https://www.wiego.org/themes/legal-empowerment/making-convention-189-real-domestic-workers/>

Third, when carefully designed to fit the union structure, the setting up of a core group of trained domestic workers strengthens the union by increasing its capacity to provide legal services, legal education, and conduct outreach and rights-based advocacy.<sup>30</sup> Fourth, by increasing awareness and legal knowledge, legal empowerment equips workers to voice their demands and participate effectively in union life, strengthening the union's democratic structure and ensuring that workers' demands are heard and addressed.

Legal empowerment has the potential to set in motion broader dynamics of change. Developing workers' critical consciousness and sense of self worth – as rights holders, productive members of society and as workers – is an essential precursor of social mobilization and change. Through the process of workers' identity building, legal empowerment moves from individual empowerment to empowered citizenship as “workers channel personal transformation into social transformation”.<sup>31</sup> On this continuum, the union – a structured space devoted to advancing the interests of workers – serves as a powerful amplifier where workers can grow both their “power within” and their “power with”. Thus, legal-empowerment approaches with worker organizations can be a powerful instrument for resisting the shrinking of civic space<sup>32</sup> and bringing about systemic change that improves workers' lives, reduces inequality and creates a more stable and less authoritarian world.

## About Law & Informality Insights

Law & Informality Insights reflect on our work supporting organizations of workers in informal employment to know, use and shape the law, and analyze statutory developments, law-making processes and jurisprudence that impact workers in informal employment and their advocacy strategies.

### Recent Editions



Pamhidzai H. Bamu, 2024.

**From the Palace to the Kitchens: Making C189 Real for Domestic Workers in Africa**

**Law & Informality Insights, No. 9**

Also available in: [French](#) | [Spanish](#)



Tania Espinosa Sánchez, 2023.

**Waste Pickers and Human Rights in Latin America**

**Law & Informality Insights, No. 8**

Also available in: [Spanish](#)



Aminta Ossom, 2023.

**Defending Waste Pickers' Livelihoods: Lessons from Litigation in Latin America**

**Law & Informality Insights, No. 7**

Also available in: [French](#) | [Spanish](#)



Marlese von Broembsen, 2022.

**A Chain is as Strong as its Weakest Link: Strategies for International Supply Chain Legislation to Include Homeworkers**

**Law & Informality Insights, No. 6**

Also available in: [Spanish](#)

<sup>30</sup> Marchiori, Teresa and Pamhidzai Bamu. 2024. Power dynamics and the regulation of street vending in the urban space: The law on the books and the law on the ground in Accra and Dakar. *Mapping Legalities* (pp. 46-72). Routledge.

<sup>31</sup> Von Broembsen, Marlese. 2012. “Legal Empowerment of the Poor: The Re-emergence of a Lost Strand of Human Rights?” p.11.

<sup>32</sup> Tawab, Ghada Abdel, Otto Saki and Sally Roeber. 2024. Civic Space and Worker Rights in the Global South: The Role of Philanthropy. June 24. Available at <https://nonprofitquarterly.org/civic-space-and-worker-rights-in-the-global-south-the-role-of-philanthropy/>





*At a March 2025 training-of-trainers session in Dar es Salaam, Tanzania. Photo credit: Akhila Kolisetty*

**WIEGO's Law Programme** strives to see a world in which:

- international instruments, national and local laws and regulations recognize, include and protect the rights and work of workers in informal employment; and
- workers in informal employment know, use and shape the law to realize secure livelihoods and labour rights. To advance these goals, we seek three mutually reinforcing outcomes at both global and national levels.

**Outcome 1:** Membership-based organizations of workers in informal employment are better able to use the law (including international legal instruments and administrative justice) in their advocacy strategies.

**Outcome 2:** Legal and civil society organizations support the recognition, inclusion and protection of workers in informal employment in law and policy at local, international and global levels.

**Outcome 3:** Legal scholars and labour lawyers advocate for workers in informal employment in their scholarship and in policy contexts.

For more information, visit the Law programme page at <https://www.wiego.org/our-work-impact/core-programmes/law-programme>

