



**Submission to the UN Special Rapporteur on the role of workers' organizations in preventing and addressing contemporary forms of slavery in regards to the conditions of Domestic Workers in Asia**

*Submitted by the International Domestic Workers Federation (IDWF)<sup>1</sup>*

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*This submission is presented by the International Domestic Workers Federation representing 88 domestic workers unions and associations in 68 countries a total of 670,000 individual domestic workers in Africa, Asia, Latin America, the Caribbean, North America, Europe and Middle East and North Africa. This submission focuses on the labour and human rights conditions of DWs in the Asia region.*

Around the world, there are 75.6 million domestic workers (DWs) aged 15 years and over (ILO, 2021). This sector is particularly important in developing regions. Asia is the first employer of DWs, 50% of all DWs are in this region (ILO 2021) however they work in conditions of unprotection and 84,3% of informality rates meaning that they have **no access to social benefits** and/or legal right to social security. DWs face high levels of **legal discrimination** by law, 61,5% in Asia and the Pacific. Almost half of DWs remain excluded from specific provisions limiting **normal weekly hours of work** (48.9 per cent). 71% of DWs in Asia and the Pacific face this situation. Globally almost half (46%) are not legally entitled to a **minimum wage**: in Asia and Pacific, 41%. In some countries -such as Bangladesh, Cambodia, Malaysia, Thailand- DWs and employing households sometimes fall outside the scope of laws on freedom of association and collective bargaining owing to the definition of workers, workplaces or even employers. In some cases, MDWs are excluded from the right to freedom of association and collective bargaining<sup>2</sup> (ILO, 2021, 2023).

**Forced Labor:** Domestic work is among the five sectors accounting for the majority of total adult forced labor, and one of the main sectors where children in forced labor are found (ILO, Walk Free and IOM 2022). The share of migrants in the group of people in forced labor is much higher than the share of migrants in the overall labor force. Migrant DWs are more prone to forced labor (Per ILO methodology, forced labor is found when there are indicators both that the work is involuntary, and that the worker is under threat of menace of a penalty). Women in forced labor are much more likely than their male counterparts to be in domestic work, and to be coerced through wage non-payment and abuse of vulnerability. Indicators of involuntariness

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<sup>1</sup> [The International Domestic Workers Federation \(IDWF\)](#) is a Global Union Federation of domestic and household workers founded in 2013, comprising 88 affiliates from 68 countries, serving a membership of over 670,000 domestic/household workers. Its primary objective is to protect and advance domestic workers' rights everywhere and is committed to helping domestic workers build strong, democratic and accountable workers' unions, and to weave these organisations into an influential global federation to protect domestic/household workers' rights

<sup>2</sup> In Malaysia MDWs cannot form their own unions nor holding union office. They can only join trade unions formed by locals. In Thailand and Vietnam only nationals can form unions.

include not being able to quit your job, having to stay in the job longer than agreed, and being made to work without overtime pay, among others (ILO, 2023).

### Question 1

Domestic workers in Asia are largely not allowed to form associations nor to organize. This is because 1) workers are not considered as workers and are excluded from the labour laws. According to the [ILO](#), 61.5 per cent of domestic workers are wholly excluded from labour laws in Asia and the Pacific; 2) Trade Union acts that are enterprise based which only more than ten workers hired by one single employer or enterprise are allowed to form a union when domestic workers are working as one on one basis with employers - a single domestic worker working for a single employer; 3) of restrictions due to their residency status, work permit or reciprocity - international and rural migrants, undocumented migrants are not allowed to form unions, or being excluded to hold trade union office or to initiate the formation of trade unions; 4) Trade Union acts that set out requirements for office bearers, e.g. education level that limits domestic workers who are uneducated or low educated to form unions; 5) of restrictions of working arrangements, e.g. restrictions on freedom of movement, no weekly rest days / holidays, long working hours that restricted domestic workers to register a union or an organization when government and bank offices open only on office hours; 6) of discrimination by employers who restrict workers' movement, making friends or connect to other people ,etc.

Countries and economies that recognize domestic workers' freedom of association are: Hong Kong under the Trade Union Ordinance (Cap. 332), India under Trade Union Act 1926 and state-level laws; Indonesia under Act No. 21 of 2000 on Trade Unions; Nepal under Trade Union Act 2049 (1992); Philippines under the Labour Code; Taiwan under Labour Union Act; Sri Lanka under the Trade Unions Ordinance.

Domestic workers in Asia in general do not enjoy the rights to Collective Bargaining due to 1) No general collective bargaining legal framework in some countries / economies, e.g. Hong Kong; 2) No mechanism for collective bargaining due to i) existing mechanism is not representative or inclusive but limited to government recognised unions and employers' associations; and/or ii) no employers' associations; and/or iii) domestic workers not recognized as workers in labour laws.

The UNITED Federation of Domestic workers in the Philippines (UNITED) is working on the implementation of Kasambahay Act with its Barangay-level of UNITED units to monitor the local level of government to implement the Act. The process is to move towards the building of Collective Bargaining Agreement through dialogues with councilors whom they can help collect the employers when there are no employers associations.

### Question 2

**i) Advocacy for legal and policy changes:** Advocate for ratification of ILO Convention 189 Decent Work for Domestic Workers (C189), fighting for inclusion of domestic workers in labour law or a domestic workers law. Advocacy for fundamental labour rights other related laws and policies, e.g. laws against gender-based violence, social protection, anti-

discrimination laws, legal protection of migrant workers especially on zero placement fee from workers and anti-human trafficking measures.

**ii) Organizing domestic workers:** domestic workers unions and organizations leaders reach out to local communities to where they work or reside. Domestic workers who faced exploitation will be identified and get help. They will be gathered together to learn about defending their rights. Workers can get social networks to be able to seek help and information.

**iii) Facilitation of access to justice:** Unions and organizations receive labour enquiries through hotline, social media and messaging platforms. Depending on the nature of cases and contextual situation, unions and organizations will take on the cases through negotiating with employers and local government units and village heads, direct action, or through legal channels.

**iv) Facilitation of access to education and skills training:** Educate workers so that they can know their rights and know how to protect themselves, how to seek help, how to negotiate and lobby for rights. Experienced domestic workers share their work skills and knowledge so that workers can have access to more work and can have higher chance to change jobs when they face abuses;

**v) Promoting social and economic solidarity:** Some organizations and unions runs saving and credit cooperatives so that workers have access to asset building and emergency financial assistance instead of relying on loan sharks and savings at family members or employers that may take their money away;

### **Question 3**

#### **(i) With public authorities:**

**Philippines:** the UNITED Federation of Domestic Workers in the Philippines (UNITED) is able to talk to city and municipal government leaders, introducing to them the Kasambahay law, discuss with them on establishing city / municipality ordinances, barangay resolutions to implement the kasambahay act locally with setting up kasambahay desk and appoint other government units such as labour department, social welfare, police to implement the Act.

#### **(ii) Anti-slavery actors, human rights defenders and/or other civil society organisations**

**Cambodia:** Gender and Development for Cambodia (GADC) provides training for domestic workers leaders from Independent Democratic Association of the Informal Economy (IDEA) and Association for Domestic Workers (ADW) on gender-based violence that enables leaders to be able to provide trainings for other workers and handle cases;

**Hong Kong:** [Paralegal training and mentoring programs](#) are provided by the Justice Without Borders (JWB) for migrant domestic workers leaders of Hong Kong Federation of Asian Domestic Workers Unions (FADWU) and legal assistance in cross-border case handling between Hong Kong and countries of origins. With the legal assistance of JWB, FADWU got

[a landmark case](#) for the Labour Tribunal to allow migrant domestic workers to attend court hearing through video conferencing.

**Indonesia:** [The Women's Coalition in Indonesia](#) has been speaking and supporting the Jala PRT's fight for a domestic workers law.

**(iii) Other actors such as financial institutions, service providers, academia, media and regional/international organisations (e.g. ILO)**

**Malaysia:** Artist and culture worker, Okui Lala, worked with leaders of PERTIMIG to produce a documentary, [Rasa dan Asa](#), during the COVID19 pandemic showing voices and feelings of migrant domestic workers in Malaysia. The documentary has been screened in several movie festivals, universities and secondary schools in Malaysia and abroad to enable migrant domestic workers to have dialogues with the general public.

[TrustLaw of the Thomson Reuters Foundation](#) has provided legal research services for AMMPO and PERTIMIG to enable the organizations to produce Know your rights handbooks. TrustLaw provides trainings for media workers and reporters to understand the workers issue and to get to know AMMPO and PERTIMIG.

**ILO Asia** has provided technical assistance and resources to allow the IDWF to produce training materials, social dialogues, advocacy with government, organizing of domestic workers and leadership building. Trainers' manuals prod

**Question 4**

Domestic workers unions and organisations handled many abuses and assisted them for gaining justice and compensation. Some of the cases as follows:

Murni (not her real name) started to work as a domestic worker from 12 years old until she escaped when she was 25 years old. The employer provided her little food (leaving her malnourished with 25 kg weight when she was 25 years) and she was not allowed to communicate with her family nor leaving the house. She was sexually abused and heavily beaten up until she escaped. Jala PRT sheltered her, provided her legal assistance, education and skill training. Employers are punished. (See page 12-13, [Gender-based violence and harassment against domestic workers: Case stories from Asia](#))

[Siti Khotimah](#), an Indonesian domestic worker, was heavily tortured physically, forced to eat dog feces, and drink her own urine, and raped by her employer and six other domestic workers. As a result, she suffered from bone fractures, burns and blisters and trauma. She survived when her employer tried to throw her into the river. Jala PRT sheltered her, provided legal and medical assistance. The employer (husband, wife and daughter) and six other domestic workers who abused her were punished with jail terms.

FADWU Hong Kong handled [178 cases](#) of migrant domestic workers from different nationalities, including Filipino, Indonesian, Thai, Indian and Nepalese, from Jan 2022 to May 2023 helping workers recover and retain HK\$880,894.37 (USD112,654.82). Among the cases, 57 were excessive agency fees with an average fee charged to each worker from overseas is HK\$19,394.9 (USD2,480).

AMMPO and PERTIMIG Malaysia handled grievances through 24-hour standby hotline, social media, and email. In addition, through collective work, the association is providing community shelter, case assistant and referral in collaboration with local NGOs, trade unions, respective embassies and local government. Since 2019, over 100 Migrant Domestic Workers have received services and successfully claimed back over USD 150.000 of unpaid wages.

Sunita Ekka (not her real name) who belongs to the Uraon tribe in Jharkhand, India started to work when she was 16 years old. She was raped and beaten by her employer. A domestic worker leader met her while they were picking the employer's children from school. The leader helped her with her organization, the National Domestic Workers Movement (NDWM), sheltering her and filed a complaint with the police. Unfortunately the police had been bribed. NDWM approached higher-ranking officials and took her case to the State Legal Authority of Bihar State using Article 376 on sexual offences in the Indian Penal Code which specifies punishment for sexual assault and rape. Indian Rupees 1 lakh (INR100,000 or around USD1,392) was eventually paid to Sunita as compensation from the Bihar government under the 2014 Bihar Victim Compensation Scheme. However, until today, no one has been arrested. (See page 18-19, [Gender-based violence and harassment against domestic workers: Case stories from Asia](#))

### **Question 5**

As mentioned above, the biggest challenge is non-recognition of workers's status and rights as domestic workers. The mass media, general public and government officials, lawmakers largely see domestic workers as maids, servants that slavery treatment is assumed in the social and cultural context. As mentioned, the domestic workers are largely not recognized in the Freedom of association and collective bargaining.

Restrictions of freedom of movement and no rest days / holidays, being bound in closed doors restrict them to outside world and make them vulnerable to abuses.

Wages are very low, workers are eager to connect with other workers and join organizations but very often there is lack of resources for running organizations to reach out to more workers and training of more domestic workers leaders.

### **Recommendations**

- Ensure the full recognition in law and in practice of the right of domestic workers to establish and join trade unions.
- Extend the same labour rights protections to migrant domestic workers that are afforded to private sector workers, including providing domestic workers with equal freedom of association rights.
- Ratify and implement the ILO Convention 189 on Decent work for domestic workers
- Ratify and implement ILO convention 190 on the Elimination of Violence and Harassment in the World of Work
- Ratify and implement ILO convention 87 on Freedom of Association and Protection of the Right to Organise
- Ratify and implement ILO convention 98 on the Right to Organise and Collective Bargaining