

INTERNATIONAL LABOUR ORGANIZATION - CONVENTION

At its 302nd session in March 2008, the ILO Governing Body has agreed to place our item on their agenda. In 2010 the 99th Session of the International Labor Conference will talk about “Decent work for Domestic Workers”, their discussions will focus on Setting Labor Standards for domestic workers. By 2011, the International Labour Organization in Geneva with more than 156 member countries, including India will adopt an international standard listing our rights as workers. We have been working with labor organizations since the last seven years to ensure that domestic workers get their Rights. In the beginning it looked impossible but now it looks like we will soon be able to make it possible.

The ministry of labour has contacted the National Domestic Workers’ Movement (NDWM) and we will surely share the experiences of domestic workers with them. The national office has initiated this process in the different states and soon we will have enough data to make it easier for the government to complete the questionnaire.

The ILO governing body, which meets 3 times a year to determine if there is any demand for new international labour standards, consists of 56 members; half of whom are representatives from workers and employers organizations, and the rest are representatives from governments. India is one of the 10 permanent governmental members.

After many years of difficult struggle for the recognition of domestic workers, we are starting to see a light at the end of the tunnel. Indeed this initiative may be the beginning of a real lasting change for domestic workers around the world.

If the convention was to be adopted by the ILC, member states would opt whether or not to ratify it. States that ratify Conventions are required to submit reports once every five years on their implementation progress to the ILO. When a State that has ratified a Convention violates its provisions, the ILO enters into ‘dialogue’ with the government. If violations are severe, the ILO ‘names and shames’ the violating country.

As of now, it has not been decided if the initiative will take the form of a convention or a recommendation; this will be decided during the discussions at the ILC in 2010.

If a Convention was to be ratified, a state would be legally bound to abide by its provisions. A Recommendation has no legal value, rather acts as a guideline/standard for good practice. Most often a Convention is adopted jointly with a Recommendation to ensure all relevant issues are being covered in an appropriate manner.

The International Labour Office is preparing a report (“Law and Practice Report”) that analyses the laws and practices of member states with regard to the issue at stake and includes a questionnaire to solicit recommendations for the proposed instrument. The report is circulated to member states and to workers' and employers' organizations for

comments. Based on the feedback a second report will be prepared and discussed at the International Labour Conference. A third report will then be prepared by the Office with a draft instrument for comments and submitted for discussion at the following Conference, where the draft is amended as necessary and submitted for adoption. This "double discussion" gives participants and stakeholders sufficient time to examine the draft instrument and make comments on it. A two-thirds majority of votes is required for a standard to be adopted.

The deadline for questionnaires to be returned to ILO Geneva was the 31st August 2009, from which a draft instrument will be prepared for the ILC in June 2010. After the conference and redrafting of the instrument, a second discussion at the ILC will take place in June 2011, where the Convention or any other agreed instrument will be discussed and adopted or rejected by the ILC.

The ILO has worked closely with the Ministry of Labour India to draft a paper in order to assist the government in completing the questionnaire that was submitted to the ILO India in August 2009.

On the initiative of the ministry of labour, we shared the experiences of domestic workers with them, as well as our report made by the national office, that provides information on the situation of domestic workers and analyses the relevant existing national legislations and regulations.

It includes a questionnaire that collects the views of the member states on the scope and contents of the instruments.

In many of our states, various groups and leaders responded to this questionnaire. Many domestic workers are realizing the importance of defending their work conditions (For the first time) and demand their rights as dignified workers to be recognized.

A meeting was held at the National office of the movement in Mumbai, with representatives such as, the Anti Slavery International (ASI), Migrant Forum Asia (MFA) and Asian Domestic Workers Association (ADWA) in order to share responses and ideas regarding the questionnaire and the convention.

This will then be followed by a national level consultation in September 2009.

Timeline:

- Jan 2009. The ILO sent the compiled report for law and practice for domestic workers and a questionnaire to ILO member states.
- August 2009. Deadline for reviewing information and completed questionnaire
- Jan 2010. Report will be issued to member states on the basis of answers to the questionnaire.
- August 2010. The final draft instrument will be sent to member states for feedback.
- Dec 2010. Feedback on draft instrument
- June 2011. Feedback on 2nd draft and possible finalizations

The process that we followed as a National Movement;

- We have decided that we need to play a constructive role in the ILO process.
- Sr Lissy represented our movement in the Indian ILO meeting on the 5th May 2009.
- State Coordinators participated in the National Consultation with Civil Society on Domestic Work and ILC 2010 on 15-16 July 2009 at the India Habitat Centre in Delhi. A small group also met the Labour Secretary to discuss the issue.
- The State Coordinators of the movement met in Mumbai on 16th and 7th June 2009 to discuss the state wise responses to the questionnaire. The Coordinators took up the responsibility of consolidating the questionnaire. Br. Varghese led the team.
- Following the meeting, different states worked with domestic workers, employers and the general public to create awareness about the ILO convention. The objective of the awareness programs was to,
 - Sensitize the public about the issues of domestic workers
 - Create a sense of hope among the domestic workers, that their issues were being discussed at international forums