



ITUC
CSI
CSI
IGB

International Trade Union Confederation
Confédération syndicale internationale
Confederación Sindical Internacional
Internationaler Gewerkschaftsbund

ITUC Submission: Input to the study on care and support, pursuant to HRC resolution 54/6

Contact:

Boulevard du Jardin Botanique, 20
B-1000 Bruxelles, Belgique

Tel: +32 (0)2 224 02 11

e-mail: info@ituc-csi.org
www.ituc-csi.org

ITUC Submission: Input to the study on care and support, pursuant to HRC resolution 54/6

About ITUC

[International Trade Union Confederation](#) (ITUC) represents 200 million workers in 163 countries and territories and has 332 national affiliates and promotes workers' rights and decent work, as well as equality and non-discrimination, dignity and justice, sustainable development, peace and democracy. It supports economic and social policies that ensure economic wellbeing for all; it works for the elimination of modern slavery; and campaigns for the just distribution of economic wealth with universal social protection, minimum living wages and collective bargaining.

1. International and Regional Standards in relation to the rights of caregivers, care recipients and self-care of caregivers and recipients:

ILO fundamental Conventions, in particular Conventions No. 87 on the Freedom of Association and Protection of the Right to Organise and No. 98 on the Right to Organise and Collective Bargaining, as well as the Equal Remuneration Convention No. 100, the Discrimination (Employment and Occupation) Convention No. 111, Occupational Safety and Health Convention, 1981 (No. 155) are crucial to protect the rights of care workers, which is also intrinsically linked to ensuring quality care services for care recipients.

Furthermore, ILO's Workers with Family Responsibilities Convention No. 156 and the Maternity Protection Convention No. 183 are of relevance to ensure equality of opportunity and treatment in employment between women and men with family responsibilities, as well as between workers with and without family responsibilities.

Maternity leave is a part of maternity protection which, as set out in the Maternity Protection Convention No. 183, also includes the right to health care for mother and child; prevention of exposure to workplace risks to the health and safety of pregnant and breastfeeding workers; protection against discrimination in employment and occupation; the guaranteed right to return to work after maternity leave; and breastfeeding breaks. ILO Recommendation No. 191 on Safe and Healthy Working Environment also provides for other types of leave. These measures help to ensure that care responsibilities are shared between women and men and thus promote gender equality.

The ILO's Social Protection Floors Recommendation No. 202 sets out a number of principles that are relevant to care work, including universality of protection; adequacy and predictability of benefits; non-discrimination, gender equality and attention to special needs; social inclusion, in particular for people working in the informal economy; financial, budgetary and economic sustainability; quality public services; full respect for collective bargaining and freedom of association; tripartite participation and consultation with other organisations.

Additionally, domestic workers, whether hired directly by a household or through a public or private service provider, play an integral role in the provision of care. To ensure that domestic workers enjoy decent work and access to care, national care policy frameworks must, among other things, guarantee the effective enjoyment of labour rights and social protection by implementing the provisions of ILO Convention No. 189 on Domestic Workers.

The Migrant Workers Convention No. 143 and its Recommendation are particularly relevant for women migrant workers in care occupations, who suffer from low social protection and precarious working conditions, and where their qualifications are often not recognized.

At regional level, building on the commitments of previous sessions of the Regional Conference on Women in Latin America and the Caribbean, the Buenos Aires Commitment adopted in 2022 at the fifteenth session of the Regional Conference highlighted the importance of an intersectional approach that protect and fulfil the rights of paid and unpaid care workers and recipients:

*based on the principles of equality, universality and social and gender co-responsibility, and therefore, as a responsibility that must be shared by people of all sectors of society, families, communities, businesses and the State, adopting regulatory frameworks and comprehensive care policies, programmes and systems with an intersectional and intercultural perspective that respect, protect and fulfil the rights of those who receive and provide paid and unpaid care, that prevent all forms of violence and workplace and sexual harassment in formal and informal work, and that free up time for women, so that they can engage in employment, education, public and political life and the economy, and enjoy their autonomy to the full;*¹

In 2021, the Association of Southeast Asian Nations (ASEAN) has developed the ASEAN Comprehensive Framework on Care Economy “to guide ASEAN’s development of the care economy in response to complex crises and challenges — such as the impacts of the COVID-19 pandemic, changing demographics, the climate crisis — to further sustainable development and protect different segments of populations and sectors in the region.”² The European Care Strategy aims “to ensure quality, affordable and accessible care services across the European Union and improve the situation for both care receivers and the people caring for them, professionally or informally.”³ In 2004, African Union’s Solemn Declaration on Gender Equality in Africa recognized “women’s burden of care” and the need for increasing budgetary allocations,⁴ The Cairo Declaration for Arab Women⁵ referred to the need to “recognize unpaid care work and redistribution of wealth through social protection policies and access to basic services” as part of key messages for women’s economic empowerment.

2. Measures taken to promote and ensure the rights of caregivers and recipients of care:

Trade unions play a crucial role in promoting the rights of care workers, as illustrated in the 2022 ITUC report [Putting the Care Economy in Place: Trade Unions in Action Around the world](#).

For example, in Canada, the Canadian Labour Congress (CLC)⁶ launched a campaign called #ForwardTogether to engage Canadian workers in urging the federal government to address the impact of COVID by investing in public services and public infrastructure, including social infrastructure to access to quality care, a made-in-Canada procurement strategy, and the inclusion of long-term care in Canada’s public healthcare system.

During the pandemic the CLC won important legislative and campaign victories to support working families. These include the Canada Recovery Caregiving Benefit (CRCB), offering income support to employed and self-employed Canadians who could not work because they had to care for their child under

¹ [Buenos Aires Commitment \(cepal.org\)](#), para 8.

² [ASEAN-Comprehensive-Framework-on-Care-Economy-EPUB-23-Dec-2022.pdf](#)

³ [A European Care Strategy \(europa.eu\)](#)

⁴ [38956-doc-assembly_au_decl_12_iii_e.pdf](#)

⁵ [cairo_declaration_for_arab_women_e_1.pdf \(un.org\)](#)

⁶ The Canadian Labour Congress (CLC) is the largest labour confederation in Canada, bringing together dozens of national and international unions, provincial and territorial federations of labour and community-based labour councils to represent more than 3 million workers.

12 or a family member who needed supervised care,⁷ as well as the Safe Restart Agreement, which provides financial support for testing, contact tracing and data management; personal protective equipment for workers; childcare for returning workers; and Pan-Canadian sick leave, while also addressing healthcare system capacity, and vulnerable populations.

The CLC has worked with health affiliates and health allies such as the Canadian Health Coalition to strengthen Canada's public healthcare system, develop a national pharmacare program, and end for-profit ownership of long-term care (CLC, CHC, CFNU 2021). Important progress was made in 2022 after the federal Liberal and New Democratic parties signed a confidence-and-supply agreement that would allow the Liberals to govern with NDP support until 2025, contingent on implementation of a negotiated list of policies and priorities.⁸ This includes progress towards a better healthcare system, universal national pharmacare program, dental care program, more primary care doctors and nurses, mental health support, aging at home, and better data, as well as tabling a Safe Long-Term Care Act and Early Learning and Child Care Act.⁹

But the most dramatic advance in strengthening the care economy arises from a historic breakthrough to create a national childcare system. After more than 50 years of sustained effort by childcare advocates, the CLC and union members, the pandemic proved to be the tipping point in making the case for childcare compelling. One-third of working mothers in Canada thought about leaving the workforce during the pandemic¹⁰ and many did leave their jobs when childcare and school were not available.¹¹ In response, the federal government announced in 2020 a national childcare system would be created through an investment of \$30 billion over five years in early learning and childcare (ELCC). The 2022 federal budget established a new Early Learning and Child Care Infrastructure Fund with \$625 million in capital funding over four years to build new childcare centres, opening 3,000 new spaces each year – welcome, but far short of what advocates had called for.¹²

In Dominican Republic, CIMTRA, Inter-Union Committee for Working Women (CIMTRA), brings together three national union confederations¹³ in the country to defend the interests of care workers and advocate on issues related to gender and women's work. CIMTRA has organized several successful campaigns for family-friendly labour market policies, including improved parental leave. Under a new decree for “family care and co-responsibility,” paternity leave has been increased to 15 days from three in the private sector and seven in the public sector, and maternity leave has been extended to 14 weeks.

Advocacy campaigns by CIMTRA and unions are also responsible for securing national ratification of ILO Convention 183, on maternity protection, and the national ratification in December 2021 of Convention 156, on workers with family responsibilities. In the summer of 2022 CIMTRA had its first meeting with the National Salary Committee to discuss the minimum wage for the domestic worker sector and its inclusion by law under social security. Unions are determined to make gains for domestic workers on wages, working hours and social security.¹⁴

⁷ Government of Canada and Canada Revenue Agency, “Canada Recovery Caregiving Benefit.”

⁸ Wherry et al., “How the Liberals and New Democrats Made a Deal to Preserve the Minority Government.”

⁹ Prime Minister of Canada, “Delivering for Canadians Now.”

¹⁰ Alini, Erica. 2020. “One-Third of Working Moms Mulled Quitting Their Jobs Due to COVID-19: Survey.”

¹¹ RBC Economics. 2020. “Canadian Women Continue to Exit the Labour Force.”

¹² Child Care Now, “What Federal Budget 2022 Said about Early Learning and Child Care.”

¹³ CNUS (Confederación Nacional de Unidad Sindical), CNTD (Confederación Nacional de Trabajadores Dominicanos) and CASC (Confederación Autónoma Sindical Clasista).

¹⁴ Written communication from Eulogia Familia, CNUS, with Paola Simonetti, 2022.

In India, SEWA, Self-Employed Women’s Association, advocates for the expansion of the government’s Integrated Child Development Services with the goal of improving health, nutrition, and education and according to women workers’ hours of work. SEWA calls on the Indian government to expand their system to provide universal, full-day quality care, increasing investment to at least 1% of GDP. It has joined with other unions and civil society organisations to launch a national campaign for universal quality childcare. It also advocated for childcare commitments from all political parties during the 2019 national elections.

In South Africa, the advocacy by the Congress of South African Trade Unions (COSATU) and the Federation of Unions of South Africa (FEDUSA) to implement ILO Convention 183 led to the 2017-18 legislation to assure maternity protection for all women workers.¹⁵ South African trade unions also have negotiated enhancements to legislated family leaves through collective bargaining. Unions have also bargained for 100% wage replacement during maternity leave and for workplace childcare centres. In some cases, rather than having each company provide childcare, the union advocates for a government-owned centre, subsidized by companies, to be established for the area. Having recognized that unpaid care work compromises women’s ability to participate fully in union activities, COSATU also provides childcare to members who request it to attend union meetings.

South Africa has about 1 million domestic workers, mainly women, who were not recognized as workers or covered by labour or social security legislation prior to 1994. South African union efforts have been at the heart of gaining rights for domestic workers who are increasingly migrant workers, coming from countries experiencing economic turmoil. COSATU and FEDUSA have worked together and with domestic workers unions SADSAWU (South African Domestic Workers Union) and UDWOSA (United Domestic Workers of South Africa) to improve domestic workers’ rights. The federations offered domestic workers resources like office space, training, materials, and strategic advice to organize and learn about their rights.¹⁶

3. Main challenges faced in creating robust, resilient and gender-responsive, disability-inclusive and age-sensitive care and support systems with full respect for human rights

Increased public investments in the care economy are crucial for job creation, including formalisation of care workers in the informal economy. As pointed out by the United Nations secretary-general, around 269 million new jobs could be created by 2030 if investments in education, health and social work were doubled.¹⁷ As demographics shift, with many countries facing aging populations, the demand for care is expected to grow exponentially.

Since women are often viewed as the primary caregivers for both children and aging relatives, building a robust care economy through adequate public investments in care services and adoption of family-friendly policies can enable women’s effective labour-force participation while promoting a more equitable sharing of unpaid care responsibilities.¹⁸

Inclusive labour market policies, family-friendly workplace policies and gender responsive social protection, through measures such as fostering income security during paternity leave and extending the coverage of paid parental leave to all working parents, irrespective of gender or family composition, are necessary to challenge entrenched gender norms and stereotypes. These policies need to be designed

¹⁵ Republic of South Africa. “Basic Conditions of Employment Act.”

¹⁶ Olasoji, Tolu. 2022. “South Africa Is Pioneering a Better World for Domestic Workers.”

¹⁷ See the UN secretary-general’s policy brief [Investing in Jobs and Social Protection for Poverty Eradication and a Sustainable Recovery](#) and ILO, [Greater investment in care could create almost 300 million jobs](#).

¹⁸ See UN-Women and ILO, [A Guide to Public Investments in the Care Economy](#), March 2021.

through strong gender-inclusive collective bargaining at national, sectoral and workplace level, where women should have a more prominent role.

Furthermore, care jobs need to be decent, with safe working conditions, and adequately remunerated – including equal pay for work of equal value and covered by social protection. Too many care workers – two-thirds of the global care workforce are women – are still trapped in underpaid, precarious, and informal jobs.

Care work is increasingly put on the shoulders of migrant workers through temporary migration schemes, which limit migrant care workers access to labour protections and social security. Under these schemes, migrant care workers often are unable to migrate with their families and they are rendered dependant on their employers as their migration status is usually tied to them.

De jure or de facto limitations on migrant care workers' freedom of association and right to organize and collectively bargain further prevents them from being able to collectively stand up against abuse and exploitation or otherwise unfair and unsafe working conditions. This remains a major barrier in front of migrant care workers' ability to seek justice and remedies in case of violations of their rights, hold abusive employers to account and improve their working conditions lowering standards for all care workers.

Many women migrant workers moving to work in the care sector are engaged by private households without full access to social protection and labour rights. In some countries domestic workers are not included under national labour laws, and migration programmes do not provide rights protecting migration pathways for such workers, leading many women migrant domestic workers into situations of exploitation.

Workers demand for the recognition of care as public good based on the **implementation of comprehensive care economy frameworks** including the **recognition, reduction and redistribution** of unpaid care work; **rewards** for care work and more and decent jobs; and **representation** of care workers through collective bargaining and social dialogue.¹⁹

This requires:

- **Increased public investment in the care sector:** Public investments of adequate levels of national GDP in the care economy, creating millions of new decent jobs for women, enabling women's effective participation in the broader economy, and ensuring universal access to quality public health, care and education services.
- **Adoption of CARE policies:** Inclusive labour market policies, family-friendly workplace policies and gender responsive social protection grant a more equitable sharing of care responsibilities and promote flexible working arrangements on a gender-neutral basis.
- **Decent work for all care workers:** care jobs need to be formal and decent, with safe working conditions, and adequately remunerated, including equal pay for work of equal value, and covered by social protection. Care workers must be free from gender-based violence and harassment, and from any type of discrimination. Care workers must be free to organize and to bargain collectively regardless of their contractual status or migration status.

¹⁹ The ILO 5R Framework on Decent Care Work for Gender Equality and Social Justice.