

## Labor is Not a Commodity

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### The Exploitation of Domestic Child Labor; Enslaved in a System of Servitude

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Constrained to working 60 plus hours a week, with 67% of domestic workers receiving no overtime pay, domestic workers are silenced in the brutal, slave-like conditions of this exploitative working system. Domestic work ultimately leaves workers invisible and undervalued. How can a progressive world continue to backtrack to a system that destroys human and working rights of millions of workers? Globally 100 million workers are plucked from their familiar lives to a life of total isolation and ruthless treatment. A domestic worker performs a variety of household services for an individual or a family, from providing care for children and elderly, to cleaning and household maintenance.

Responsibilities may also include cooking, doing laundry and ironing, food shopping and other household errands. Conditions for domestic workers are often long and enduring, minimal or no breaks, very low wages, and unhealthy conditions.

According to the International Labour Organization, “Recent ILO estimates based on national surveys and/or censuses of 117 countries, place the number of domestic workers at around 53 million. However, experts say that due to the fact that this kind of work is often hidden and unregistered, the total number of domestic workers could be as high as 100 million. In developing countries, they make up at least 4 to 12 per cent of wage employment. Around 83 per cent of these workers are women or girls and many are migrant workers.”

The treatment of women, men, and children who are subjected to forms of slavery and servitude are excluded from the right to bargain collectively under the National Labor Relations Act (NLRA). Home health care workers are still excluded from both the minimum wage and overtime laws, and all live-in domestic workers are excluded from overtime pay under federal law. Domestic workers are not to be confused as ‘servants’ or ‘apart of the family,’ they are workers. Employers frequently recruit children through commercial labor agencies or local vendors with personal connections with these children. In these cases, any kind of familial connection between employer and employee is lost. When the employer's primary concern is the maintenance of their household, not the employee's personal development, the relationship between employer and child is commercial. Domestic workers are too often victims of isolation, neglect, and remain invisible in the private sector of the home.

The most silenced worker is the child. The International Labor Rights Forum is working on research that investigates the dirty and most horrific human rights abuse, child domestic labor. The ILRF is conducting research in Bangladesh, Indonesia, Cambodia, and Guatemala. Most often poor rural families send their children to work as domestic workers in well-to-do urban areas. The most long-term effect child labor has on a society is the lack of education for child laborers. Populations grow to become uneducated, illiterate, and lack many skills to perform at higher levels in the workplace. These children do not receive the opportunity to attend school and are forced into long hours, poor conditions and low wages. With a minimal legal framework, child domestic laborers are not protected under labor laws.

There are over 300,000 child servants working in Bangladesh, 688,000 children under 18 years of age are domestic workers in Indonesia, and thousands of girls in Indonesia, some as young as 11, are employed as domestic workers in other people's households, performing tasks such as cooking, cleaning, laundry and child care. Most girls interviewed for The Human Rights Watch report on domestic child labor, stated that they worked 14 to 18 hours a day, seven days a week, with no day off. Almost all are grossly underpaid, and some get no salary at all. In the worst cases, girls reported being physically, psychologically, and sexually abused. In Guatemala, there is an estimate of 38,000 children between the ages of 5 and 7, and thousands of children working domestically in Cambodia.

June 16, 2011 marked the momentous adoption of the Convention Concerning Decent Work for Domestic Workers at the 100th International Labour Conference of the International Labour Organization (ILO). Domestic workers who are constricted to these isolated spheres and are subjected to the conditions of the household employers are now protected by this international convention.

This Convention sets out global standards to ensure decent working conditions for domestic workers, which the 183 Member States of the United Nations (UN) will have to implement, as the ILO is a UN agency.



The Convention is the first of its kind to put in place working conditions for workers in the so-called informal sector. It

ensures conditions for working hours, social security protection, occupational health and safety, minimum wages and many other fundamental principles and rights in the work place, including freedom of association and the right to collective bargaining.

Some of the major points of contention included, working hours and ensuring at least a day off as weekly rest, occupational health and safety, the right to privacy in a "private" household and social protection. The Convention puts the responsibility on governments to "establish criteria for the registration and qualification of employment agencies." This vital clause prevents the operation of illegitimate agencies that recruit poor, vulnerable women, particularly from rural areas, who are often mistreated, subjected to abuse and have to pay recruitment fees or provide portions of their income to the recruitment agencies.

The adoption of the Convention for Domestic workers is a huge victory. However, challenges lie ahead. Governments need to ratify the Convention so that it is applied at national levels in all countries. The adoption of the Convention is a momentous first step, but we must ensure that it will make a difference to and improve the living and working conditions of the millions of domestic workers around the world.

A challenge already seen with An Bunhak, director of the Cambodian Recruitment Agencies, who said it was too early for Cambodia to ratify the treaty, claiming such a move would "destroy the harmony" between employers and domestic workers."

However support and hope reigned throughout the convention as President Susilo Bambang Yudhoyono of Indonesia was quoted, "Many countries have ratified ILO conventions, but what is urgent now is the faithful implementation of these conventions. We must see to it, that the eight ILO Fundamental Conventions are fully carried out, to ensure that workers enjoy social justice." Along with President Yudhoyono, there has been much support for the ILO Convention, including Tanzanian President Jakaya Kikwete, who stated, "This meeting is taking place at a time when globalization continues to pose challenges and presents opportunities for both countries as well as for the work of the ILO... The ILO's Director-General's report speaks volumes of this and provides us with a new lens for viewing these global challenges".



Currently, ILRF is conducting a series of several studies in Bangladesh, Indonesia, Guatemala, and Cambodia. In Bangladesh the ILRF has orchestrated a study on the root causes of choosing domestic work, working conditions in regards to salient features of ILO conventions ratified by Government of Bangladesh, access to basic human rights (education, health, leisure, etc.), domestic worker sourcing patterns, testimonial of adolescent domestic workers, and gaps in current legislation, policies and laws in Bangladesh. Findings of the study will lead to sketch an advocacy paper, expected to use for awareness raising through lobby group hence creating pressure (by pressure group) on policy makers to formulate effective national laws regarding domestic work.

In Cambodia, ILRF supports a local organization in their expansion of its public awareness campaign, which currently targets: villagers, local authorities and community based organizations. The current public awareness campaign, works to increase understanding: of child labor and Cambodian domestic workers, both in country and abroad.

In Guatemala ILRF supports a local association in the research of identifying the causes of the incorporation of boys, girls, and adolescents in domestic employment in the Quetzaltenango area. Establishing the conditions where girls, boys, and adolescents are found in particular cases of domestic labor. As well as providing knowledge of girls, boys, and adolescents about the instances where help exists and laws that protect them. And finally establishing if child and adolescent laborers in the domestic area have been victims of abuse, sexual harassment, human trafficking by the family, the employers, and/or others.

In Indonesia, ILRF is conducting research on the issue of child domestic workers in Indonesia and the different perspectives of trade unions and other key players towards this issue. Updating situations of child domestic laborers, mapping the key players, its role and interaction among them and what possibly come out from that interaction.

ILRF will continue to see that all children and workers maintain their rights not only as workers but as human beings first and foremost. The steps taken by the ILO are critically significant in creating a just and healthy working world worldwide. We must maintain our efforts in the fight to bring down this hierarchy of the employer possessing the employee and give rights and equal opportunity to the lives of child domestic laborers.

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