Domestic workers make up a significant proportion of the global workforce and are among the most vulnerable groups of workers. An estimated 21.5 million domestic workers — more than 40 percent of the global total — are employed in Asia. Growing demand for domestic services is one of the main triggers of the feminization of labour migration. Domestic workers are predominately low-skilled, female workers, driven to migrate by significant wage differentials between countries of origin and destination. Within South-East Asia, the main countries of destination are Thailand, Singapore and Malaysia; and the main countries of origin are Indonesia, the Philippines, Myanmar and Viet Nam.

Domestic workers often receive very low wages, work excessively long hours, have no guaranteed day of rest, and are vulnerable to physical, mental and sexual abuse or restrictions on freedom of movement. They work in private households, often without clear terms of employment, excluded from the scope of labour legislation and out of the purview of labour inspectors. Exploitation of domestic workers can partly be attributed to gaps in national labour legislation, and often reflects discrimination along the lines of sex, nationality and ethnicity. Migrant domestic workers face all these disadvantages and more, due to vulnerabilities that stem from an absence of protection and assistance mechanisms in both destination and origin countries, their legal status, and the negative implications that are associated with the informality of domestic work.

In 2013 the landmark Domestic Workers Convention, 2011 (No. 189) came into force, establishing minimum standards for domestic workers around the globe. The Convention affirms that domestic work is work, and that there should be equal treatment between domestic workers and other workers in regard to labour rights and protections. To date the Philippines is the only country to ratify to the Domestic Workers’ Convention in the Asia and Pacific region. Since the adoption of the Convention, many countries in the region have started to extend some legal and social protection to domestic workers, including Thailand, Viet Nam, Singapore and the Philippines.
• Minimum age for domestic workers in line with the Minimum Age Convention, 1973 (No. 138) and not lower than that established by national laws and regulations for workers generally.

• Effective access to dispute settlement mechanisms.

• For domestic workers residing within the household, decent living conditions that respect privacy; no obligation to remain in the household or with household members during periods of rest or leave; and the right to keep their identity and travel documents.

• Prior to departure, migrant domestic workers must receive a written job offer/employment contract that is enforceable in the destination country.

• Member States must develop laws and regulations regarding private employment agencies, including procedures for investigation of complaints and assurances that fees are not deducted from remuneration.

Good practices

In compliance with its obligations having ratified Convention No. 189, the Philippines implemented the Batas Kasambahay Law in January 2013. The law covers recruitment and placement, minimum wage, working hours, living conditions, conditions of termination of contracts, and social security, health insurance and national savings scheme coverage. The Philippines Department of Labor and Employment (DOLE) has also created a sample contract, pay slip and certificate of employment to assist employers in complying with the new law.

The International Domestic Workers Federation (IDWF) is a global membership-based organization of domestic workers. The Federation has 47 affiliates in 43 countries, comprised of trade unions, associations and workers’ cooperatives. The Federation’s key activities include organizing domestic workers, campaigning for ratification of Convention No. 189 and enactment of policy and legislation on domestic work, and strategic development and capacity building of affiliate organizations.

Guidelines on the prevention of and protection against abusive migration practices recognize the particular vulnerability of domestic work, and urge States to:

• Intensify measures aimed at detecting and identifying abusive practices against migrant workers, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work.

Regional instruments

In July 2014, a Civil Society Organization (CSO) Forum on Decent Work for Domestic Workers in ASEAN was held in Manila. The Forum brought together regional CSOs to hear the Philippine experience in lobbying for the ratification of Convention No. 189; to discuss the role of CSOs in the complaints mechanism process and develop common tools for reporting; and to share experiences and good practices in the protection of migrant domestic workers. At the conclusion of the meeting, participants drafted recommendations on strategies for lobbying for ratification; commitments to pursue advocacy of the Convention; and CSOs’ role in the complaints mechanism process.