

# REPORT ON IDWF SURVEY ON GENDER-BASED VIOLENCE AGAINST DOMESTIC WORKERS, Asia

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## INTRODUCTION

### I. Domestic Workers in Asia

Domestic work, according to the International Labor Organization, is “work performed in or for a household or households”, and a domestic worker is defined as “any person engaged in domestic work within an employment relationship”. Domestic work varies from country to country, consisting of a wide array of tasks and services, and can differ depending on the age, gender, ethnic background and migration status of the domestic worker.<sup>1</sup> It usually involves cooking, cleaning the house, washing and ironing clothes, taking care of the children or the elderly, gardening, guarding the house, and driving for the family, among others. Work arrangements are either full-time or part-time; hired by either single or multiple employers; and are either “stay-in” or “stay-out”. Many of them work outside of their home country – they who are called migrant domestic workers<sup>2</sup>.

The number of domestic workers grew steadily both in developed and developing countries – and even though there is currently a significant number of male domestic workers (usually as drivers, gardeners and the like), domestic work is still dominated by women workers, comprising 80 per cent of the 67 million documented domestic workers worldwide<sup>3</sup>. However, there are still a lot of domestic workers who remain undocumented, with estimates from civil society and the ILO reaching up to 100-200 million domestic workers worldwide (UN Women, 2012).

Of the 67 million worldwide, it is estimated that 21.4 million workers hail from the Asia-Pacific region<sup>4</sup>. Domestic workers are considered to be one of the most vulnerable groups of workers due to the dynamics of their work. Unfortunately, even if it has been six years since the adoption of the ILO Convention on Domestic Workers, recent ILO reports show that around five million workers in Asia and the Pacific still do not enjoy social benefits and labor protection. In fact, 61 % of domestic workers in Asia are said to

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<sup>1</sup> <http://www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm>

<sup>2</sup> <http://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>

<sup>3</sup> <http://www.ilo.org/asia/areas/domestic-workers/lang--en/index.htm>

<sup>4</sup> [http://www.ilo.org/asia/events/WCMS\\_315481/lang--en/index.htm](http://www.ilo.org/asia/events/WCMS_315481/lang--en/index.htm)

be excluded from labor protection<sup>5</sup>. The Philippines still remains to be the only Asian country to have ratified Convention No. 189<sup>6</sup>.

But this is not to say that progress in the Asia Pacific region has not been made. In countries like the Philippines, India, Cambodia, Thailand, Hong Kong, Sri Lanka, valiant efforts are continuously given to fight for the protection and rights of domestic workers. The countries' civil society organizations and the trade union movement like the International Domestic Workers' Federation and the International Trade Union Confederation have been particularly active and cooperative with the ILO in this endeavor.

## **II. Gender-based Violence**

Gender-based Violence (or GBV) as defined by the Committee on the Elimination of Discrimination against Women (CEDAW) refers to the “violence that is directed against a woman because she is a woman or that affects women disproportionately” (International Labour Office, 2017). This includes “acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”<sup>7</sup>. It is violence that is rooted in unequal relationships between men and women, and happens when one does not conform to socially accepted gender roles (International Labour Office, 2017) and considered to be “the most prevalent human rights violation in the world” (International Labour Office, 2011). Gender-based violence is different from violence against women in that it can be committed by or against any gender: men, women, gay, lesbian, bisexual, or transgender. Unfortunately, women and girls continue to be the “primary targets” of violence, with men as the perpetrators. (International Labour Office, 2017)

Domestic work, an occupation dominated by women, proves as one of the sectors most vulnerable to gender-based violence. Domestic work in private households makes domestic workers invisible to the world, and vulnerable to physical, emotional, and even sexual violence. They are often unprotected and unbound by labor laws, with little to no access to social services. They work excruciatingly long hours without merit or overtime pay, isolating them from their support systems and restricting their freedom of movement. Their well-being depends on the goodwill of their employers, not on formal

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<sup>5</sup> <http://www.philstar.com/headlines/2017/10/24/1751926/domestic-workers-asia-lack-social-benefits>

<sup>6</sup> From ILO website, statistics on Ratification by Convention (on Convention 189).

<sup>7</sup> <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

agreements or contracts; and contracts, in many cases, do not guarantee their protection. (International Labour Office, 2011)

Because of such unregulated work dynamics, it has been particularly difficult to provide a fair estimate of the number of domestic workers worldwide, as mentioned in the first part of this report. It has also been difficult to determine the economic value of their work (D'Souza, 2010). Consequently, it has become a challenge to monitor the types, frequency and intensity of gender-based violence that domestic workers experience.

The Beijing Conference on Women (1995) acknowledged this data gap relating to the domestic sector and urged national and international statistical organizations to develop ways in which we can “acknowledge and make visible the full extent of the work of women and their contribution to national economies” (D'Souza, 2010). In 2009, the 98<sup>th</sup> International Labor Conference adopted a resolution calling for the “prohibition of gender-based violence in the workplace and for policies, programs, legislation and other measures to be implemented to prevent it”; the scope includes, of course, domestic work. The Governing Body supported the proposal during the 323<sup>rd</sup> Session and declared the need for a standard on violence. Last 2016, an ILO Meeting of Experts was held to further develop a standard-setting item on violence to be tackled as one of the agendas at the International Labor Conference in June 2018. (International Labour Office, 2017)

Organizations working with domestic workers continuously work with the ILO and contribute to the discussions to end violence against men and women in the world of work in preparation for the said conference in 2018.

### **III. Rationale of Survey**

This study aims to complement and inform the IDWF in participating in the various actions to stop gender-based violence in the world of work – in particular, the ILO’s “standard-setting” process towards adopting a Convention on “ending violence and harassment against women and men in the world of work” and the International Trade Union Confederation’s “Stop GBV” Campaign. The IDWF partakes in these processes with their affiliates to make sure that domestic workers will have purposeful participation in the endeavor.

In preparing the IDWF’s affiliates for a long term fight against gender-based violence, the IDWF assists in building their affiliates’ organizational, as well as individual

members', capacities to address the issues they face in their countries. Conducting a baseline survey is needed to kick-start this process so that the IDWF is able to understand their situation on the ground and respond accordingly.

## **OBJECTIVES AND METHODOLOGY**

The objectives of this study are to:

1. collect and examine information on the legislative framework and situation of DWs (domestic workers) with regard to gender- based violence (GBV) at work;
2. identify what affiliates need in order to address GBV in their organizations and in their countries, and;
3. feed the information collected into the global discussion on GBV, especially into the ILO standard setting process to help the IDWF engage actively in the ILO processes in 2018-2019.

The study was conducted through surveys with 13 organizations in 12 Asian countries, namely: Bangladesh, Cambodia, Hong Kong, India, Indonesia, Jordan, Lebanon, Malaysia, Nepal, Philippines, Sri Lanka, and Thailand. Among these organizations, 10 are national organizations, and three are local. Ten of the 13 organizations that were surveyed are IDWF affiliates, namely: the NDWWU – Bangladesh, FADWU- Hong Kong, the National Domestic Workers Movement – India, the SEWA- India, the JALA PRT – Indonesia, the AMMPO Sentro – Malaysia, the Home Workers Trade Union of Nepal, the United Domestic Workers of the Philippines, the Network of Domestic Workers in Thailand, and the Domestic Workers Union- Sri Lanka. Three of the 10 organizations were non-affiliates: the ADW – Cambodia, the Domestic Workers Solidarity Network – Jordan and Sri Lanka, and the Lebanon Woman Society – Lebanon.

There were a total of four (4) unions, one (1) union federation, four (4) associations, two (2) networks, one (1) central trade union and one (1) organization surveyed.

There was one (1) organization with 100 members and below, three (3) organizations with 500 members and below, one (1) organization with 1000 members and below, two (2) organizations with 1500 members and below, and three (3) organizations with 2000 members and below. There were three (3) organizations

exceeding that range – one with 20,000 members, one with 4500 members, and another with 80,000 members. Five (5) organizations have more live-in DW members, five (5) have more part-time DW members and two (2) organizations were not able to give data. One (1) organization have more full-time, stay-out members than the latter. There was also only a small number of international migrant members among all organizations, ranging from 0 to around 1,600 members.

They were surveyed at the IDWF-MFA Regional Conference in Manila last October 22-24, 2017. The questionnaires were answered by representatives of the said organizations.

One of the limitations of the survey conducted was that two (2) of the participant-organizations answered a different set of questionnaire based on the changes made from the comments on the first batch of surveys. Another limitation was the language barriers. The language used in conducting the surveys are in English, and it is important to note that because of the barrier, some sentiments noted down might be a little different than what was originally intended by the respondent.

#### **IV. Data Presentation and Insights**

##### **A. Experiences of Domestic Workers on Gender-based Violence (GBV)**

Not surprisingly, all organizations have received complaints of GBV at work from their members. GBV is usually perpetrated by the DW's employers with no specific gender. Unfortunately, both men and women commit GBV against domestic workers.

All 13 organizations have also received reports of GBV perpetrated by direct family members of the household they work for. Of the 13, 10 received reports that DWs experience GBV from individuals in their own home. Eight organizations have also claimed that DWs experience GBV from friends or relatives of the household members that they work for, as well as recruitment/employment agency intermediaries.

Domestic workers, as mentioned earlier, are exposed to different types of GBV. The most prevalent and frequently occurring types of GBV experienced by members are first and foremost financial and economic abuse, followed by psychological abuse, sexual harassment, verbal abuse, and eating poor quality of food. Other less frequent but equally alarming types of GBV experienced by members are as follows: bullying, coercion, and the lack of privacy for live-in DWs.

One respondent said that the employers hold on to the wages of DWs for months at a time so that the DWs would work harder for it. They do not pay on time. Employers can be demanding because they hold the workers' wages. Domestic workers feel like they are not given enough food, and workers with different nationalities have a hard time eating the food given to them because of their preferences or their culture's dietary requirements. Their day-offs are not paid, and they are not even given food allowance. There are also cases wherein domestic workers are not allowed to close the doors of their rooms.

#### B. Factors that contribute to GBV experiences at work by members

Gender stereotyping or gender norm, precarious or informal working status, and the lack of inspection by labor inspectors are seen as the biggest factors that contribute to gender based violence experienced by domestic workers. In some countries like in Jordan, they have laws that require labor inspections and laws for legal protection, but are not properly implemented.

Some of the other factors that contributed to GBV at work is the high "supply" of domestic workers available, and employers use this to threaten the workers' job security. Domestic workers are seen as dispensable and easily replaceable. The lack of training of domestic workers of their rights also contribute to the perpetration GBV at work.

#### C. Existing Legislation and Policy

Almost all of the countries said that their country has a national legislation on violence/harassment at work except for two – Jordan and Bangladesh. Among the 11 that said yes, eight organizations said that domestic workers are covered by the national legislation, and three are not. Usually, the national legislation pertains to either a law against domestic violence, anti-discrimination acts, or sexual harassment at work. Though not explicitly stated, domestic workers are covered by these laws by virtue of being workers and of working in a domestic setting. The Philippines, however, has passed a law particularly for domestic workers. In Jordan, there is a penal code that focuses on human rights but not specifically covering domestic workers. Similarly, in Nepal, there is no particular section on domestic workers but there is a Domestic Violence Act and Anti-Sexual Harassment at Workplace that covers domestic workers. In Indonesia, the law covers only domestic violence, but not including violence on domestic workers. In Hong Kong, there exists an Anti-Discrimination Ordinance that

includes the Sex Discrimination Ordinance, Racial Discrimination Ordinance, and the “Standard Contract”, a written contract listing terms and conditions of migrant domestic workers, provision of medical treatment, a list of schedules and job tasks, and an accommodation arrangement.

Official legal complaints mechanisms for DWs who experience GBV are available for almost all countries, except for two – Bangladesh and Cambodia. Typically, domestic workers are able to file complaints with the country’s labor department, call on labor inspectors and legal clinics, or go to the women’s desks at the police station. However, of the 11 organizations with available legal redress, six organizations find these mechanisms to neither be operational, accessible nor affordable for domestic workers. A lot of the organizations attribute this to the lack of awareness of the domestic workers on the mechanisms. One respondent mentioned that even if domestic workers can go to the police or crisis centers, the domestic workers have minimum access because they are isolated. Another respondent said that some domestic workers, particularly the undocumented ones, choose not to report cases because of their fear of being caught.

#### A. Position and Action on GBV

Most of the organizations treat gender-based violence as one of their top priorities. Two organizations see GBV as middle priority and two organizations see this as their least priority.

Six organizations have plans for GBV activities and advocacy campaigns, three organizations have a policy related to GBV at work and one organization has a collective bargaining agreement that include issues of GBV. Five organizations do not have plans for any of the three mentioned. For instance, in the Home Workers Trade Union of Nepal, there is a code of conduct handled by women’s committee at the national level. They do annual gender audits with all their affiliates. They are also pushing that 33 – 50% of elected positions in the organization are composed of women. Other organizations like ADW Cambodia participate in campaigns with CEDAW and GADC<sup>8</sup> for the “White Ribbon Campaign”, but expressed that they want to develop their own strategies.

Several of the organizations provide trainings or educational activities for their members with regard to GBV. Nine organizations also do case referrals to relevant government units, NGOs or trade union centers, and provide legal services like counselling, assistance in filing of complaints and cases at court. They also document

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<sup>8</sup> Gender and Development Committee

cases and/or evidence of GBV, give practical support such as shelters, job placement, and financial assistance. Seven organizations do surveys or research on GBV that DWs experience in their workplace, distributing materials on GBV to members and people in the community, and have advocacies or campaigns to end GBV. Only a few organizations are able to provide psychological therapy to members who experienced GBV. Other organizations rescue domestic workers.

Complaints received from the members are usually taken up and followed through, except for some organizations that refer cases to partner organizations or government units concerned. Two organizations don't do follow-ups on cases and one organization said that they have not handled complaints. In the last year, those who have handled complaints range from two cases to less than 10 cases a month. Of the eight organizations that were able to give an estimate, four of them handled less than 10 cases, one handled less than 15 cases and one handled 60 in the last year. One organization estimated handling less than 10 cases per month. These cases are usually followed up through an official complaints mechanism and sometimes through the law/courts. Three organizations follow through direct actions/ negotiations with the employer or related persons.

Support from third parties often come from NGOs or other organizations like the ILO, private businesses, lawyers' collectives and the like; but never from employers. Two organizations have not received support from any third party. Six organizations said sufficient assistance or cooperation is being received from government institutions, but with comments such as "limited engagement", "only when necessary", and "because of the union" Four organizations do not receive ample assistance and cooperation, and three organizations were not able to give an answer. They attribute this to a lack of policy or legislation to protect DWs against GBV, and the lack of support mechanism and services to enable workers to pursue the case.

One of the common lessons picked up by these organizations in handling cases is that DWs really do need to have more awareness raising activities because a lot of the DWs are scared to fight back because of a lack of awareness on GBV. More campaigns on protecting DWs against GBV should also be done, and gathering as much support as they can from other organizations and from each other.

A little more than half of the organizations have started to engage in national advocacy to support an ILO standard to "end violence/ harassment against women and



men in the world of work”. For instance, the Home Workers Trade Union of Nepal engaged in a campaign entitled “Zero Tolerance of Gender Violence in Workplace” that started on September 2017 in partnership with the ILO and the ITUC. Some organizations also participated in the study done recently by the ILO for the standard-setting process. NDWWU- Bangladesh conducted an advocacy meeting with their Labor Ministry to push for the ratification of C-189. JALA-PRT Indonesia is on its way to making a special network for GBV coalition and campaigns, including NGOs, different women’s organizations, and of course the domestic workers’ union. Those who have not engaged in a national advocacy said that since they are a relatively young organization, the focus is more on membership expansion or grassroots level organizing. One organization said that it is because it is not seen as a priority.

The top three tools or resources that organizations have found useful in addressing GBV are the following: GBV Handbook, training modules on advocacy, and guidelines on pressuring stakeholders like the government to support action against GBV. Almost all organizations have future plans for ending GBV. For instance, the United Domestic Workers of the Philippines plan to do Gender Sensitivity Trainings with their members, the Domestic Workers’ Solidarity Network – Jordan plans to have focus group discussions on GBV, and the National Domestic Workers Movement – India plans to conduct awareness-raising classes on GBV.

Below is a table on the assistance organizations will need from the IDWF in support of their activities on GBV:

Domestic Workers Union – Sri Lanka	Share materials and other resources that IDWF has; if possible, financial support to take legal actions against GBV (court case dealing)
FADWU – Hong Kong	Trainings on GBV
United Domestic Workers of the Philippines	Campaign materials
Sri Lanka Lebanon Woman Society – Lebanon	Health care and personal security
Domestic Workers’ Solidarity Network – Jordan	Assistance on how to get involved in global campaign and ILO Conventions
National Domestic Workers Movement – India	Capacity building, seminars and trainings

Home Workers Trade Union of Nepal	Training module on case handling / providing counseling
ADW Cambodia	Technical support, volunteers from IDWF to help on the ground, funding
Network of Domestic Workers in Thailand	Assistance on how to start working on GBV
SEWA India	Support for modules and documentation
AMMPO Sentro - Malaysia	Give trainings, seminars or forums regarding GBV
NDWWU - Bangladesh	Assistance on membership recruitment and funds to do activities
JALA PRT - Indonesia	Assistance during common campaigns, especially for international campaigns

## V. Conclusion and Recommendations

The survey painted a general picture of the situation of domestic workers in Asia-Pacific in terms of GBV. Below is a list of the survey's more salient insights:

1. GBV is rampant among DWs in the organizations included in the survey. It is committed by men, women, direct members of the employing household and their relatives, as well as by recruitment/employment agency intermediaries;
2. DWs are exposed to different types of GBV but the most rampant are financial/economic abuse, psychological abuse, sexual harassment, verbal abuse, and eating poor quality of food;
3. The largest factors contributing to GBV are gender stereotyping, precarious/informal working status, and the lack of inspections by labor inspectors;
4. GBV occurs because there are gaps in legislation. National legislation on violence/harassment at work and an accompanying legal complaints mechanism is not present in some countries. In countries with the abovementioned, the mechanism for legal complaints is not operational, accessible, or affordable. Because of this, the laws are rendered ineffective and/or the government units are ineffective in enforcing the policies against GBV;

5. There are DW organizations that (1) have advocacy campaigns regarding GBV, (2) have policies on GBV at work, and (3) have a collective bargaining agreement;
6. DW organizations have the capacity to provide psychological therapy/counseling for GBV survivors;
7. There is a need for capacity building and awareness raising on the issue of GBV;
8. DW organizations have networks with trade union centers, NGOs, and government that offer legal assistance regarding GBV;
9. DW organizations see the IDWF as an important partner in seeking assistance in activities and campaigns regarding GBV;
10. DW organizations are willing to commit their time and energy towards ending gender-based violence in domestic work.

The Asia-Pacific regional affiliates of the IDWF have been doing great work so far, but with much room for improvement. Given the insights stated above, the following is a list of recommendations to inform the IDWF in its work in assisting its regional affiliates in the Asia-Pacific as well as in its preparations for participating in the ILO standard-setting processes in 2018-2019:

1. ILO conventions on ending GBV in the world of domestic work should take into consideration the following:
  - a. GBV is committed by men, women, direct members of the employing household and their relatives, as well as by recruitment/employment agency intermediaries;
  - b. GBV most experienced by DWs are financial/economic abuse, psychological abuse, sexual harassment, verbal abuse, and eating poor quality of food;
  - c. The largest factors contributing to GBV are gender stereotyping, precarious/informal working status, and the lack of inspections by labor inspectors;
  - d. Collective bargaining rights for DWs must be upheld;
  - e. Knowledge and awareness regarding GBV must be disseminated among DWs as well as employers;
  - f. Special care should be given to make sure that legal complaints mechanisms should be operational, accessible, and affordable for DWs, and;

- g. DWs organizations must be given key positions in the creation, enforcement, and implementation of GBV policies.
2. Having known that members of DW organizations' capacity to fight for their rights are hinged on their levels of awareness regarding GBV, the IDWF should intensify efforts to provide technical, financial, and networking support for awareness raising activities/projects/programs on GBV among members of DW organizations.
3. The IDWF should continue giving technical, financial, and networking support for enhancing the capacities of individual members as well as the capacities of organizations in tackling GBV issues. The cases of the DW organizations in this study prove that DW organizations are able to hold advocacy campaigns, create and assert policies regarding GBV in work, provide psychological therapy/counseling to survivors of GBV, and have collective bargaining agreements. These should be encouraged, supported, and adapted to other countries.
4. Campaigns to end GBV should focus on financial/economic abuse, psychological abuse, sexual harassment, verbal abuse, and eating poor quality of food.
5. The IDWF should conduct further studies in order to inform their work on ending GBV as well as complementing their work internationally with local DW organizations' work in each country. The following should be considered in designing and in the conduct of these studies:
  - a. Conducting a more specific training needs analysis for the affiliates will help IDWF and its affiliates zero in on where the knowledge, skills and attitude gaps are so that these gaps are efficiently filled;
  - b. Focus group discussions with affiliates on how they can engage and pressure their governments in the national and international level is critical;
  - c. Case studies should be made to document the success, as well as the challenges, of IDWF affiliates' actions in ending GBV;
  - d. Whenever possible, it will be helpful to publish studies using national/local languages of the affiliates.
6. The IDWF should continue regional and global campaigns to address GBV like the *My Fair Home* campaign.
7. The IDWF should pursue regional and global framework agreements to end GBV.

The coming years will be a huge step forward in eliminating GBV not only for domestic work, but also in the world of work. More than ever, international support and solidarity between trade unions, governments, and civil society should thrive.

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