Making History through Policy: A Field Report on the International Domestic Workers Movement

Jennifer N. Fish
Old Dominion University

Abstract

Paid household labor has fertilized the development of national economies, while also nourishing the capitalist labor systems that has allowed globalization to thrive. However, this transnational sector has remained historically invisible, devalued, and unprotected from national and international legislative frameworks. In 2010, the International Labor Organization (ILO) finally embraced this challenge through two years of negotiations on the world's first international convention to assure "Decent Work for Domestic Workers." These tripartite debates set the stage for the largest inclusion of "actual workers" in policy making. The debates also mobilized the world's first international domestic workers' movement. This report from the field highlights a distinct process whereby workers themselves played a pivotal role in the creation of international labor policy. According to International Domestic Workers Federation president Myrtle Witbooi, this "new beginning" set "a benchmark for decent work and social equality."

> Our hearts are full that we have reached such an historic moment. We, the domestic workers of the world, have before us the text of the new ILO Convention that recognizes us as "workers" with the fundamental rights of other workers.–
>
> Shirley Pryce, President, Jamaica Domestic Workers Union[1]

Domestic workers commanded worldwide attention when together they fought for the first international policy to recognize their historically "invisible sector" of the economy. On June 16, 2011, delegates to the International Labor Conference (ILC), of the International Labor Organization (ILO) voted nearly unanimously to adopt Convention 189, "Decent Work for Domestic Workers."

This set of standards marks a tangible victory for both the labor movement and the global women's movement. Attention to this UN-level of policy formation connected national domestic workers' organizations to a global campaign, with a common appeal for the "same rights to 'decent work' as any other workers."[2] As they advocated for standardized protections and demanded that the ILO "set right a historic oversight," domestic workers gained global attention and the support of allies.[3] Several international nongovernmental organizations, policy-research institutes, and global unions foregrounded the call for domestic worker protections as a way to illuminate wider human rights, migrant rights, child labor, and trafficking conditions. The long-standing investment of

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two organizations assured domestic workers' presence as a unified international network. The Women in Informal Employment: Globalizing and Organizing (WIEGO) policy research network based at Harvard University and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) provided years of material and solidarity support that allowed key national domestic worker organizations to align into a global network and exercise collective demands for international labor protections. The backing of these organizations fostered activist maneuvers within the ILC meetings that generated highly persuasive attention to the claims of domestic workers.

The largest number of "actual workers" to participate in ILC negotiations, domestic workers shifted the terrain of convention. The ILO is the United Nations' only tripartite organization, with each member nation having worker and employer delegates from "peak" national associations as well as government representatives. Each year, delegates gather in a social dialog process that recognizes the value of all parties and assures a balanced forum for the development of ILO policies. For the first time, the most impacted women workers occupied physical and political space within the very chambers where decision makers formerly exercised power without consulting them. Director-General Juan Somavia endorsed domestic workers' inclusion by announcing, "I'm also happy that in different ways, domestic workers' activities are in fact present here in the room also, which I think gives it an important capacity to come down to the reality of what you are discussing today."[4] Domestic workers used their capacity to confront decision makers with this "reality" of "those who toil everyday" as a persuasive standpoint that brought this historically marginalized occupation into the center of these debates. As a collective front, domestic workers employed particular emotional and ethical strategies that asked delegates to look at their own dependence on household labor as they deliberated upon potential policy standards for this same sector. By doing so, they made domestic work not only highly visible, but also quite personal to all decision makers. As they asked delegates to "look deep in their hearts" and consider the domestic workers in the room when voting on protections, domestic worker and allied NGOs changed the history of the ILO's policy-making process.

This continual presence of domestic workers also elevated the inclusion of larger social justice issues within a standard setting. As the presence of domestic workers infused a distinct moral perspective into the inquiry about workers deemed worthy of protections, it simultaneously interrogated the historic exclusion of the "most vulnerable," namely women, migrants, and people of color, from international law. The physical presence of domestic workers within the negotiations allowed feminist government delegates particularly to point to the workings of gender inequality in the systematic exploitation of women. As one delegate attested, "The Convention is part of a much larger struggle in history … that has to do with recognizing the value of reproduction, and we are in the middle today of a major reorganization of the relations of reproduction."[5] The physical, political, and even emotional presence of real workers

brought these larger struggles into sharp focus, while challenging the ILO to go "back to basics" in efforts to restore its mission to "protect vulnerable categories of workers." In this way, the participation of women workers sanctioned the integration of gender as a core consideration within formal ILC labor discussions.

This field report highlights one pivotal factor in the realization of the first set of global standards for household labor: the bridges among employer, government, and labor delegates that grew out of domestic workers' presence within the negotiations. I draw from two years of ethnographic interviews and participant observations of the 2010 and 2011 ILC, along with an additional three years of scholar-activist research with the International Domestic Workers Network (IDWN), the organization that immediately became the "face of domestic workers" within the ILC discussions, and two years after winning the convention, formed the first transnational union for domestic workers, the International Domestic Workers Federation (IDWF), the only global trade union led by women.[6]

Bridging Tripartite Relations Through Domestic Work

In 2008 the ILO placed "Decent Work for Domestic Workers" on the agenda as an item for standard-setting during the 2010 and 2011 ILCs. The possibility of regulation emerged from four distinct and complementary factors: (1) an established climate for "decent work" and "fair globalization" within the ILO; (2) the mobilization of a transnational network of domestic workers; (3) organizational advocacy from key players within the ILO system; and (4) the strategic activism and alignment of civil society organizations within the ILO tripartite standard-setting process. Efforts to recognize women workers as the foundation of the global economy reflect shifts in the nature of the work relationship, as well as the ILO's embarkation on regulating the informal sector. They manifest the wider organizational emphasis on "decent work" and "fair globalization" central to the leadership of Somavia from 1999 to 2012. This agenda paved the way for domestic workers to participate in the standard setting process. At the same time, the symbolic meaning of the topic, and its potential to contribute to a much wider human rights campaign, motivated an expansive network of civil society organizations who stood in solidarity with domestic workers as a symbol of the larger need to regulate the informal economy, and protect women, migrant, and child workers within the existing context of globalization.

The struggle for labor regulations usually pits employers and workers against each other. While each group held to inscribed ideological positions on universal standards, the distinct presence of the IDWN bridged traditionally inscribed tripartite divides by building relationships across parties. Their common strategy to classify domestic worker rights as human rights, promote women's household labor justice as "long overdue," and demand ILO coverage for this "invisible" and "vulnerable" sector measurably influenced the entire negotiations, as well as the outcome of the vote. As they simultaneously elevated

the protection of domestic workers as a fundamental moral obligation for all delegates, the larger IDWN-NGO alliance realized the most persuasive and public demonstration of "political will" seen in the ILO's history of convention making.[7]

The presence of the IDWN made workers "real" for policy makers. In these delegations, most labor representatives held high-level positions in national unions, which in nearly all countries contained no domestic worker organizations in their official delegations. As a result, both employer and labor representatives were "one step removed" from the complexities of domestic work even while they sat down together to hammer out a convention. This distance made the voice of "actual workers" from the IDWN more powerful and "legitimate" throughout the negotiations. The IDWN ally coalition fed government and labor representatives with national and international data, offered personal testimonies and provided persuasive rationales. These interventions allowed governments and labor representatives to uphold their support for the convention with convincing substantive information.

A diversity of invested parties intervened vocally. These included male chairs of the employers' delegation, Singaporean Minister Halimah Yacob on the side of workers, and male and female government spokespersons from each member country. Women delegates from Brazil and Australia persuasively impacted the negotiations by emphasizing the value of women's labor and wider UN commitments to gender equity within their official government statements in support of the convention. While women leaders spoke with heightened legitimacy, strong support also emerged from key male figures within the ILO, as well as some governments. Male union leaders dominated country labor delegations. Although they strongly supported the convention, gender politics traveled to the ILO, leaving very few women in the official workers delegations, parallel to the minimal inclusion of domestic workers in national union structures.

The majority of official employer delegates similarly were male representatives of predominantly larger private sector organizations. The overarching stance of this group resisted a convention for domestic workers, claiming "the house is not exactly a workspace," nor is unregulated labor in this specific sector "an ILO problem." Traditional employers generally viewed domestic labor as a distinct and isolated category, with a predominant view that "special cases make bad law."[8] Yet, domestic workers and some female employer allies used this "special nature" of domestic work to redefine the concept of employer. In the standard labor relationship, unions bargain collectively for workers who typically labor at the same site for one employer. For paid domestic labor, standard setting must reach individual workers having individual employers in separate private households. IDWN leaders strategically innovated to expose delegates' roles as employers of domestic workers in their private homes—not just representatives of larger employer bodies. Although employers generally resist extensive labor standardization, their own investment generated an awareness of the benefits of assuring "peace in the home" through mutually agreed-upon standards of household labor.

A distinct situation emerged: employers and labor delegates came to the social dialog process with personal dependence upon domestic workers, yet with no direct experience at representing such workers. These lacunae established the context for a compelling strategy of emotional and moral persuasion through use of the personal as a political mobilizing tool. The IDWN repeatedly held representatives responsible for their own role as employers in their homes through affective techniques that asked them to "think of your domestic worker when casting your vote."[9] These persuasive maneuvers made it difficult for delegates to ignore their personal dependence on paid household labor. "We are all employers in this room,"[10] proclaimed Manuela Tomei, then director of the ILO Conditions of Work and Employment Programme. The IDWN coalition used this reality to position all delegates as morally responsible for the labor practices in their own homes while continually reminding the house that domestic workers made it possible for all voting delegates to be present at the ILC. IDWN President Myrtle Witbooi could not have articulated the message more clearly to employers, union leaders, and government delegates alike: "[Y]ou would not be here if someone was not at home taking care of your children."[11]

According to Brazilian government representative Maria Luisa Escorel de Moraes, shifts in the level of employers' support for Convention 189 account for most of the increased support for a convention between the 2010 and 2011 conferences. When employer representatives faced their own status and privilege as employers of domestic workers, she claimed, "then they could not oppose the Convention, right? I am *really* an employer, you are an employer, we are all employers, no?" With this recognition, Ms. Escorel de Moraes insisted that as employers, "there is no room in today's world to object to human rights." Imagine, she assessed, the inadmissible political incorrectness conveyed by headlines that read, "Employers oppose!"[12] Mr. Paul MacKay, the 2011 Employer Vice Chair, noted that "our work here affects us not just as employers and workers; it also potentially affects the householders and parents in our community."[13]

Employer advocates for the Convention established a powerful rhetorical position by linking fair work standards with an increased quality of life, to be shared by all those within the households that employ domestic workers. The employer organizations from Uruguay and the United States deployed their organizational missions to claim a wider responsibility for protections through the ILO structure. Ms. Lorenzo de Sanchez referenced Uruguay's national employer body's commitment to "brewing quality of life" through the realization of fair work for domestic workers. Justifying fair standards, she indicated, "Our houses, with standards, would have more peace, lightness, and there would be fewer misunderstandings, which allow for good relationships between the parties that might make contracts about domestic service."[14] This sentiment evokes a strong collective responsibility and mutual interdependence surrounding the nature of the domestic labor relationship, which "sympathetic" delegates used to reinforce a distinct moral persuasion within the tripartite bargaining process.

The most prominent expression of this employer solidarity with domestic work justice came from a US employers' organization that joined the NGO observer network to advocate for the convention. Hand in Hand, a national non-profit organization, represents employers "…who are grounded in the conviction that dignified and respectful working conditions benefit worker and employer alike."[15] This organization works closely with the National Domestic Workers Alliance in the U.S. to establish fair working standards, lobby government for labor protections, and demonstrate solidarity across differences in race, class, and nationality. Thus Betsy McGee spoke for "fair-minded employers across the globe," referring to the convention "as a North Star, *étoille du nord*, for employers as well as advocates, opinion shapers and policy makers."[16] Her presence at the 2011 ILC repeatedly demonstrated employer commitment to notions of decent work and "Justice in the Home,"[17] as well as a successful organizational framework for linking employers in common cause with workers. Throughout the negotiations, she conveyed a central message that focused on the *mutual* benefits of implementing domestic worker rights through standardization. The ability to draw employer delegates into support for Convention 189 serves as one of the most compelling examples of how this particular sector allowed for conversations across unexpected lines of difference, and new forms of mutual support for labor protections within the household.

Domestic work also afforded distinct pathways to engage government representatives in the call for protections. Because of the shared responsibility household labor places upon women, some feminist-oriented government delegates lobbied in strong support of domestic workers. Key figures emerged as central proponents of domestic workers' rights among those governments in strongest support of the Convention, including Argentina, Uruguay, South Africa, Brazil, the United States, and Australia. As individual voices, these persuasive women leaders virtually mirrored the IDWN's Platform of Demands. Among them, Louise McDonough's statements served as the most powerful synthesis of core ideologies, politics, and policy pragmatics. During a final address to the 2011 ILC, she urged voting delegates,

> … to recognize this as a vote on an international standard for a group of up to 100 million workers who have been confined to the informal economy for hundreds of years … To not support this Convention and Recommendation is to confine domestic workers to the unregulated, invisible and vulnerable circumstances they are currently in. To say, as some employers have here today, that change for the domestic workers will happen regardless of the outcome of the vote, is folly in the Australian Government's view. A lack of support for this Convention would send a strong message to the world that domestic workers do not deserve the protection otherwise provided by this House to other workers, and take us right back to the 1950s.[18]

Behind the scenes, representatives like McDonough spoke directly with IDWN leaders and held strategic planning sessions with other governments to develop

Printed with permission. Human rights activists join domestic worker leaders to build global civil society support for ILO Convention 189 (June 6, 2010). Courtesy of Jennifer N. Fish.

Printed with permission. Domestic worker leaders take to the streets of Geneva to call for rights, recognition and global protections. (June 8, 2010). Courtesy of Jennifer N. Fish.

bloc alliances in support of the convention. In some instances, officials looked to the IDWN representatives during their talks and referenced their presence in the room as a reminder about the impact of their policy decisions.

Through the IDWN alliance, key—predominantly women—leaders served as the proxy representatives of domestic workers. They aided government delegates to persuade employers in favor of the convention, challenged labor members to include domestic workers in their national delegations, and advocated for the importance of standardization in the tripartite dialog. From an intersectional framework, this representational strategy, while promoting a "Women's ILO," also reflects complexities about who speaks for domestic workers. Even as they engaged in feminist activism, women with more economic and social power voiced larger gender concerns, while the ILO's governing rules excluded IDWN and NGO delegates from the social dialog process. Though reinforcing status inequalities from a pragmatic feminist approach, these strategies also realized a desired outcome by playing an absolutely central role in assuring that the convention negotiations centered on the experiences and daily livelihoods of the "actual workers" present in the room.

Conclusion

Through network support for domestic workers, the negotiations on Convention 189 established new lines of connectivity across the tripartite structure—where domestic workers formed a concrete conduit for dialog with employers and governments. The Decent Work for Domestic Workers agenda offers distinct examples of employers' engagement with gendered labor and the subsequent bridges that connected employer, government, and labor delegates to the plight of the "most vulnerable" women workers. This revolutionary infusion of domestic workers and NGO allies created new connections across lines of difference, where the tripartite parties could find common purpose, albeit from their collective reliance on domestic work. The Convention 189 process illustrates how the prominence of women's transnational networks provides an exemplar of expanded possibilities for the integration of civil society within social dialog.

As they carved more influential spaces within the ILC structure, the IDWN alliance simultaneously relied heavily upon a particular emotional appeal and moral accountability that emerges from the very consideration of domestic labor as a critical dimension of societal reproduction. The collective presence of "actual workers" called decision makers to leave a moral mark on history. The 2011 Workers Group final meeting lauded the convention victory would begin a process of "emancipating a group of 100 million people all over the world."[19] Juan Somavia charged the ILC delegation with a similar grand appeal to assure "that for the millions of workers out there, they will have an instrument. We know that instrument and reality differ, but you will have a hook, a flag."[20] Rather than constructing policy, delegates were invited to become "custodians of a legacy"[21] as they participated in the co-creation of

the world's first set of global standards for a historically excluded category of workers.

Ideals of moral accountability combined with the IDWN alliance's pragmatic infusion into the ILO structure played a major role in the success of Convention 189. On the day of the vote, workers exuberantly proclaimed their "long overdue victory" through this "historic landmark" moment. To some, the real victory of Convention 189 is the platform it provided for domestic workers to fuel a global movement, with the backing of the world's largest and most influential NGOs. Others aptly point out, "our journey will be concluded when domestic workers feel the effects of such instruments. We want to walk out of here knowing we have done better by domestic workers and their families."[22]

This measure of the ideals of an international convention in relation to the realities of practical implementation framed the discussions and punctuated the closing moment when domestic workers won this pivotal policy. The banner released immediately after the vote within the UN Palais des Nations read, "C189 Congratulations. Now the Domestic Work for Governments. Ratify. Implement." In the post-convention organization as a global union, the IDWF prioritizes ratification and implementation of decent work standards in order to promote policy to "with teeth." Hester Stephens, IDWF member and president of the South African Domestic Service and Allied Workers Union, reflected the vital importance of implementing Convention 189 as the next step in the struggle. As she surmised immediately after the Convention 189 vote, "… we say, nobody will be free, no woman will be free until domestic workers are free. And now the process for us is to go back and to *build*, and to pick up the pieces, and also to work together with our governments to implement what we are supposed to implement."[23] In order to concretize this moment when "freedom at last came for domestic workers around the world,"[24] the organizational ties and continued accountability of NGO allies, governments, and the ILO monitoring and compliance systems will be critical to assuring enforcement beyond celebration.

NOTES

1. Public Address to the 100th Session of the ILC, June 9, 2011.
2. International Domestic Workers NetWork, "Platform of Demands," http://www.idwn.info/publication/platform-demands (accessed June 1, 2010).
3. All quotes are taken from my participation in the 2010 and 2011 ILC negotiations on Decent Work for Domestic Workers and the accompanying daily meetings of the International Domestic Workers Network.
4. Juan Somavia, statement to the ILC Committee on Domestic Workers, June 3, 2010.
5. Elisabeth Prügl, Speech at the Poster Exhibit sponsored by the International Working Group of Domestic Workers, Maison Des Associations, Geneva, June 9, 2010.
6. Eileen Boris and Jennifer N. Fish, "Domestic Workers Go Global: The Birth of the International Domestic Workers Federation," *New Labor Forum* 23 (2014): 77–81.
7. Luc Decartes, former official of the ILO Bureau for Worker's Activities (ACTRAV), indicated in a 2012 personal interview that the presence of domestic workers generated the

largest "political will" behind any Convention process in the history of the ILO. In his assessment, this played a central role in the Convention's overwhelming support and 2011 adoption.

8. Excerpts taken from the 2010 final statements employers group at the 2010 ILC.

9. IDWN President Myrtle Witbooi, statement to the Domestic Workers Committee at the 2011 ILC.

10. Opening comments to the ILC Committee on Domestic Work, June 2, 2010.

11. Statement to the 2011 ILC Workers Group for the Committee on Domestic Workers.

12. These interview excerpts are drawn from the transcripts of Mary Goldsmith, from her 2011 personal interview with Escorel de Moraes at the 2011 ILC. Original Spanish interviews translated by Raquel Perez-Lopez, Old Dominion University.

13. ILC 100th Session Record of Proceedings, 1102.

14. Personal interview conducted by Mary Goldsmith, June 15, 2011.

15. Hand in Hand web site, http://domesticemployers.org/about-us/ (accessed November 11, 2014).

16. This excerpt is drawn from the Friedrich Ebert Stiftung Panel Discussion at the ILC, Tuesday, June 7, 2011.

17. I borrow this phrase from the October 16–17, 2014, "Justice in the Home: Domestic Workers Past, Present and Future" conference held at Barnard College, New York.

18. Louise McDonough, Closing statement, 2011 ILC. "PR No. 6—First and Second plenary sitting of the 100th Session of the International Labour Conference." http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS_156469/lang–en/index.htm (accessedJuly9,2015).

19. Workers Group meeting of the Committee on Domestic Workers, June 10, 2010.

20. Juan Somavia statement to the 2011 Committee on Domestic Work, June 1, 2011.

21. Committee on Domestic Work Chairperson, Mr. H.L. Cacdac, in response to Juan Somavia, June 1, 2011.

22. Paul MacKay, Employer Chair, opening statements in the ILC Committee on Domestic Work, June 1, 2011.

23. Hester Stephens, personal interview, June 16, 2011.

24. *Ibid*.