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## ▶ Making the right to social security a reality for domestic workers

A global review of policy trends, statistics and extension strategies

▶ **Making the right to  
social security a reality  
for domestic workers**

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statistics and extension strategies

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*Making the right to social security a reality for domestic workers: A global review of policy trends, statistics and extension strategies*

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## ► Foreword

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Cleaning, cooking, taking care of children and older relatives, gardening — every day, households call on the support of no less than 75.6 million paid domestic workers to meet essential household care needs. The increased demand for domestic work today is the result of women's increased participation in the labour force; the response to the gender inequalities of unpaid care work; gaps in care services provided by the state; the increased feminization of international migration; demographic changes; and growing long-term care needs. Yet, as the COVID-19 pandemic has made glaringly evident, domestic work remains one of the most undervalued occupations. Less than two out of every ten domestic workers are covered by social protection in practice.

Social security is essential for preventing and redressing poverty and inequality. It enables women and men to navigate their life and work transitions; it accompanies them during unforeseen events, such as illness, accidents or unemployment; and it assists them with family responsibilities, in old age or following the death of family income-earners. Because of this, social protection has been critical in reinforcing social cohesion and renewing social contracts. When properly designed, social protection systems can also facilitate the transition of workers from the informal to the formal economy. At the same time, by increasing health, equality and labour market outcomes, it can bolster the structural transformation of economies and support growth and prosperity. Therefore, the gaps in the social security coverage of domestic workers have powerful implications for individuals, families and societies as a whole.

The challenges standing in the way of the effective social protection coverage of domestic workers are real but not insurmountable. Addressing them requires political will, legal reforms and strengthened institutions, so that domestic workers have access to social protection in a manner that is as favourable as other employees, in line with international labour standards. Yet, domestic workers are nearly two times less likely than other employees to be effectively covered by social security systems. Governments will need to escalate their efforts and deploy a whole-of-government approach by addressing decent work deficits through comprehensive and coordinated national policies and strategies that combine the insights of all relevant stakeholders. Legal and institutional reforms that are attuned with the realities of all domestic workers are also needed. In advancing such policies and reforms, Governments will be on track to realizing the 2030 Agenda for Sustainable Development.

At a moment when the world is exploring ways to secure decent work in the context of the challenges posed by the future of work, including in connection with the gig and platform economies, it is important not to lose sight of the need to secure effective social and labour protection for the categories of workers, such as domestic workers, who still experience significant decent work deficits even though such work has been practised for centuries. Achieving universal social protection demands their inclusion as the future of work and the growing care economy will in fact require not less but many more domestic workers.

We are confident that the good practices identified in this report in response to the new data and challenges outlined will help guide policymakers, implementers, representatives of domestic workers and their employers, as well as other relevant stakeholders, in redressing the striking social protection deficits experienced by domestic workers worldwide.

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## ► Abbreviations

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<b>AFIP</b>	Federal Administration for Public Income (Argentina)
<b>ANSES</b>	National Social Security Administration (Argentina)
<b>BPS</b>	Social Security Institution (Uruguay)
<b>CCSS</b>	Costa Rican Social Security Institute
<b>CEACR</b>	Committee of Experts on the Application of Conventions and Recommendations (ILO)
<b>CESU</b>	Universal Employment Service Voucher (France)
<b>CIMER</b>	Presidential Communication Centre (Turkey)
<b>IDWF</b>	International Domestic Workers Federation
<b>ILO</b>	International Labour Organization
<b>IMSS</b>	Mexican Social Security Institute
<b>INPS</b>	National Social Security Institute (Italy)
<b>ISSA</b>	International Social Security Association
<b>NAPSA</b>	National Pension Scheme Authority (Zambia)
<b>OWWA</b>	Overseas Workers Welfare Administration (Philippines)
<b>PAMI</b>	Institute of Social Services for Retired and Pensioned Persons (Argentina)
<b>RAMQ</b>	Quebec Health Care Plan (Canada)
<b>SCJN</b>	National Supreme Court of Justice (Mexico)
<b>SRD</b>	Social relief distress
<b>SSC</b>	Social Security Commission (Namibia)
<b>UIF</b>	Unemployment Insurance Fund (South Africa)
<b>URSSAF</b>	French Social Security and Family Benefit Contribution Collection Union
<b>WIEGO</b>	Women in Informal Employment: Globalizing and Organizing

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# Executive summary



Domestic work is among the oldest of occupations. The human right to social security was enshrined in the Universal Declaration of Human Rights as far back as 1948. It is unacceptable that domestic workers are over-represented among the 53 per cent of the world population that remain deprived of this fundamental right. Considering the ever-growing number of domestic workers on whom households rely for their most personal and human needs, it is high time for societies to recognize their value and contribution to society, the care economy and social protection systems and to enable them to enjoy their human right to social security.

Seven messages emerge from the report.

### **1. Domestic workers experience significant social security deficits**

Domestic work is a significant source of global employment, accounting for 2.3 per cent of employment or 1 in every 25 employees. In addition to decent work deficits in the areas of wages and working time, as well as the abuses they often face, domestic workers are consistently deprived of social security. About half of all domestic workers worldwide (49.9 per cent) are legally covered by at least one benefit under social insurance schemes. Yet, legal coverage is not consistent across all life-cycle risks. If they are covered at all, they are more likely to be eligible for old-age, disability and survivors' benefits and medical care, and to a slightly lesser degree for maternity benefits and sickness benefits. Most of them do not have access to benefits under social insurance schemes in relation to unemployment or employment injury. This is revealing when considered in the context of the COVID-19 pandemic, during which such protection has been and remains crucial. This report identifies important gaps in legal coverage, especially in Africa, Asia and the Pacific and the Arab States, regions hosting some of the largest employing countries of domestic workers. The limited number of countries that provide comprehensive legal coverage for domestic workers translates into a small proportion of domestic workers being legally entitled to the complete range of social security benefits. A mere 6 per cent of domestic workers are legally covered for all the nine branches of social security established under the Social Security (Minimum Standards) Convention, 1952 (No. 102). Effective coverage gaps are even more striking. Only one in five domestic workers worldwide are covered under social

insurance schemes. In the Arab States, Africa, and Asia and the Pacific, the effective coverage gap is even higher. Compared to other employees, domestic workers are nearly two times less likely to be registered under social insurance schemes, which is clearly not in line with the principle of "conditions that are not less favourable than those applicable to workers generally", which is set out in the Domestic Workers Convention, 2011 (No. 189).

### **2. Domestic workers face multiple barriers to enjoying legal coverage and effective access to social security**

Societies continue to place a low social and economic value on domestic work, not least because it is considered unskilled and an extension of women's unpaid care work. The undervaluation and under-recognition of domestic workers will have to change to reflect their valuable role in supporting households, economies and societies as a whole, as well as their importance for the care economy and social protection systems in particular. Decent work conditions will also have to improve. Yet, if domestic workers continue to work in the informal economy, their access to labour and social security rights will lag behind.

### **3. Social protection has great potential for enabling the transition of domestic workers into formal employment**

However, the barriers standing in the way of domestic worker's access to social protection need to be overcome including legal exclusions; administrative barriers; limited contributory capacities; lack of enforcement of, and low compliance with, labour and social security laws; lack of information and awareness; and limited organization. The additional barriers experienced by certain categories of domestic workers, notably migrant domestic workers, will also need to be tackled.

### **4. The challenges to the effective social protection coverage of domestic workers are real but not insurmountable**

Given the important gaps in coverage, realizing the fundamental right to social security of domestic workers will require that Governments escalate their efforts and place this right high on the political agenda in order to meet the related targets of the Sustainable Development Goals. Many Governments have shown that this is possible through a coordinated whole-of-government approach that is accompanied by adequate financing

and increased capacities. Domestic workers are not a homogenous group and the challenges to their inclusion differ among groups and across regions. Comprehensive and coordinated national policies and strategies that amass the insights of all relevant stakeholders, notably representatives of domestic workers and their employers, and that account for specific characteristics and challenges, such as those experienced by migrant domestic workers, will have the biggest impact.

#### **5. Ensuring that domestic workers enjoy treatment at least as favourable as other workers should be the beacon of national policy and legal reforms**

Policies and legal frameworks should ensure that domestic workers in all employment arrangements enjoy access to social security in a manner not less favourable than those applicable to workers generally, which is the guiding principle established by Convention No. 189. Legal reforms should therefore address legal exclusions in labour and social security laws alike, including by recognizing the existence of the employment relationship and removing thresholds, such as those related to working time, earnings or multiple employment relationships, in order to account for the particularities of employment arrangements. This also means that inclusive approaches that extend existing schemes to include domestic workers should be favoured over solutions that isolate domestic workers under special schemes. In addition, the extension of social protection to domestic workers should not be tackled as a separate issue. Extension strategies should be conceived within the overall aim of establishing universal, comprehensive and sustainable national social protection systems for all persons and in response to all contingencies, deploying a combination of financing modalities, in line with international social security standards and principles.

#### **6. Legal reforms are an essential stepping stone that will need to be accompanied by adapted administrative procedures and improved governance to ensure tangible results**

Simplified, innovative and digital solutions for registration and contribution payments that address limited contributory and administrative capacities of domestic workers and their employers will be essential. Improved compliance with labour and social security legal frameworks will also necessitate strengthened inspection and complaint and appeal mechanisms; sound institutional capacities; and increased awareness and capacity-building of domestic workers, their employers, their representatives' organizations and other stakeholders, in particular NGOs and civil society, as well as the actors designing and implementing such frameworks.

#### **7. Social protection extension in practice will require solidarity in financing**

Financing modalities will have to be adapted to the contributory and administrative capacities of domestic workers and their employers. Solidarity in financing can be achieved through collective financing, broad risk-pooling and subsidization from the government budget as a means to ensure that all domestic workers can access social protection when they need it.



# Introduction



Domestic workers<sup>1</sup> provide essential services that enable the functioning of households and ultimately economies and societies as a whole. In so doing, they also play an essential role in the care economy<sup>2</sup> and social protection systems (ILO 2021e). However, while domestic work is among the oldest occupations, the labour and social security rights granted to this category of workers have notoriously lagged behind (Fauve-Chamoux 2004). This is partly owing to the historical undervaluation and the low status of domestic work, not least because it is considered unskilled and an extension of women's unpaid care work (ILO 2022).

Domestic work has continued to grow and has even been described as the fastest-growing area of employment (Cox 2000; Abrantes 2012). According to recent ILO data, there are 75.6 million domestic workers aged 15 and over, representing 2.3 per cent of total employment worldwide (ILO 2021e). Several factors explain the increase in demand for this work in recent years. These include women's increased participation in the labour force; the desire of women who work to reconcile work and family life; gaps in care services provided by the state; the increase in the feminization of international migration; demographic changes; and increasing long-term care needs (ILO 2010, 2021e; D'Souza 2010).

However, growth in this sector has not led to improved decent working conditions. Some countries have even witnessed an increased level of the informal nature of domestic work, especially when foreign nationals undertake this work (Abrantes 2012). Social protection is both a cause and a consequence of such informality (ILO 2021e). This is because formalization is measured as a consequence of social security registration and the extent of social security coverage improves as a result of formalization. Even if the global trend points towards formalization through the extension of labour conditions, far too many

While domestic work is among the oldest occupations, the labour and social security rights granted to these workers have lagged behind.

domestic workers still do not have access to decent work. In particular, significant social protection deficits remain. This situation – which concerns a staggering eight out of every ten domestic workers – reflects the low social and economic value that societies usually place on this activity, as well as the absence of adequate laws and the lack of effective enforcement of the laws that do exist.<sup>3</sup> Moreover, these social protection deficits for domestic workers do not yet reflect any adverse labour consequences resulting from the coronavirus disease (COVID-19) crisis.

Yet, social security as a fundamental human right is indispensable for all human beings. Effective social security systems guarantee income security and access to health protection, thereby contributing to the prevention and reduction of poverty and inequality and the promotion of social inclusion and human dignity. They do so through the provision of benefits, in cash or in kind, which ensure access to medical care and health services, as well as income security throughout the life cycle, particularly in the event of illness, unemployment, employment injury, maternity, family responsibilities, invalidity or loss of the family breadwinner, as well as during old age. Social security systems

<sup>1</sup> Article 1 of Convention No. 189 provides a broad definition of domestic work reflecting the broad scope and nature of this occupation, such as working on a full-time or part-time basis; may be employed by a single household or by multiple employers; may reside in the household of the employer (live-in); or may live in his or her own residence (live-out) or work in a foreign country. The scope of activities undertaken by domestic workers also varies not only by domestic workers but also by countries and over time.

<sup>2</sup> Care economy activities can comprise two types of activities: (a) direct, face-to-face, personal care activities, such as feeding a baby, helping an older person take a bath, providing basic healthcare, assistance with mobility and activities of daily living; and (b) indirect care activities that do not entail face-to-face personal care, such as cleaning, cooking, doing laundry and other household maintenance tasks that provide the preconditions for personal caregiving. In general, domestic workers perform a combination of these activities, whether in or for private households. See Addati et al. (2022); ILO (2022); and [ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations \(Articles 19, 22 and 35 of the Constitution\)](#), ILC.104/III(1A), 2015.

<sup>3</sup> For details on the implementation of decent working conditions in law and practice more generally, see ILO (2021e).

therefore constitute an important investment in the well-being of domestic workers and the community as a whole.

By providing rights-based entitlements that observe the principles of universality, comprehensiveness, adequacy and sustainability, social security systems also promote social justice and accelerate progress towards the achievement of the Sustainable Development Goals (SDGs), in particular targets 1.3, 3.8, 5.4, 8.5, 10.4 and 16.6.<sup>4</sup>

Nonetheless, the majority of domestic workers are deprived of their human right to social security. They face many barriers, including legal exclusions (often in relation to the nature and characteristics of their work); administrative barriers; limited contributory capacities; lack of enforcement and low compliance of labour and social security laws; lack of information and awareness; and limited organization. Certain groups of domestic workers may face compounded challenges in accessing social security, notably migrant domestic workers.

With the adoption of the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011, as well as the Social Protection Floors Recommendation, 2012 (No. 202) and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), the global community has taken important steps towards securing the labour and social security rights of domestic workers (see section 2.2).

The ILO's vision, set forth in Recommendation No. 202 as well as the Social Security (Minimum Standards) Convention, 1952 (No. 102), provides a highly relevant framework for covering domestic workers. It establishes the principle of universal, comprehensive and adequate protection and sets forth a strategy for the implementation and maintenance of national social protection systems that are inclusive and adapted to the circumstances of workers in all employment arrangements (see section 2.2). Convention No. 189 establishes the principle by which domestic workers should enjoy access to social security in a manner no less favourable than those generally applicable to other types of workers and recognizes that to achieve this and

other objectives requires considering the context of each country and the specific characteristics of domestic work, as well as close consultations with social partners. Reinforcing this principle, Recommendation No. 204 calls on Member States to take measures to progressively extend the coverage of social insurance to those in the informal economy, and if necessary to adapt administrative procedures, benefits and contributions, taking into account the contributory capacity of the different groups or sectors.

Efforts have been made to address the challenges impeding domestic workers' access to social protection, including the causes of their informal employment, as these are closely linked (see Chs 3 and 4). Several states have sought to address legal exclusions by extending the scope of social security legal frameworks and enacting laws that adequately recognize the existence of the employment relationship and the particularities of domestic workers' employment arrangements. Simplified mechanisms for the registration and contribution payments have also proved effective, especially when accompanied by financial measures and digital solutions. Improved compliance with labour and social security legal frameworks requires strengthened inspection and complaint and appeal mechanisms, as well as improved awareness and capacity-building of domestic workers, their employers, their representatives' organizations and other stakeholders, notably NGOs and civil society, all of which play a key role in the design and implementation of social protection schemes that are attuned to the reality of this sector. Experience shows that such efforts also require coordination across different social protection measures, as well as integration and coherence with related policies such as those concerning wages, working time and care.

This report builds on and updates the statistics and information contained in an ILO report published in 2016.<sup>5</sup> In particular, it seeks to systematize information on the state of social protection in the domestic work sector globally and to compile and disseminate international best practices for extending social protection to domestic workers

<sup>4</sup> Investing in social protection has been recognized as an essential lever for achieving the SDGs that contributes to multiple goals, in particular the elimination of poverty (SDG 1) and hunger (SDG 2), as well as the promotion of good health and well-being (SDG 3), gender equality (SDG 5), decent work and economic growth (SDG 8), reduced inequalities (SDG 10) and peace, justice and strong institutions (SDG 16).

<sup>5</sup> ILO, *Social Protection for Domestic Workers: Key Policy Trends and Statistics*, Social Protection Policy Paper 16, 2016.

based on country-level experience. It is based on an extensive mapping exercise that was undertaken in the context of the tenth anniversary of the adoption of Convention No. 189 (ILO 2021e). Based on this new information, an expanded understanding of the importance of extending social protection to domestic workers and the role of the international normative framework in this regard is presented (Ch. 1). This is followed by a global description of the scope and extent of domestic workers' social protection (Ch. 2), an outline of the barriers that obstruct their coverage (Ch. 3) and the identification of strategies for ensuring domestic workers' access to their human right to social security (Ch. 4). The conclusion (Ch. 5) summarizes the key messages of the report and policy priorities for improving social security coverage for domestic workers.

# 1. Domestic workers' right to and need for social protection



## 1.1 Importance of ensuring domestic workers' human right to social security

Domestic workers, like all persons, have a human right to social security, as recognized in the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). Nevertheless, recognizing the particular difficulties they face in exercising this human right, the mechanisms responsible for supervising the implementation of these international instruments have called for special attention to be paid to domestic workers (UN 2008, para. 31).

Yet, most domestic workers are not protected at all. The majority lack social security coverage under social insurance mechanisms (50.1 per cent) and only 6 per cent of domestic workers are legally covered by all nine social security branches (section 2.1) (ILO 2021f).

Although they are undervalued, domestic workers play an intrinsic role in the provision of care work and therefore in the economy at large, since care work at home allows the functioning of the economy outside the household. Domestic workers account for at least 18 per cent of care workers (ILO 2021e) and provide essential care services in or for households that ensure individual and societal well-being and also facilitate the participation of caregivers, especially women, in the labour market. These services, which include household chores, such as cleaning and cooking, as well as providing care for dependent household members, are not only integral to the care economy but also essential to the implementation of social protection policies, notably childcare, healthcare and long-term care (ILO 2021a, para. 13(g)). For instance, domestic work is in increasing demand to assist household members to perform routine daily activities such as cooking, bathing and moving around. As such, they are sometimes providers of services that are integrated into national social protection systems. Unfortunately, in countries in which such systems are incomplete and households are left to finance the care of children, persons with disability or (increasingly) older persons out of pocket, the domestic work sector remains poorly regulated. Therefore, despite being instrumental in the provision of care services that should be considered as an integral part of social protection systems, domestic workers themselves

experience poor working conditions and notably low labour and social protection coverage (ILO 2021e). The lack of social protection in particular increases their vulnerability, social exclusion and chances of falling into poverty. It also enhances their dependence on their employer(s) in a setting in which their capacity to collectively organize and bargain is limited by the very nature of their workplace.

▶ Social security as a fundamental human right is indispensable for all human beings yet domestic workers face particular difficulties in exercising it.

Beyond ensuring their access to this human right, social protection systems can play a twofold role in improving the labour conditions of domestic workers. First, social protection policies on childcare, healthcare and long-term care can improve the working conditions of care workers since they orient solvable care demands and define who and how such care can be provided (ILO 2018). Second, extending social protection coverage to domestic workers in general and care workers in particular contributes to making the sector more attractive, which is urgently needed in order to bridge its current labour shortages, especially in countries with rapidly ageing populations.

In other words, care and social protection policies should be organized in a manner to reflect this interconnectivity. Legal entitlements to care should be established through specific social security benefits in order to create an opportunity

to influence and shape the care economy and secure sustainable and statutory financing for care services, as well as decent working conditions for this workforce (ILO 2022).

The COVID-19 pandemic exposed the vulnerability of the billions of people who were inadequately protected from its socio-economic shock waves (ILO 2021g), of whom domestic workers were among the worst hit.<sup>6</sup> Recent evidence suggests that more domestic workers than other employees lost their jobs or saw a dramatic reduction in working hours and correspondingly lower wages (ILO 2021e). All this is compounded by the fact that domestic workers, especially those who are informal, are unlikely to have effective access to social security measures that could help mitigate the consequences of a suspension of earnings, whether permanent or temporary, such as in cases of sickness or job loss or reduction (ILO 2021e). Given also that many domestic workers are unable to rely on adequate health protection, contracting COVID-19 could translate into life-threatening consequences and/or increased poverty due to the costs related to accessing healthcare services. It is therefore revealing that domestic workers have often been on the front line, continuing to supply direct and indirect care services for households despite the risk of contagion and often without adequate access to personal protective equipment (ILO 2021e). In addition, the lack of access to sickness benefits could disincentivize such domestic workers from self-quarantine, which could have an impact on public health. Indeed, workers who lack income security during sickness may be compelled to work when sick, especially due to fear of losing their essential livelihood, which could increase the possibility of contaminating others (ILO 2020a). This also means that even if sickness benefits are provided to persons that need to isolate for the purposes of quarantine in line with international standards, domestic workers may have continued to work, whether at the request of their employers or to avoid losing their livelihoods, irrespective of their health or emergency rules concerning confinement. The lack of income security in such circumstances can also contribute to domestic workers being forced into destitution after being dismissed, perhaps due to the employer's fear of contracting the disease, or because employers stopped paying or reduced wages due to their

own financial circumstances. In such scenarios, the well-being of the families of domestic workers is also impacted. In the particular case of migrant domestic workers, job loss impacted the remittances on which many families survive.

The pandemic provoked an unparalleled response from states across the globe. In many cases, governments expanded the scope of existing social protection schemes; established new emergency measures to cover unprotected groups, increase benefit levels and introduce new benefits; and/or adapted administrative mechanisms (ILO 2021g). Nevertheless, it appears that only a handful of countries extended emergency measures to domestic workers specifically, although some domestic workers may have also been able to access emergency measures put in place to address increased vulnerabilities and poverty more generally (box 1.1).

Domestic workers were among the worst hit by the COVID-19 pandemic, many of whom were also inadequately covered by social security systems.

<sup>6</sup> This paragraph is based on information and analysis derived from ILO (2021e).

► **Box 1.1 COVID-19 related social protection measures addressing the needs of domestic workers**

Due to the nature of their work and limited access to social protection, domestic workers worldwide have been particularly affected by lockdowns and other COVID-19 containment measures, which have resulted in a loss of employment and livelihoods, in many cases without any income replacement. As a result, some governments have implemented temporary emergency measures to ensure the health and livelihood of domestic workers specifically.

For example, **Argentina** implemented several emergency measures to address the consequences of COVID-19, including the introduction of an emergency family benefit, a non-contributory programme providing a lump-sum payment of 10,000 Argentine pesos to vulnerable families and difficult-to-cover groups, including formal and informal domestic workers (Decree 310/2020 of 23/03). According to the National Social Security Administration (ANSES – *Administración Nacional de la Seguridad Social*), this programme has achieved the most far-reaching social transfer in Argentine history, supporting 9 million workers in the informal economy, social monotaxpayers, domestic workers and unemployed persons. In addition, Ministry of Labour, Employment and Social Security resolution 207/2020 established that subject to prescribed conditions, domestic workers in private homes would be entitled to paid leave for the duration of preventive social isolation.

In **Italy**, a benefit of €500 a month was introduced to support live-out domestic workers who had one or more active employment contracts for a total duration of more than ten hours per week (as of 23 February 2020) and were not receiving a pension, did not have another permanent job and did not receive any other non-contributory benefit or income support measure related to the COVID-19 emergency. This social transfer was provided for April and May 2020 in a single instalment. The Government allocated €468.3 million to finance this measure (article 85 of Decree-Law No. 34/2020, amended by Law No. 77/2020). In addition, expedited regularization procedures were available from 1 June to 15 July 2020 in order to allow employers of local and migrant domestic workers, caregivers and babysitters to remedy any previous situations of undeclared work.

In the **Philippines**, the Overseas Workers Welfare Administration (OWWA) shouldered the repatriation costs for overseas Filipino workers (10,000 Philippine pesos (Pts) cash assistance, drawn from the OWWA Trust Fund) The Government launched an emergency subsidy programme to support approximately 18 million low-income households. The monthly benefit ranged from Pts5,000 to Pts8,000, depending on the beneficiary's region, and was payable for two months.

In April 2020, a special social relief distress (SRD) benefit was introduced in **South Africa** to support persons who lost their income due to the COVID-19 pandemic and did not receive any other social assistance benefit or financial support from the Unemployment Insurance Fund (UIF). Eligible persons received a flat-rate benefit of 350 South African rand (R) for up to six months. Such a benefit could be important for the domestic workers that were not covered under the UIF benefits in place at that time. According to a rapid assessment published in July 2021, the South African Social Security Agency processed 9.5 million applications for this benefit between May 2020 and November 2020 and disbursed it to 6.5 million recipients. According to Government reports, between April and June 2020, 35,374 domestic workers received benefits totalling a collective amount of R128,904,782. The SRD benefit was extended until March 2022.

Although not explicitly targeting domestic workers, other emergency measures implemented to respond to the COVID-19 crisis, such as social transfers for vulnerable households, low-income families and informal workers (for example in Colombia, Ecuador, France,

Montenegro and Peru), as well as residence-based non-contributory benefits (for example the universal grant in Japan), had the potential to support domestic workers whose livelihoods were impacted. In Uruguay, the Government extended the period of coverage for unemployed workers, including domestic workers and other persons who lost coverage under the National Health Fund after February 2020.

**Sources:** (ILO 2021i); Argentina, [Decree 310/2020](#), 2020, and [Ministerio de Trabajo, Empleo y Seguridad Resolución 207/2020](#), 2020; Italy, [Decree-Law No. 34/2020](#), 2020; and South Africa, [COVID-19 Temporary Relief Scheme, 2020](#), [General Notice 215 of 2020](#), 2020, and ["Employment and Labour on UIF May Coronavirus COVID-19 Relief Payments"](#), 19 June 2020.

Interestingly, the COVID-19 pandemic has not only shed light on the vulnerabilities experienced by domestic workers and the gaps in social protection coverage, as well as the critical consequences of these vulnerabilities, but it has also made the need and demand for domestic work more visible. Because of its role in meeting essential and growing household needs, domestic work is able to become a source of employment in the post-COVID-19 economic recovery (ILO 2021e). In fact, this sector is projected to grow in the light of the increased workforce participation of workers with caregiving responsibility, notably women; new policies and societal changes concerning the sharing of unpaid care work; and ageing populations and their increasing need for long-term care (ILO 2021e). Concretely, the proportion of older persons (60 years or more) is predicted to rise from 13.5 per cent in 2020 to 21.4 per cent by 2050 and 28.2 per cent by 2100 (UNDESA 2020). Older persons have a continued preference for in-home care rather than institutional care, a tendency that was confirmed during the COVID-19 pandemic, which threatened the lives of elderly persons in retirement and nursing homes (Eurofound 2013; ILO 2020b). Overall, one study in 2017 projected that the demand for occupations like childcare, early-childhood education, cleaning, cooking and gardening will increase, creating 50 million to 90 million jobs globally by 2030 (McKinsey Global Institute 2017, 60–66). States will need to ensure that growth in the sector is met with efforts to value the role played by domestic workers in supporting households and economies, in particular by efforts to improve their working conditions, including their legal and effective access to their human right to social security.

## 1.2 International guiding framework for the extension of social protection to domestic workers

In its recurrent discussion on social protection in 2021, the International Labour Conference referred directly to the urgent need for considerable additional efforts to extend coverage and guarantee universal access to comprehensive, adequate and sustainable social protection for all, with a particular focus on those unprotected and in vulnerable situations, including domestic workers who are often and disproportionately affected by lack of coverage and/or inadequate levels of protection (ILO 2021f, para. 8). In this context, the Conference called not only for the promotion of the ratification of the landmark Convention No. 102 but also specifically for support to Member States in strengthening access to social protection for informal workers and domestic workers through promoting the ratification and implementation of the Convention No. 189 and the effective application of Recommendation No. 204 (ILO 2021f, para. 20(b)). This normative framework provides the policy guidance needed to ensure the decent work of domestic workers and in particular, comprehensive, adequate and sustainable social protection systems that are responsive to domestic workers' special circumstances and needs.

The importance of understanding and addressing the status and conditions of employment of domestic workers is not new. As early as 1948,

the ILO adopted a resolution concerning the conditions of domestic workers and in 1951, a meeting of experts was organized to gather better understanding and determine measures to ensure the social justice for workers employed in this field, including with regard to social security provisions (ILO 1951). This steered the way for the adoption of a resolution in 1965 calling for normative action in this area and the first general survey on the status of domestic workers across the world in 1970, in which social security deficits, both in law and in practice, were already highlighted (ILO 1970, 391–401; 1965, 20–21).

While international standards are applicable to domestic workers generally, including with regard to their access to social security, it was the Decent Work Agenda that again brought forward the need to ensure visibility and respect for domestic workers, including through standard-setting activities that could provide the necessary specific guidance. As such, in 2011, a normative framework was adopted to supplement such instruments with a dedicated standard that could enable this group to fully enjoy their labour and human rights. Among these rights, the right of domestic workers to social security was clearly recognized in Convention No. 189 and its accompanying Recommendation No. 201.

Specifically, Convention No. 189 calls on Member States to take all appropriate measures to ensure that domestic workers have access to social security protection in a manner that takes into account their specific characteristics and that ensures conditions that are not less favourable than those applicable to workers generally, including with respect to maternity protection (Art. 14(1)).

It is worth noting that with reference to social security, Convention No. 189 refers to the principle of “not less favourable treatment” to ensure that domestic workers are treated on a par with other workers, even if this does not necessarily mean that the treatment must be identical. It also stresses the need to consider “the specific characteristics of domestic work”, acknowledging that such characteristics may stand as barriers against accessing comprehensive and adequate social protection. This includes living in or out of the household; working on an hourly, daily, monthly or other basis; working for a single household or multiple households; and being paid in cash and/or in kind. The Convention also specifically calls for maternity protection, acknowledging

▀▀ The international normative framework is highly relevant for ensuring the decent work of domestic workers.

the prevalence of women domestic workers in the sector (see below). Maternity protection is of relevance as it ensures that domestic workers have safe and healthy pregnancies and births, including access to quality maternal and childbirth health-care, as well as health protection at the workplace while pregnant and breastfeeding, a replacement income while on maternity leave and the right to return to their jobs, among other things, in line with the provisions of the Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000.

The Convention further states that social protection should be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers (Art.14 (2)). This provision recognizes not only that comprehensive and adequate social protection often necessitates a progressive implementation but also that social dialogue is essential to ensure proper design and smooth implementation. These central principles to the implementation of social protection systems are also recognized by international social security standards, including, for example Recommendation No. 202. In other words, a government may begin by offering one or more benefits for a geographic area or for a category of domestic work and then progressively extend protection to include the full range of social security benefits to the entire domestic work sector.

In line with the call in Convention No. 189 to consider the specific circumstances that affect domestic workers, Recommendation No. 201 recognizes and sheds light on the circumstances that might stand as obstacles to comprehensive

social protection. For example, it acknowledges the importance of extending social protection coverage through social insurance systems, including for domestic workers working for multiple employers, such as through a system of simplified payment of social security contributions (Para. 20(1)). Similarly, considering the common practice of paying domestic workers a portion of their wage in kind (such as food and accommodation),<sup>7</sup> Recommendation No. 201 underlines the importance of determining the monetary value of payments in kind for social security purposes, as earnings commonly determine not only the contributions to be paid but also the entitlements received by domestic workers (Para. 20(3)).

Finally, Recommendation No. 201 acknowledges the additional difficulties that migrant domestic workers face in accessing social protection, especially when they have moved numerous times between various countries. In this regard, it highlights the potential of bilateral and multilateral agreements to guarantee equal treatment of migrant domestic workers in terms of social security (Para. 20(2)), with an emphasis on guaranteeing the access to and preservation or portability of social security entitlements. Such agreements enable migrant workers to accumulate periods of contributions, irrespective of which countries they have lived in. This is of particular importance in the case of old-age pensions that necessitate meeting a significant contributory density for entitlement to the benefit.

At the time of preparation of this report, a total of 35 countries had ratified Convention No. 189, 13 of them in the last six years.<sup>8</sup> In particular, in recent years several countries from the Africa and Europe and Central Asia regions have ratified the Convention, although Latin America and the Caribbean remains the region with most ratifications.

The ratification of Convention No. 189 has frequently served as an impetus for establishing and accelerating legal and administrative reforms to improve social protection coverage, notably in Bolivia (Plurinational State of), Costa Rica, Paraguay and the Philippines (ILO 2016c). The number of ratifications, however, only shows part of the picture as some countries, such as Zambia, have also taken measures to improve social security

Convention No. 189 sets out the guiding principle to ensure that domestic workers receive not less favourable treatment than that available to other workers.

coverage, including based on the guidance provided by international standards, even outside formal ratification processes.

As highlighted in the preparatory reports for Convention No. 189 and its accompanying Recommendation No. 201 and recalled by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), “social security protection” should be guided by the ILO social security standards, in particular Convention No. 102, as they provide a key reference for the development of nationally defined, rights-based, sound and sustainable social protection systems, also covering domestic workers, taking into account their specificities and needs.

The ratification of Convention No. 189 has served as an impetus for establishing and accelerating legal and administrative reforms to improve social protection coverage of domestic workers.

<sup>7</sup> For more information, see ILO (2021e), Ch. 5.

<sup>8</sup> See ILO, “[Ratifications of C189 - Domestic Workers Convention, 2011 \(No. 189\)](#)”.

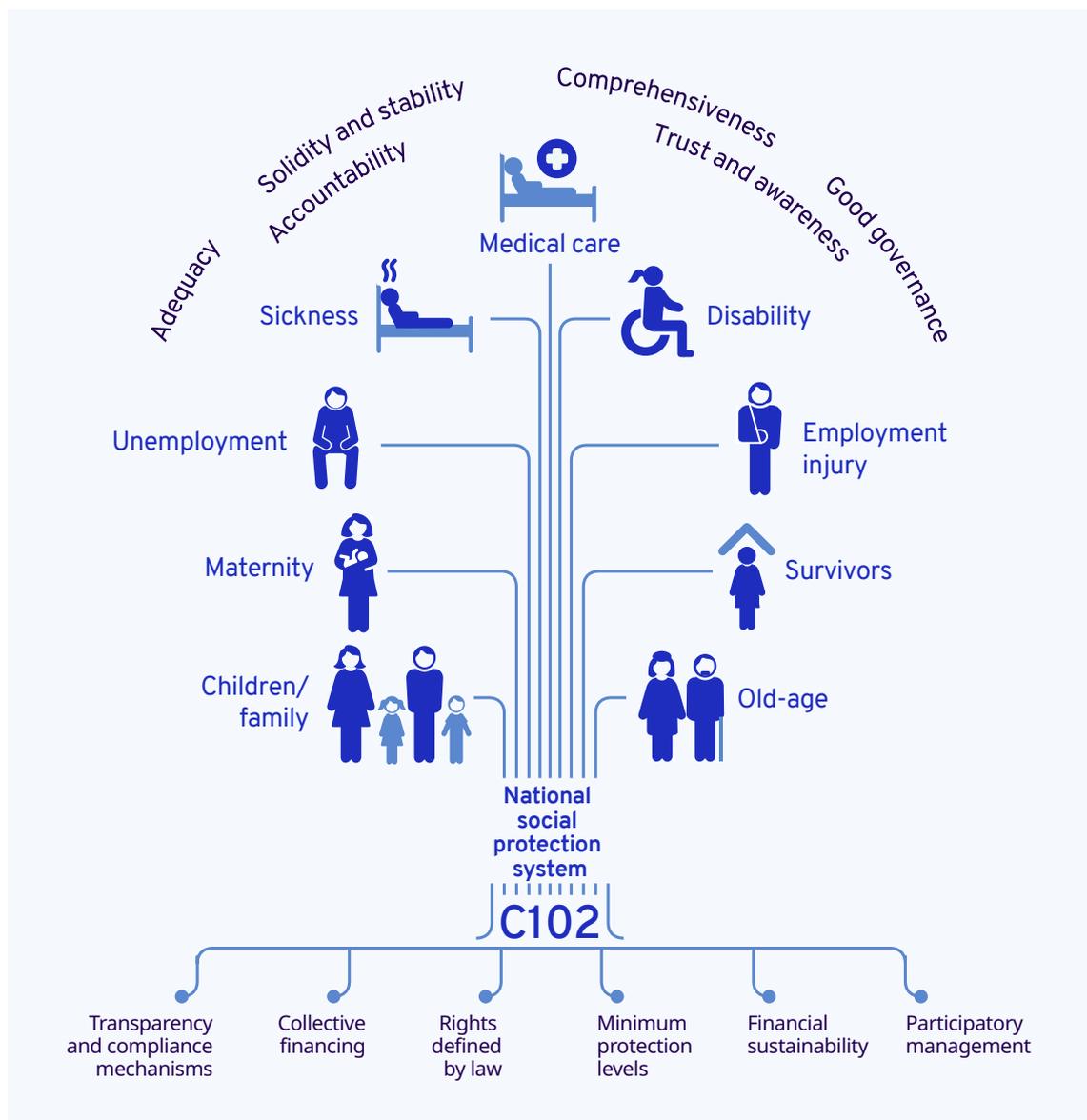
Convention No. 102 is the only international treaty with a systemic vision of social security. It is grounded in a set of core financing, governance and administration principles, including:

- the responsibility of the state;
- rights defined by law;
- minimum levels of protection;
- consideration of a diversity of approaches including contributory and non-contributory schemes;
- collective financing and financial sustainability;

- participatory management; and
- transparency and accountability.

Convention No. 102 also sets out the minimum levels of protection to be guaranteed in relation to coverage, adequacy of benefits, conditions for entitlement and duration, with respect to a set of nine social risks that are often referred to as the branches of national social security systems. These include medical care and benefits provided in case of sickness; unemployment; old age; employment injury; family responsibilities; maternity; invalidity; and death of the breadwinner (see figure 1.1).

► Figure 1.1 Convention No. 102: Strong roots for sound and sustainable social protection systems



Together, the principles and minimum quantitative standards contribute to ensuring adequate protection and the good governance of social security schemes. Their observance guarantees solid and sustainable social protection systems. As such, they can be used as reference points when assessing the extent of social protection that domestic workers are entitled to, as well as for a blueprint to guide reforms.

Complementing Convention No. 102, Recommendation No. 202 sets out a clear framework for reaching universal protection by prioritizing the establishment of nationally defined social protection floors as part of comprehensive social security systems.<sup>9</sup> Concretely, Recommendation No. 202 calls for guaranteeing access to at least essential healthcare and basic income security for all. To do this, states should (a) prioritize the implementation and maintenance of social protection floors as a starting point and as a fundamental element of their national social security systems in a manner that enables all persons in need to, at a minimum, have access to essential healthcare and basic income security over the life cycle (Para. 4); and (b) provide higher levels of protection to as many people as possible and as soon as possible (Para. 13(1)(b)). This framework is also referred to as the ILO bidimensional strategy for the achievement of universal social protection.

For domestic workers, who often live in precarious conditions, poverty and insecurity, this implies adapting existing social security schemes to make them as inclusive and comprehensive as possible. According to Recommendation No. 202, they should have access to a nationally defined set of goods and services, constituting essential healthcare, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality, and at the same time should have access to basic income security during active age if they are unable to earn sufficient income, for example due to sickness, unemployment, maternity or disability. They should also have access to essential healthcare and basic income security in old age. Their children too should have access to essential healthcare and basic income security that is sufficient to provide access to nutrition, education, care and any other necessary goods and services.

As mentioned above, social protection floors, however, are only the base component of social protection systems. States should also endeavour to provide higher levels of protection according to the benchmarks and principles set out in Convention No.102, as well as more advanced social security standards. The ILO's tripartite constituents adopted a set of five thematic Conventions and Recommendations that establish higher standards of protection for most of the nine social security contingencies with reference to the persons protected and the levels of protection to be provided. These standards have often been used to guide the development of social protection schemes, in particular schemes covering employees. As such, they are of relevance to domestic workers given the principle of not less favourable treatment with other workers that was established in Convention No. 189. These advanced standards are:

- ▶ Employment Injury Benefits Convention (No. 121) and Recommendation (No. 121), 1964
- ▶ Invalidity, Old-Age and Survivors' Benefits Convention (No. 128) and Recommendation (No. 131), 1967
- ▶ Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134), 1969
- ▶ Employment Promotion and Protection against Unemployment Convention (No. 168) and Recommendation (No. 176), 1988
- ▶ Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000

ILO standards do not advocate a single social protection model. In other words, there is not one exclusive approach to realizing human right to social security. The protection awarded by social protection systems can be achieved, for example, through a combination of (a) schemes that are financed through contributions, such as social insurance schemes; (b) schemes that are tax-financed, such as social assistance mechanisms for persons whose earnings are below a determined threshold considered insufficient to maintain them in health and decency; (c) universal schemes that are based on residency; or (d) other approaches. In fact, in its last general survey on decent work for care economy workers in a changing economy, the CEACR recalled that, as

<sup>9</sup> This objective is also reflected in SDG targets 1.3 and 3.8.

advocated by Recommendation No. 202, reaching universal social protection requires a combination of contributory mechanisms for all persons with contributory capacity that can be adapted to the particular circumstances of uncovered categories of workers, including domestic workers, and tax-financed mechanisms that provide access to essential healthcare and basic income security (ILO 2022). In particular, noting the prevalence of informal employment in this sector, the CEACR remarked that non-contributory or tax-financed social protection should be an integral part of national social protection floors to ensure protection against poverty, vulnerability and social exclusion, in line with Recommendation No. 202. However, according to Convention No. 189, domestic workers should enjoy social protection that is not less favourable than that available to workers generally and the CEACR observed that the levels and range of social security benefits provided by non-contributory social protection mechanisms are often not comparable to those enjoyed by workers affiliated to social insurance (ILO 2022). The extension of social insurance mechanisms also has a complementary impact on the formalization of domestic workers.

The international normative framework protecting domestic workers naturally includes standards in addition to those mentioned above. While the study of the full scope of these other standards goes beyond the focus of this report, a number of them concern elements central to the concept of decent work, including the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1945; the Minimum Wage Fixing Convention, 1970 (No. 131); and the Violence and Harassment Convention, 2019 (No. 190). Other standards concern the prevalent characteristics of this sector (notably its informality), in particular Recommendation No. 204, as well as questions relevant to migrant workers, including the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Maintenance of Social Security Rights Convention (No. 157), 1982 and Recommendation (No. 167), 1983.

## 2. Global and regional estimates of legal and effective social protection coverage for domestic workers



Chapter 2 provides a global and regional overview of the legal and effective social protection coverage of domestic workers. It identifies the countries that cover domestic workers in law and – where available information permits – it also determines the degree to which they are covered in practice.<sup>10</sup>

Because some characteristics and working conditions of domestic workers can act as barriers to social protection coverage, estimates regarding working time, employment arrangements and wages are provided in Chapter 3. For more information on the extent of coverage by labour laws and regulations, see ILO (2021e).

There are an estimated 75.6 million domestic workers aged 15 years and over worldwide – the equivalent of approximately 500,000 domestic workers in each of the 155 countries for which data was available. Domestic work is a significant source of global employment, accounting for 2.3 per cent of employment or 1 in every 25 employees (4.5 per cent of employees worldwide). The size of the sector varies by region (ILO 2016c).

However, these estimates do not take into account job losses related to the COVID-19 pandemic,<sup>11</sup> which appear to have impacted the number of domestic workers, at least in the short run. This is mainly because the pandemic resulted in the reduction of working hours and job losses, sometimes because of the fear of contamination and/or confinement measures. As mentioned above, in the long term, employment in the sector is projected to increase, partly as a result of the pandemic but also because households are expected to require more personal services including to address increasing long-term care needs (ILO and UNICEF 2021).

Also, these figures are probably underestimated as they exclude the millions of children engaged in domestic work worldwide. Most recent estimates show that 7.1 million children aged 5–17 are engaged in child labour in domestic work, of whom 3.3 million are involved in domestic work

that is considered hazardous. The isolated nature of domestic work renders children particularly vulnerable to physical, verbal and sexual abuse. Despite the challenge posed by child domestic work, adequate social protection can mitigate the socio-economic vulnerability that drives child labour and offsets poverty, gender inequality and deprivation in childhood. Yet even before the pandemic, nearly three quarters of all children – 1.5 billion – lacked social protection in the form of child and family benefits, so that the need to extend coverage to all children is paramount in order to reduce child labour and improve child well-being (ILO and UNICEF 2021). Therefore, strategies to extend coverage to domestic workers should consider adopting a comprehensive approach that includes policies to address child labour (see Ch. 4).

The above-mentioned publication (2021e) also shows that domestic work remains a women-dominated sector, employing 57.7 million women, who account for 76.2 per cent of domestic workers. This is equivalent to 4.5 per cent of women employment worldwide or 8.8 per cent of all women employees. Regional disparities also exist; for example, men domestic workers outnumber women domestic workers in the Arab States, whereas women represent 89 per cent of domestic workers in the Americas. Given some of the cross-cutting challenges that women commonly face in accessing social protection, it is also interesting to note that women domestic workers make up 1 in every 12 women employees globally and up to 1 in 3 women employees in the Arab States and a little more than 1 in 5 women employees in Latin America and the Caribbean.<sup>12</sup> Also, the tasks taken up by women domestic workers tend to differ from those taken up by their men peers. Women domestic workers are domestic cleaners and helpers and direct caregivers, whereas men domestic workers tend to be drivers, cooks, gardeners, building maintenance workers and security guards. There also appears to be a gender dimension with regard to working

<sup>10</sup> This section is based on the data set presented in ILO (2021e), see Part II and Annex 4 in ILO (2021e) and Annex 2 in ILO (2021f) for more information on the methodology.

<sup>11</sup> At the time of preparation of this report, the ILO forecasted a deficit in hours worked globally equivalent to 53 million full-time jobs, as well as that global unemployment was expected to remain above pre-COVID-19 pandemic levels until at least 2023, with wide variations in impacts across groups of workers and countries differed greatly; ILO, [World Employment and Social Outlook: Trends 2022](#), 2022.

<sup>12</sup> Based on ILO data compiled and presented in ILO (2021e).

hours and wages, at least in some countries, in which women earn significantly less than their male counterparts (see Ch. 3). Social Protection

extension strategies should be gender sensitive and consider the possible implications of these tendencies.

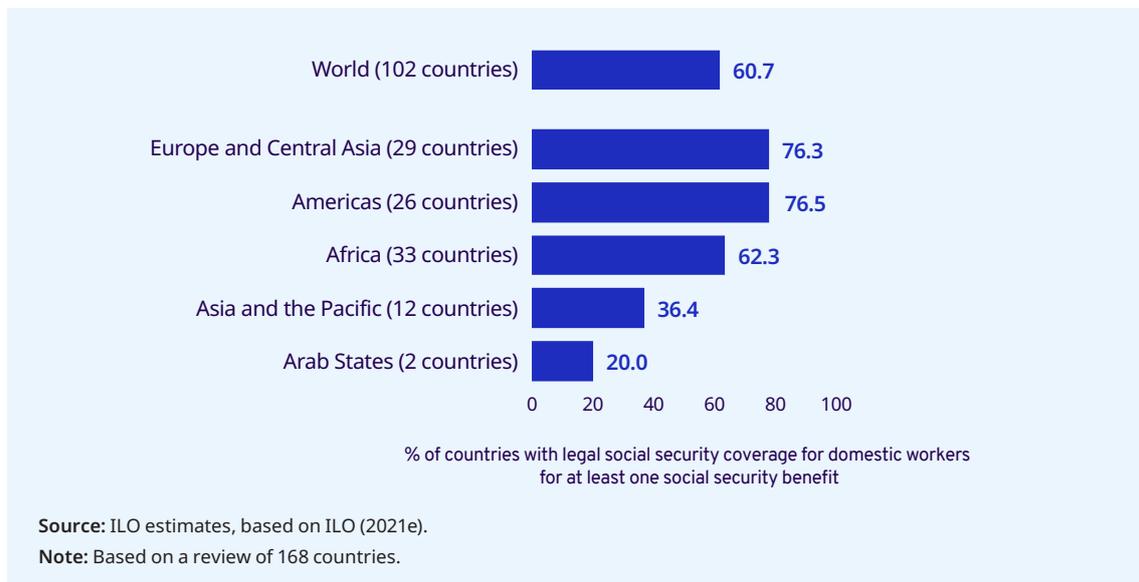
## 2.1 Legal social protection coverage for domestic workers

Based on recent ILO data,<sup>13</sup> the majority of countries reviewed<sup>14</sup> (60.7 per cent) cover domestic workers under their contributory social protection legislation for at least one of the nine social security branches set out in Convention No. 102 (medical care and sickness, old-age, unemployment, employment injury, maternity, family, disability or survivors' benefits) (see figure 2.1). As a result, almost half of all domestic workers worldwide (49.9 per cent) are legally covered by at least one social security benefit (figure 2.2).

While the estimates are encouraging overall, the manner in which legal frameworks cover domestic workers needs some further clarification.

First, these estimates reflect legal coverage by one of the nine main social security branches only. The level of comprehensive legal coverage (that is by all nine branches established under Convention No. 102<sup>15</sup>) is more than eight times lower than the level of legal coverage by branch, which is reviewed in greater detail below.

► **Figure 2.1** Number and percentage of countries with legal coverage for domestic workers for at least one social security benefit, 2020



13 This section has been drafted based on data compiled and presented in ILO (2021e).

14 A total of 168 countries.

15 Including protection in case of ill health (health protection and sickness benefits); unemployment (unemployment benefits); old age (old-age pensions); employment injury (employment injury health protection and cash benefits); maternity (maternity health protection and cash benefits); maintenance of children (child and family benefits); disability (disability pensions); and death of income provider (survivors' pensions).

► **Figure 2.2 Percentage of domestic workers who are legally covered for at least one social security benefit, 2020**



Second, legal coverage estimates reflect the extent to which domestic workers are covered by contributory mechanisms and primarily social insurance schemes through national legislation. In addition, some domestic workers may also have access to non-contributory mechanisms as an integral part of national social protection systems, which provide a basic level of protection for the most vulnerable segments of the population and therefore act as a shield against poverty, vulnerability and social exclusion (see section 1.1 and Ch. 4). Access to such mechanisms, which may or may not be anchored in national legislation, do not usually depend on being a domestic worker but rather on other qualification criteria, such as income status or the presence of children in the household. Nevertheless, given the principle of treatment not less favourable with other workers, who are commonly covered through contributory mechanisms, the focus is of relevance.

**General laws versus special laws.** With regard to the contributory mechanisms reviewed, domestic workers are generally covered under the same laws and regulations as other workers, with some exceptions. In most countries, there is a common social security mechanism in place that covers

all workers or all employees, including domestic workers. In other countries, domestic workers are covered under specific laws and regulations that establish a distinct scheme, which is sometimes referred to as special scheme. For example, in Honduras a stand-alone regulation legislates the coverage of domestic workers under a voluntary scheme covering healthcare and organized according to specific rules.<sup>16</sup> A similar regulation exists in El Salvador. However, in both cases the same social security institution is responsible for administering the general scheme covering the majority of other categories of employees and the special schemes. There is a clear trend towards the inclusion of domestic workers under general schemes, often with the purpose of guaranteeing the same protection that other workers enjoy, or with some adaptations to account for particular working conditions, such as short hours or wages paid in kind. For example, until 2011 domestic workers in Spain were covered under a special scheme (the Special Scheme for Household Employees). Thereafter, they were transferred under the law regulating the General Social Security Scheme, which granted them access to all benefits provided to other employees except

<sup>16</sup> See Honduras, [Acuerdo No. 006-JD-2008, Reglamento del régimen especial y de afiliación progresiva de los\(as\) trabajadores\(as\) domésticos\(as\)](#), 2008.

unemployment benefits. In Paraguay, domestic workers were covered for health benefits under a special scheme until 2015, when they were incorporated into the law regulating the general social security scheme and in 2019 they became subject to the same minimum wage and partial employment legislation as other workers (MTESS 2017).

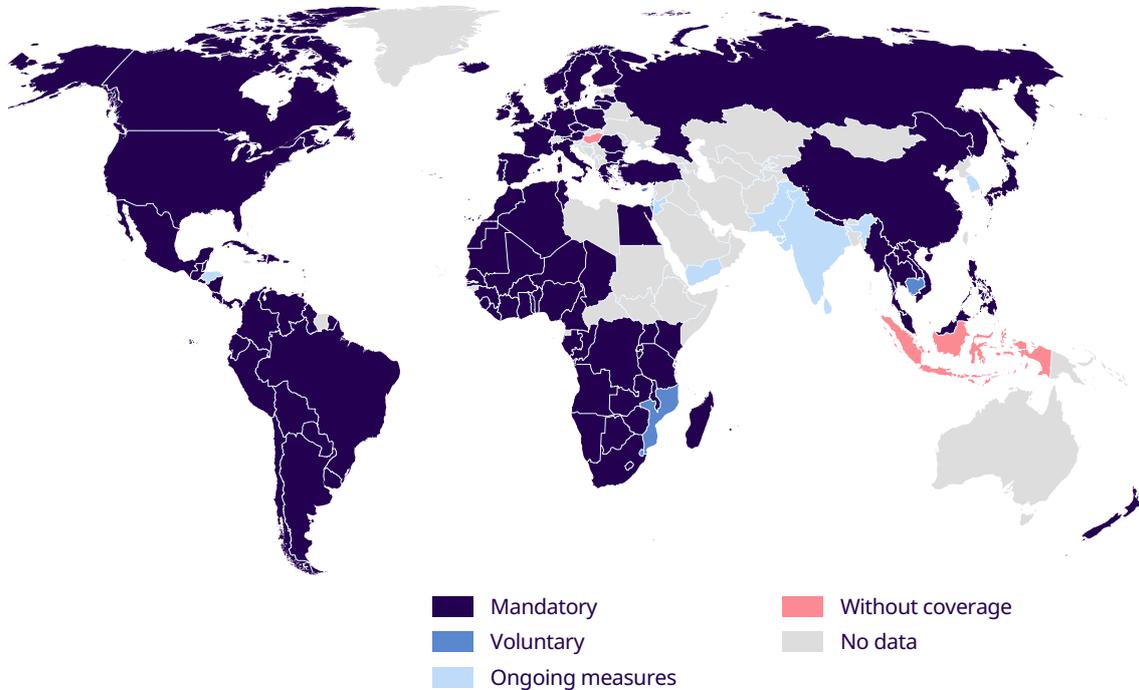
**Legal thresholds.** It is also important to specify that while domestic workers are in principle covered in law, like other employees, in some cases the legal framework might establish thresholds that ultimately result in the exclusion of workers under certain arrangements (see section 3.1). For example, the law might cover all salaried workers but limit its application to employees working a minimum number of hours or earning a certain level of income. Such limitations may exist within the ambit of social protection legal frameworks, or the exclusion from the scope of labour laws and regulations might also result in generating social protection gaps. Consequently, workers working part-time or with earnings below a certain threshold may be excluded by law (see Ch. 3). For example, in Colombia, domestic workers working for less than four hours a day are excluded from the scope of the law.<sup>17</sup> Given the particularities of this sectors' labour conditions, some of which were described above, such exclusions can have a direct impact on the extent of social protection coverage. Yet, the above estimates on legal coverage did not account for these specific exclusions, and as such likely represent the upper limits of the actual number of domestic workers who are covered by social security laws (ILO 2021e).

**Migrant domestic workers.** As of 2015, there were an estimated 11.5 million migrant domestic workers worldwide, approximately 8.5 million of whom are female (ILO 2015b). However, data collection for this sector and this category of workers in particular is especially difficult due to the very nature of domestic work; the (often irregular) status of domestic workers in the countries of destination; the fact that national-level data is often extrapolated based on urban estimates; or the fact that certain countries specifically exclude certain groups, such as child domestic workers, cross-border domestic workers, workers involved in domestic

work as secondary or subsidiary employment and those who migrated or are working irregularly. In some regions, domestic work represents an important source of employment among migrant workers, in particular women migrant workers. For example, in 2015 migrants made up 54.6 per cent of domestic workers in Northern, Southern and Western Europe, 32.1 per cent in Central and Western Asia and 25 per cent in Eastern Europe (ILO 2015b). In the Arab States, 83 per cent of domestic workers in the region are migrants as of 2021, although this figure is likely higher (ILO 2021e). In Latin America and the Caribbean, migrant domestic workers represent 35.3 per cent of women migrant workers (ILO 2021e). In Asia and the Pacific, a significant number of persons find employment in domestic work outside the region (for example domestic workers originating from the Philippines and Viet Nam); however, the vast majority of domestic workers in the region are not migrant domestic workers, unlike in the Arab States for example (ILO 2021e). The situation is similar in Europe and Central Asia, where domestic work accounts for only a fraction of employment among migrants; however, migrants are over-represented in domestic work (ILO 2021e). In Africa, the share of migrant domestic workers varies. In sub-Saharan Africa in 2015, for example, 6.9 per cent of domestic workers were migrants, while in North Africa the corresponding figure was about 7.9 per cent (ILO 2015b). In terms of legal coverage, migrant domestic workers not only experience the same barriers that other domestic workers experience but also face exclusions in relation to their status (as discussed in greater detail below). For example, in some countries foreigners are excluded from the scope of labour and social security laws. In other countries, immigration rules can result in a de jure exclusion. As such, it can be safely presumed that the legal coverage of migrant domestic workers is even lower than that of domestic workers generally.

<sup>17</sup> Colombia, [Decreto 824 de 1988, por el cual se desarrolla la Ley 11 de 1988](#).

► **Figure 2.3 Countries with some provision for social security coverage of domestic workers, by type of programme (mandatory versus voluntary), 2020**



Source: ILO estimates, based on ILO (2021e).

**Mandatory coverage v. voluntary coverage.** The estimates in this report only account for schemes that cover domestic workers on a mandatory basis, whereby the employer has an obligation to register the domestic worker with the social security institution. Where this obligation does not exist, experience shows that it rarely results in meaningful coverage (see Ch. 3). Nevertheless, in the case of domestic workers this seems to be the exception rather than the rule (see figure 2.3).<sup>18</sup> In fact, there does seem to be a movement towards extending the mandatory coverage of domestic workers, such as in Malaysia, Mexico, Morocco, Peru and South Africa. Indeed, only four countries appear to still continue to cover domestic workers on a purely voluntary basis: Cambodia, El Salvador, Honduras and Fiji.<sup>19</sup> However, this

data also needs to be slightly tempered since it classifies coverage as “mandatory” even when domestic workers are voluntarily covered for a selected number of branches.<sup>20</sup> For example, in Angola, while domestic workers are covered under the scheme granting old-age, disability and survivors’ benefits on a mandatory basis, in the case of maternity cash benefits and family benefits they are covered on a voluntary basis, unlike other categories of dependent employees. In Iceland, domestic workers are covered on a voluntary basis only in the case of employment injury insurance, unlike other categories of employees; however, they are mandatorily covered like other employees and self-employed persons under the Pension Act No. 129 of 1997. This reflects the reality that social protection systems are not necessarily organized

<sup>18</sup> ILO, Domestic Workers Social Protection Database.

<sup>19</sup> Based on the information available in the previous edition of this report.

<sup>20</sup> In the case of Fiji, voluntary coverage applies to old-age, invalidity and survivors’ benefits (provident fund). However, this distinction does not apply to the other branches since sickness and maternity benefits are provided through employer liability arrangements, while medical care and family benefits are provided through non-contributory mechanisms.

► **Figure 2.4 Percentage of domestic workers who are legally covered for all benefits, 2020**



in the same manner across all branches; different sets of branches may be administered by different institutions, through different laws and according to different rules, including as regards mandatory and voluntary coverage. The estimates also account for the fact that there is an assumption that, where legal provisions do not specify the contrary, domestic workers are subsumed under the legal definition of “employee” and therefore legally covered in the same manner as employees generally – that is on a mandatory basis in most cases. For example, in Ireland the employment law does not treat domestic workers as a separate category; therefore, labour law applies to all workers working under a contract of employment, including legally employed domestic workers.<sup>21</sup> Domestic workers are therefore legally covered for medical care, pensions, sickness benefits, unemployment benefits, family benefits and maternity benefits like other categories of employees. Of course, a legal obligation does not necessarily mean that social protection is implemented in practice (see section 2.2).

**Social security coverage by branch.** For comprehensive and adequate social protection, domestic workers should be able to access social protection in the event of all nine life cycle risks. However, estimates show that only 6 per cent of all domestic workers are legally covered for all benefits under contributory schemes (figure 2.5). In other words, 9 out of 10 domestic workers are deprived of comprehensive social protection.

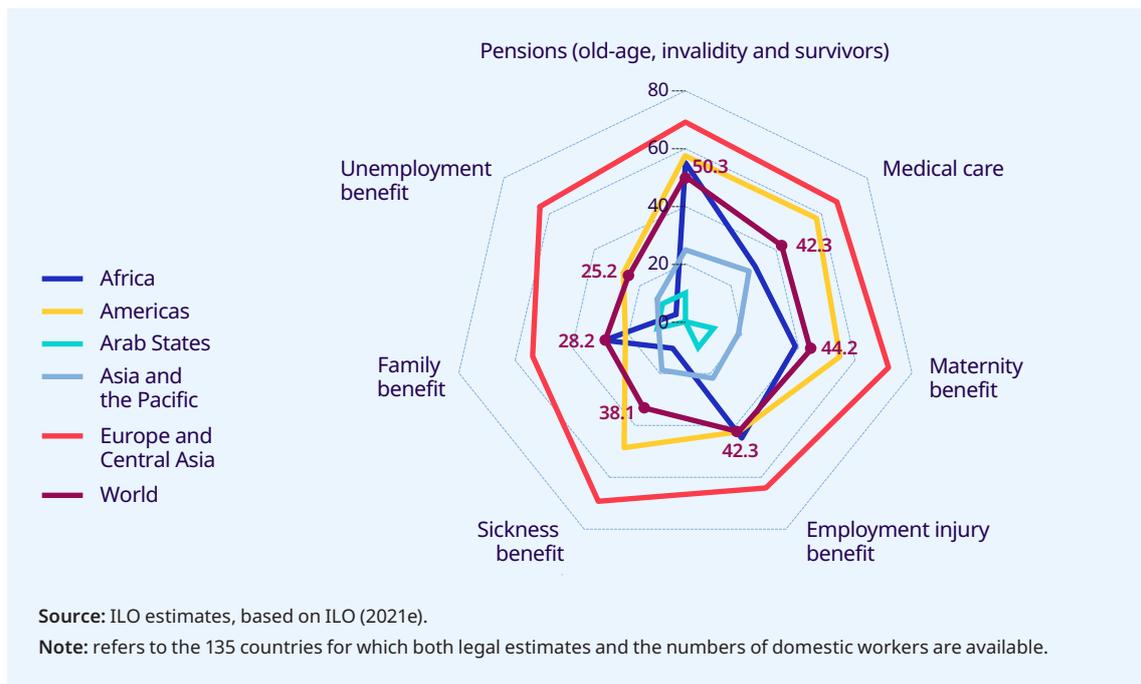
Only 6 per cent of all domestic workers are legally covered for all benefits under social insurance schemes.

<sup>21</sup> ILO, “Direct Request (CEACR) – adopted 2019, published 109th ILC session (2021): *Domestic Workers Convention, 2011 (No. 189) - Ireland (Ratification: 2014)*”.

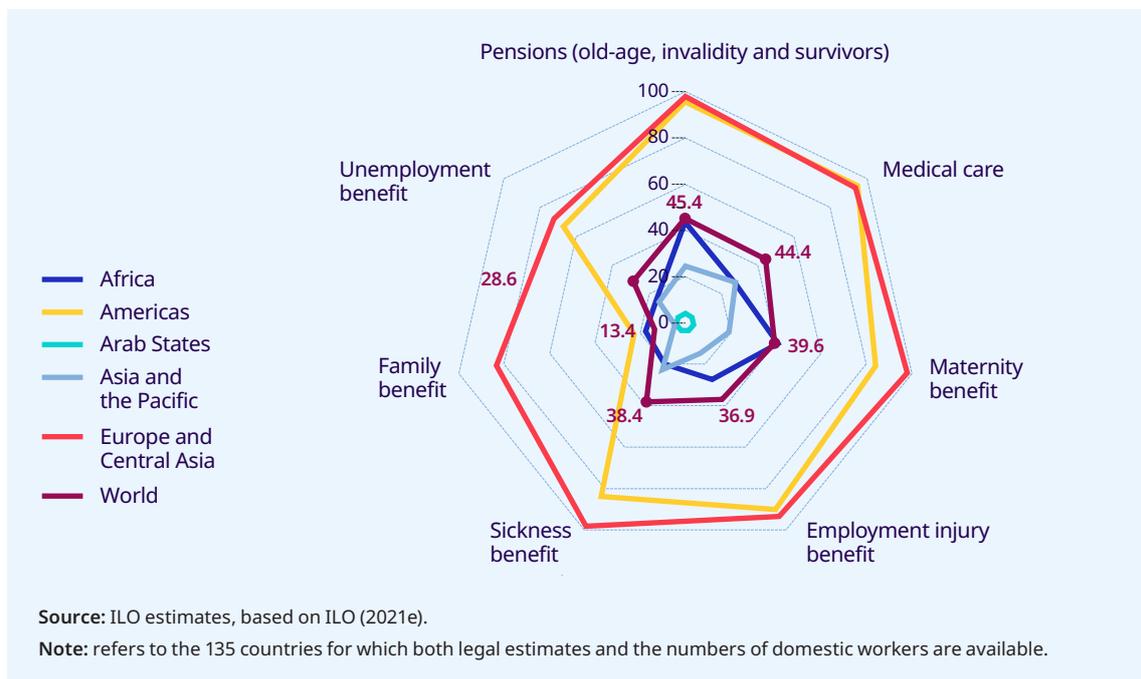
There are noteworthy differences in the extent of legal coverage across branches. Domestic workers are more likely to be eligible for old-age, disability and survivors' benefits and medical care, and to a slightly lesser degree for maternity benefits

and sickness benefits (figure 2.5). Most domestic workers, however, do not have access to benefits under social insurance schemes in relation to unemployment or employment injury.

► **Figure 2.5 Percentage of countries with legal coverage for domestic workers, by social security benefit, 2020**



► **Figure 2.6 Percentage of domestic workers legally covered, by social security benefit, 2020**



Specifically, while at least half the countries reviewed provide pension coverage for domestic workers (figure 2.5), covering 45.4 per cent of domestic workers (figure 2.6), only 25.2 per cent and 28.2 per cent of countries provide for unemployment benefits and family benefits, respectively. A limited number of additional countries provide sickness benefits for domestic workers (33.1 per cent), while 42 to 44 per cent of countries provide employment injury benefits (42.3 per cent), medical care (42.3 per cent) and maternity benefits (44.2 per cent) under social insurance laws (figure 2.5). As a result, only 13.4 per cent of domestic workers have a legal right to contributory family benefits, while only 28.6 per cent of them have a legal right to unemployment benefits, 36.9 per cent to employment injury benefits, 38.4 per cent to sickness benefits, 39.6 per cent to maternity benefits, 44.4 per cent to medical care and at best 45.5 per cent to old-age, invalidity and survivors' benefits (figure 2.6).

In the context of the COVID-19 pandemic, these estimates are revealing, especially from the perspective of medical care, sickness benefits, employment injury benefits and unemployment benefits. Indeed, domestic workers were also susceptible to the restrictions imposed by quarantine policies (including a temporary or permanent suspension of their employment) and the many domestic workers who worked on the front lines, often without adequate protective equipment, faced the risk of contagion (ILO 2021e). More generally, from a gender perspective, given the predominance of women domestic workers and the fact that the majority are of childbearing age (56.9 per cent) (ILO 2021e), access to maternity and child benefits is especially important; it is acknowledged that mothers of children aged 0-5 years display some of the lowest employment rates, comparatively. In many cases, domestic workers are employed to support female employers to meet childcare needs, especially in countries in which care policies are absent or inadequate (ILO 2018). Yet paradoxically, for this to function well, domestic workers with the same needs would also require access to maternity and childcare policies. Yet access to child benefits is comparatively limited. However,

this figure only represents part of the picture since countries more commonly provide periodic child/family benefits through non-contributory schemes (ILO 2021g). Some of these schemes may provide benefits based on a means test, while others might be provided on a universal or quasi universal basis (for example based on age, an affluence test and so on). Domestic workers and their families who meet the qualifying conditions may therefore have access. Migrant domestic workers, however, may have difficulties accessing such family benefits due to their migration status.

Considering the explicit attention that Convention No. 189 provides to maternity protection (see Ch. 1), it should be noted that the maternity benefit is one of the branches of social security which tends to provide domestic workers with legal coverage. About 68.5 per cent of the countries reviewed provide maternity cash benefits for domestic workers at least to the same extent as for other workers (ILO 2021e). This last figure includes not only maternity cash benefits provided through social insurance mechanisms but also those provided through employer liability schemes. Yet, 60.4 per cent of domestic workers have no legal right to maternity benefits under social insurance laws and 47.6 per cent have no entitlement to maternity cash benefits. However, it appears that domestic workers are covered for maternity benefits under social insurance schemes in a manner similar to that of other female workers.<sup>22</sup> A comparison between the number of countries that provide domestic workers with a maternity benefit and the number of countries that provide this benefit under a social insurance scheme specifically is important, since the protection afforded by employer liability schemes is not necessarily comparable to the protection awarded through social protection mechanisms that are collectively financed, such as social insurance schemes and non-contributory schemes (see Ch. 4).

Regional variations exist in terms of the extent and scope of coverage under social security legislation, although the pattern in terms of the risks for which domestic workers are legally covered mirrors that of global estimates (see figure 2.7), with protection for family benefits and unemployment benefits

<sup>22</sup> Some 43.8 per cent of all female workers worldwide are entitled to a maternity benefit through social insurance, compared with only 39.6 per cent of female domestic workers, a difference of about 4 percentage points; however, this comparison should be adjusted since it is derived from two distinct databases that do not encompass the same number of countries. See ILO, "[World Social Protection Data Dashboards](#)".

consistently lagging behind the others. This may partly reflect the tendency for family benefits to be provided through non-contributory measures, while unemployment protection tends to be introduced only after experience has been achieved in the administration of other branches of social security and is therefore one of the least widespread social security branches worldwide (ILO 2021g).

Europe and Central Asia is the region with the highest rates and most comprehensive coverage. In effect, 57.3 per cent of domestic workers in the region are legally covered for all benefits. This is the case for example in Belgium, France and Germany. The percentage of domestic workers legally covered for pensions and maternity and sickness benefits averages about 98 per cent, with coverage for employment injury benefits and medical care following just behind at roughly 93 per cent (figure 2.6). At the lower end of the range, 72.4 per cent of domestic workers in the region are covered for unemployment benefits and 83.4 per cent for family benefits. These significant rates of coverage could reflect the comprehensiveness of legal frameworks in Europe and Central Asia, both in terms of the branches covered by the contributory social protection system and in terms of their inclusiveness from the point of view of employment arrangements (ILO 2021g).

The rates of legal coverage of domestic workers in the Americas are generally on a par with those of Europe and Central Asia (95.9 per cent coverage for pensions, 94.5 per cent for maternity benefits, 94.2 per cent for medical care, 94 per cent for sickness benefits, 88.2 per cent for employment injury benefits and 74.1 per cent for unemployment); the outlier is the rate of legal coverage for family benefits, which is only 22.6 per cent (figure 2.6).

Overall, domestic workers in Africa appear to have better legal coverage than their counterparts in Asia and the Pacific. For example, about 42 per cent are covered for pensions and maternity benefits (43.8 per cent and 41.2 per cent, respectively); about 27 per cent are covered for medical care and employment injury benefits (27.7 per cent and 27.6 per cent, respectively); some 20.1 per cent are covered for sickness benefits; and some 17.1 per cent are covered for family benefits and 15.6 per cent for unemployment benefits, respectively (figure 2.6).

In Asia and the Pacific, domestic workers are better protected for medical care (27.7 per cent), for old-age, disability and survivors' benefits (24.5 per cent) and sickness benefits (22.7 per cent), and to a lesser degree for sickness benefits, maternity benefits and unemployment benefits (22.7 per cent, 19.4 per cent and 14.1 per cent, respectively) (figure 2.6). Only 4.7 per cent of domestic workers are covered for family benefits. For example, in Viet Nam, domestic workers are covered for pensions, medical care, sickness benefits, maternity benefits, unemployment benefits and employment injury benefits. In Malaysia, they are mandatorily covered for employment injury benefits, disability benefits, survivors' benefits and unemployment benefits and may contribute to the Employees Provident Fund (voluntary coverage).

Finally, in the Arab States, in the few countries where domestic workers are legally covered they appear to be covered for all branches equally, with the exception of family benefits. For example, in Bahrain the law explicitly excludes domestic workers from coverage under the schemes granting old-age, disability, survivors', sickness, maternity, unemployment and employment injury benefits.<sup>23</sup>

The global results clearly indicate important gaps in legal coverage, especially in Africa, Asia and the Pacific and the Arab States, particularly for benefits related to unemployment and child support. The limited number of countries that provide comprehensive legal coverage for domestic workers translates into a small proportion of domestic workers being legally entitled to the complete range of social security benefits. At the global level, only 6 per cent of domestic workers have a legal right to comprehensive social security coverage under contributory social protection schemes: none or nearly none have such a right in the Arab States, Asia and the Pacific and Africa; a little more than 10 per cent have such a right in the Americas; and 57 per cent have such a right in Europe and Central Asia (see figure 2.6).

These figures are interesting on a number of fronts. First, it appears that the majority of countries that have comprehensive social insurance systems can be found in Europe and Central Asia. This is telling since domestic workers can only be legally covered for the social security branches

<sup>23</sup> Bahrain, [Decree-Law promulgating the Law on Social Insurance](#), 1976, art. 3.

that are prescribed by law; therefore, the legal deficit may be a deficit of the national system generally and not only one belonging to the sector specifically. As such, despite a positive tendency towards an increased number of countries providing comprehensive social protection legal coverage, countries tend to build their systems progressively and not all offer the full range of social protection benefits by law (see Figure 2.7). For example, lower legal coverage rates in these regions also reflect national trends in social protection legal coverage generally (ILO 2021g). This confirms the importance for states to take a broad approach to legal gaps keeping in mind the need to ensure that progress is inclusive.

Second, these data suggest that a large number of domestic workers are found outside Europe and Central Asia, in countries where the contributory legal framework does not include provisions for all nine social security branches. For example, Mexico hosts the second largest employers of domestic workers in the Americas; however, the law does not yet provide an unemployment insurance mechanism. This is also the case in the Philippines, the third largest employer of domestic workers in Asia and the Pacific, where again this branch of social security does not yet exist in the law.

It should be underlined that contributory mechanisms are only one of the means that states have at their disposal to provide social protection benefits. However, the figures do not account for benefits provided under non-contributory mechanisms. This is particularly important with regard to health and family benefits, since in a number of countries employees are legally covered for health and family benefits under non-contributory mechanisms (ILO 2021g). This suggests that, in line with the principle established by Convention No.189, extending the coverage of such non-contributory mechanisms to domestic workers would be appropriate. Even where the contributory legal framework makes provisions for all social security branches, domestic workers may still be excluded from the scope of the law, which is the case even in some countries in the Europe and Central Asia Region. For example, in Spain, the second largest employer of domestic workers in Europe and Central Asia, the law provides for unemployment insurance benefits; however,

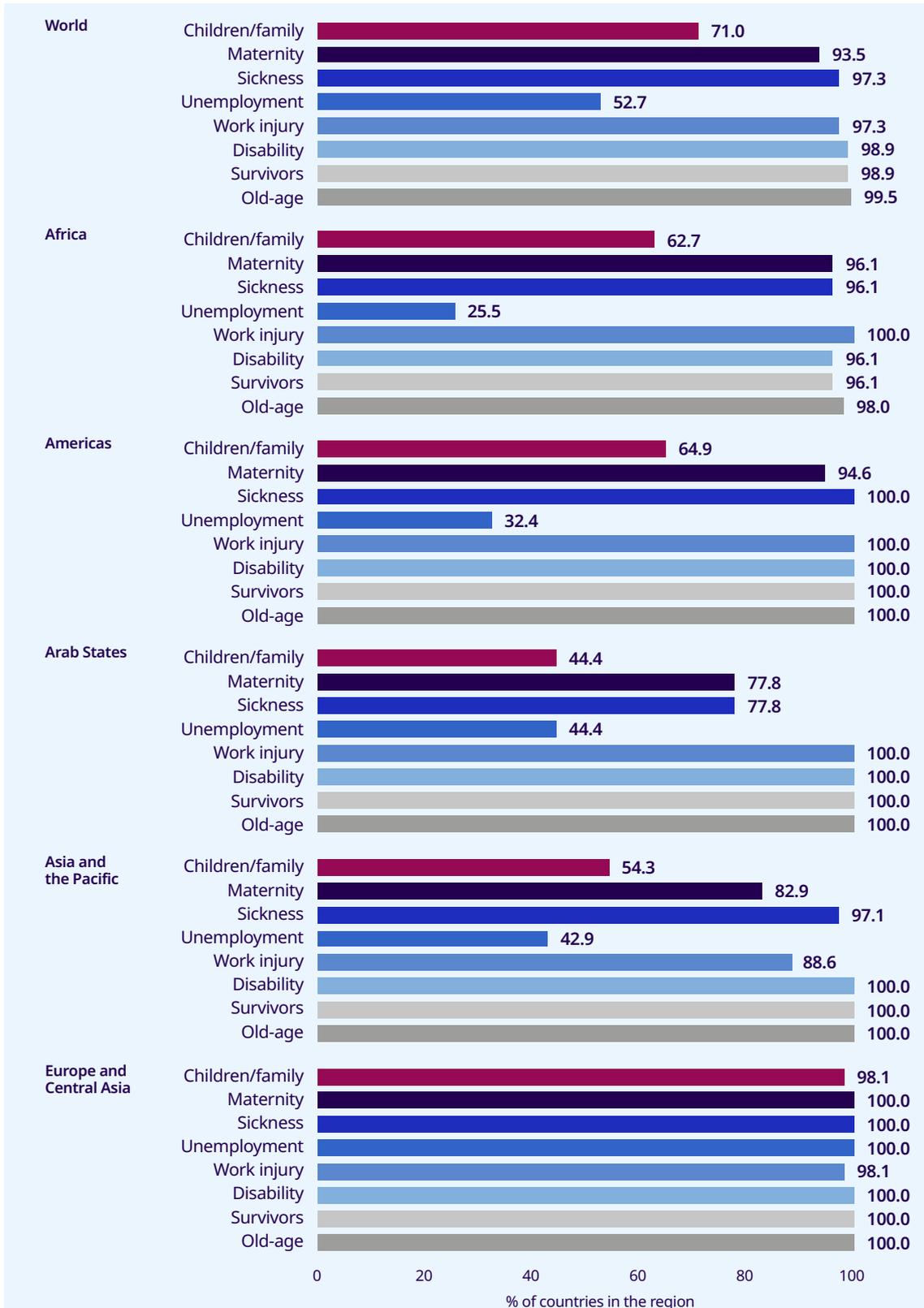
domestic workers are excluded by law. Finally, it should be noted that the data presented in this report has limitations in terms of the availability of information. These considerations should be part of future data collection and research.

When considering the welfare of domestic workers compared to other workers with reference to the application of the principle of not less favourable treatment, it can be assumed that since the majority of countries do not exclude domestic workers from the scope of existing contributory social protection mechanisms by law, they receive treatment that is on a par with other workers. However, when comparing their welfare with ILO estimates on social protection legal coverage generally, there is an indication that domestic workers are more likely to experience inferior social protection compared to other workers. While globally, 86.1 per cent of all employees have comprehensive legal social protection coverage, only 6.0 per cent of all domestic workers enjoy legal coverage for eight social security branches (excluding health-care).<sup>24</sup> However, the comparison of the two data sets should be made with certain reservations. First, they do not encompass the same number of countries; second, the coverage rates of the World Social Protection Database also encompass coverage through all schemes anchored in law and therefore also include selected non-contributory schemes. Nevertheless, all discrepancies aside, the comparison implies a need to address the legal gaps of coverage in order to ensure that domestic workers are not treated less favourably than other workers.

In sum, since domestic workers can only be legally covered to the extent of the comprehensiveness of the national social protection systems, strategies to ensure that domestic workers have comprehensive social protection coverage should be linked with progress towards building universal social protection systems generally. Such systems should ensure that they are inclusive of workers in all employment arrangements and be adapted to account for certain specificities, in particular those of the domestic work sector (see Ch. 4).

<sup>24</sup> ILO estimates, based on data obtained from ILO (2021e), ILO, [World Social Protection Data Dashboards](#), ISSA/SSA, Social Security Programs Throughout the World; ILOSTAT.

► **Figure 2.7 Social protection programmes anchored in national legislation, by policy area, (percentage, 2020)**



Source: ILO estimates, based on ILO, [World Social Protection Data Dashboards](#), and International Social Security Association (ISSA) programmes throughout the world.

## 2.2 Effective social protection coverage for domestic workers

Even if domestic workers are covered under the social protection legal framework, either explicitly or implicitly, that does not necessarily mean they are covered in practice. For example, in Honduras a regulation was adopted in 2008<sup>25</sup> to institute a special voluntary scheme for domestic workers. According to one study, only 2.5 per cent of all respondents indicated that they had registered their domestic employees with the social security institution (Tablada 2019). In Namibia, although domestic workers employed for at least one day per week and their employers are required to register with the Social Security Commission (SSC), less than 20 per cent of all domestic workers in the country are registered.<sup>26</sup> In Colombia, only 18.7 per cent of domestic workers are reportedly insured. According to the Single Confederation of Workers of Colombia and the Confederation of Workers of Colombia, this demonstrates a lack of compliance by employers, often as a result of lack of knowledge or because they deem it unnecessary, costly or irrelevant when hiring domestic workers on a daily basis (ILO 2022).

Concretely, the latest estimates show that only 18.8 per cent of domestic workers worldwide enjoy effective social security coverage (ILO 2021e). In other words, only one in five domestic workers are registered with the relevant social insurance institution. When comparing the data on legal gaps (section 2.1) and those presented here regarding the effective coverage gap, we note that there is a stark difference. While 49.9 per cent of domestic workers worldwide are legally covered by at least one branch of social security under a social insurance scheme, in practice only 18.8 per cent of them have been registered.

Statistically speaking, effective social security coverage is measured by whether or not domestic workers and their employers are making contributions to social security.

Effective social security coverage is also the main indicator used to define informal employment among domestic workers. Estimates on informality therefore provide a clear indication of the effective extent of coverage, at least insofar as contributory schemes are concerned (see box 2.1).

These estimates show the important discrepancy between legal coverage and the implementation of these laws in practice, which essentially translates into important gaps in effective coverage. In some cases, the gap in effective coverage is a result of the lack of legal coverage (this is also called the legal social security coverage gap). In other words, domestic workers are not covered under social security law (for one or more branches of social security) and as such are not covered in practice. This can be either because domestic workers are explicitly or implicitly excluded from the legal framework or because the national social protection system does not yet include provisions for various branches in law (see section 2.1). In other cases, despite being covered under the scope of social security laws, domestic workers are not registered with the respective social security institutions and contribution payments are not being made on their behalf and they are not covered in practice; this is also known as the implementation gap.<sup>27</sup>

Only 1 in 5 domestic workers worldwide are effectively covered by social insurance schemes.

25 Honduras, Acuerdo No. 006-JD-2008.

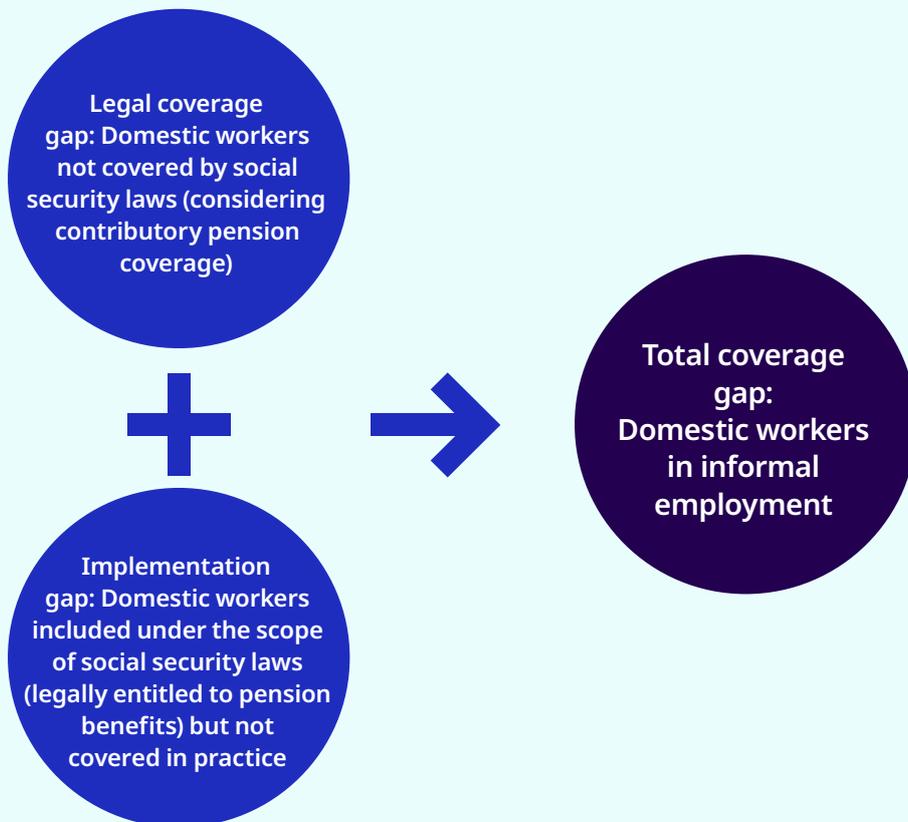
26 Some 20.8 per cent of domestic workers declared being registered with the SSC in 2018, according to labour force survey data.

27 It is important to underline that the implementation gap refers only to the registration of domestic workers. Since access to benefits also depends on a certain contributory density and regularity, it is possible that even domestic workers who are registered – for whom there is therefore no implementation gap – may not enjoy access to benefits in practice because for example they may not have contributed sufficiently to meet the necessary qualifying conditions.

Worldwide, 81.2 per cent of domestic workers are not effectively covered by social insurance schemes (figure 2.8). In three regions – the Arab States, Africa and Asia and the Pacific – the effective coverage gap is even higher, at 99.7, 91.6 and 84.3 per cent, respectively. Interestingly, in these regions, it appears that the gap in effective coverage is mostly due to important gaps in social security legal coverage. In Europe and Central Asia, the Americas, and Latin America and the Caribbean, the total gap in effective coverage is lower than the global average, at 66.9, 64.6 and 72.3 per cent, respectively (see figure 2.8). In these regions, the gaps in effective coverage appear to be mostly due to the lack of registration of domestic workers.

Worldwide, 81.2 per cent of domestic workers are not effectively covered by social insurance schemes.

► **Box 2.1 Role of social security coverage in determining domestic workers in informal employment**



Source: ILO (2021e, 200).

► **Figure 2.8 Legal versus implementation gaps in effective social protection coverage, by region and global, (percentages, 2019)**

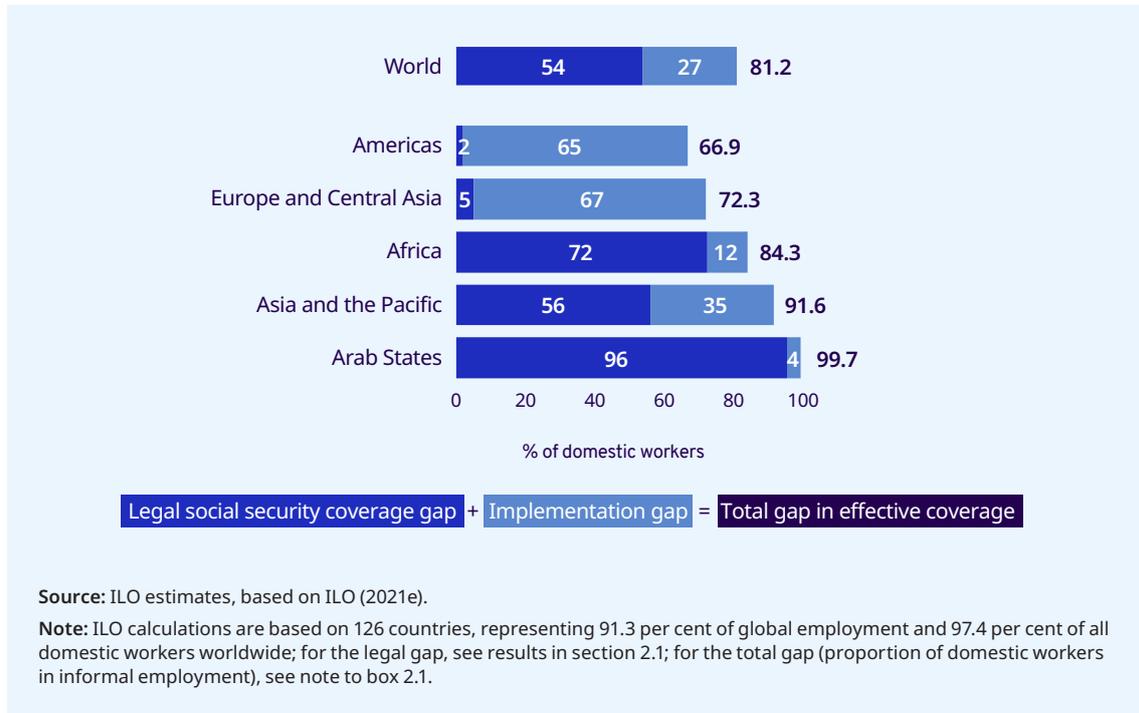


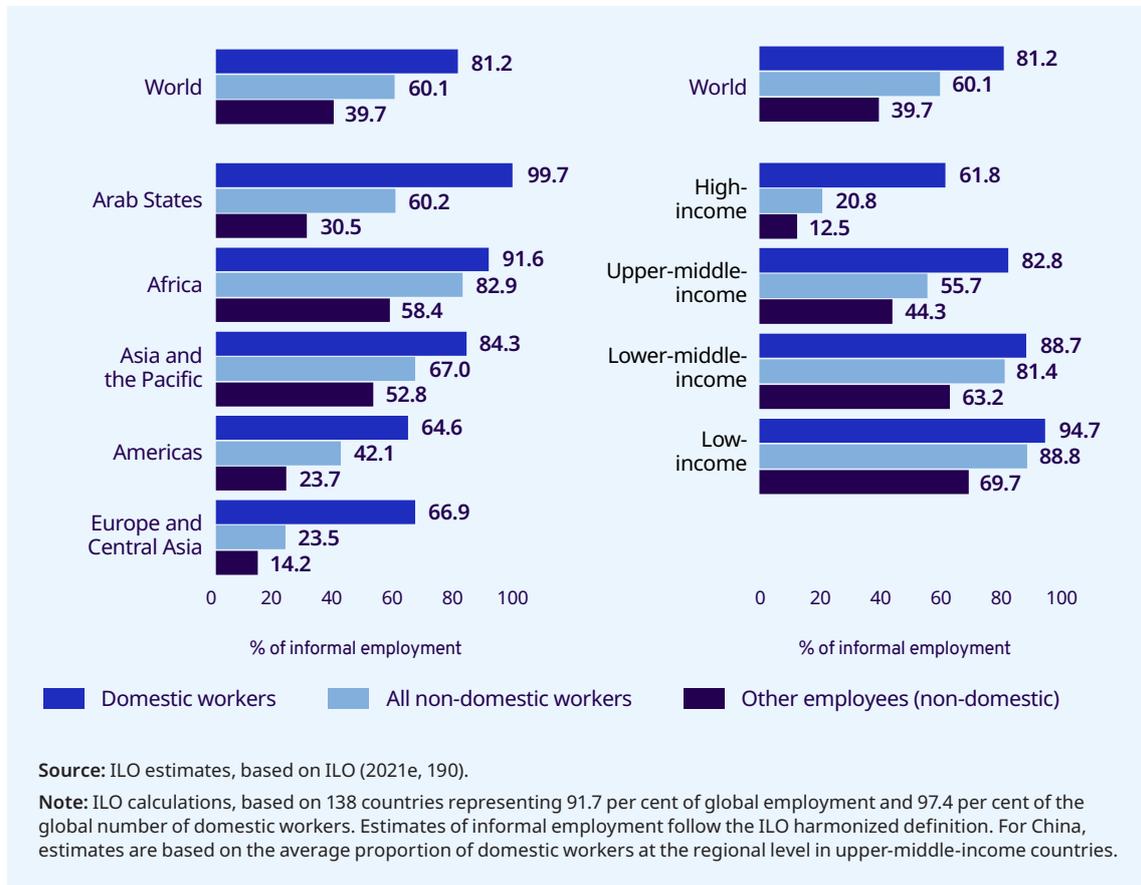
Figure 2.8 clearly illustrates the importance of addressing barriers both in law and in practice in order to ensure the effective extension of social security to domestic workers (see Chs 3 and 4).

Compared to other workers, domestic workers are more likely to be informally employed. A total of 61.4 million (81.2 per cent or eight out of every ten) of all domestic workers are in informal employment, which represents nearly twice the share of informal employment of other employees (39.7 per cent) (see figure 2.9). In other words, employed domestic workers are nearly twice as likely as other employees to be ineffectively covered under social security systems. In the Americas and the Arab States, they are three times as likely and in Europe and Central Asia they are as much as 4.5 times as likely as other employees to be ineffectively covered. In Africa, only one in ten employed domestic workers and in Asia and the Pacific one in eight domestic workers can effectively access social protection. There also appears to be a correlation

between the country-income level and the level of informality among domestic workers, although even in higher-income countries more than one in two domestic workers are informally employed (figure 2.9) (ILO 2021e).

Employed domestic workers are nearly twice as likely as other employees to be ineffectively covered under social security systems.

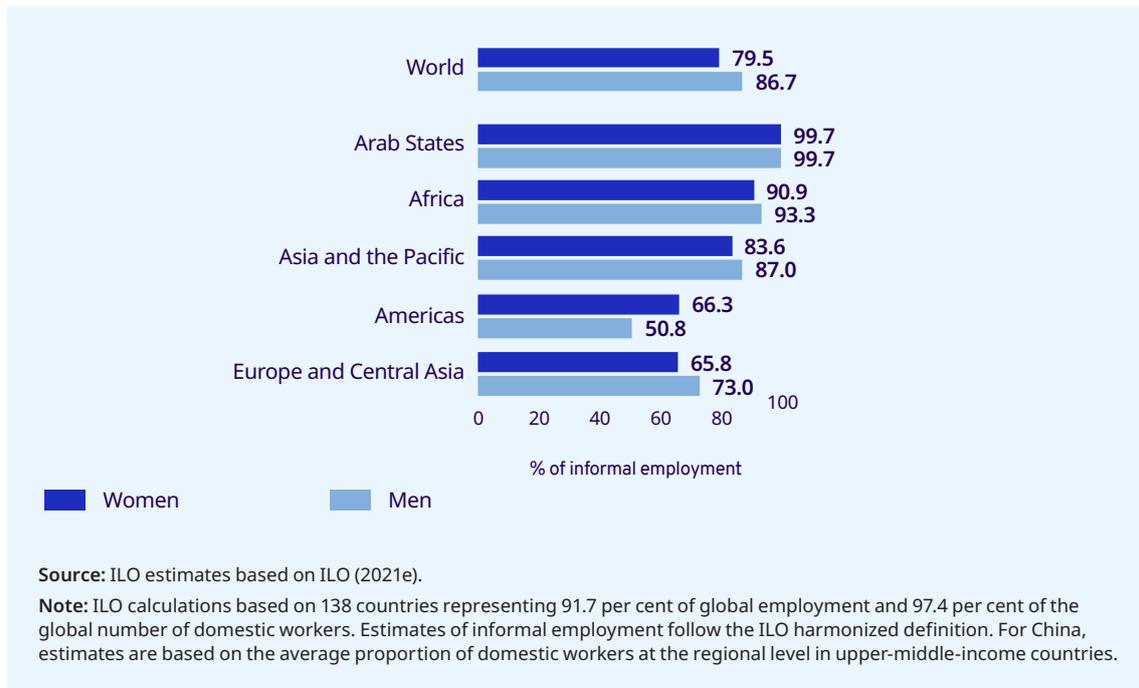
► **Figure 2.9 Share of informal employment among domestic workers and non-domestic workers, by region and main income group of countries (percentage, 2019)**



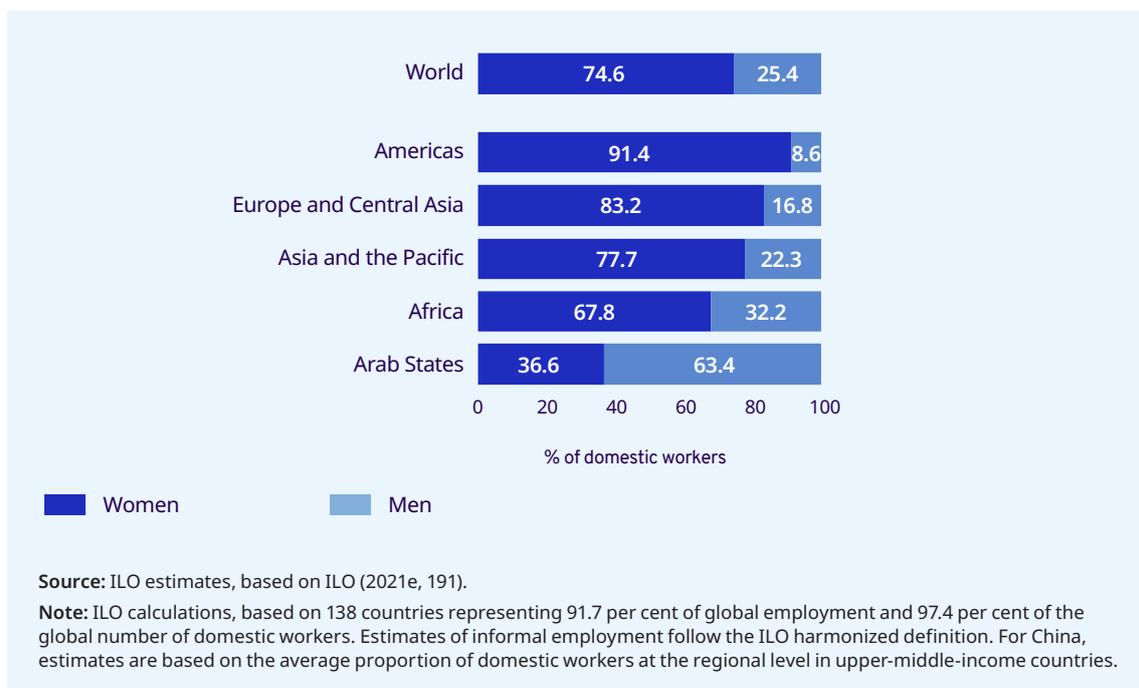
A high proportion of women domestic employees have no effective coverage for social security (figure 2.10). However, in all regions except the Americas, the proportion of men domestic workers ineffectively covered for social protection is higher than that of women or at best equal (figure 2.10). This is largely because the majority of men domestic workers are found in the two regions in which informality among domestic workers is the highest (the Arab States and Asia and the Pacific). Still, women make up the majority of all domestic workers, with no effective social security coverage in all regions except the Arab States (figure 2.11).

In looking at the estimates provided above regarding effective coverage, it is important to underline two points. First, the estimates provide an indication of whether domestic workers are covered generally under a social insurance scheme but they do not differentiate with regard to the branches for which they are effectively covered. This will depend both on what risks the social protection systems encompasses generally and any exclusions that domestic workers may experience specifically. For example, while the Bulgarian social insurance system extends sickness and maternity benefits to domestic workers by law, in practice domestic workers working less than 40 hours a month will likely not be covered for such risks as their employers are not mandatorily required to contribute to these schemes.

► **Figure 2.10 Share of informal employment among domestic workers, by sex and region (percentage, 2019)**



► **Figure 2.11 Distribution of informal employment among domestic workers, by sex and region (percentage, 2019)**



In addition, since under contributory social insurance schemes access to benefits generally depends on a certain regularity and density of contributions, the estimates also do not reflect the situation in which domestic workers otherwise covered under the law would not qualify for benefits because they do not meet the minimum qualifying conditions (that is they have made an insufficient number of contributions) (see Ch. 3). For example, if a domestic worker is registered under a social insurance scheme and the employer pays contributions on their behalf during the five years before they reach retirement age, they will likely not be entitled to an old-age pension under social insurance since they will not be considered to have contributed sufficiently.<sup>28</sup> In other words, the estimates consider the number of contributors at a given moment in time rather than the number of beneficiaries. This would mean that the number of domestic workers actually receiving certain benefits is probably lower, at least with regard to some risks and categories of domestic workers.

Yet, the important discrepancy between the number of domestic workers who are covered by law, either for one benefit or for all benefits, and those who are covered in practice points to the need to understand the reasons why (a) domestic workers are not covered under social security laws and (b) the vast majority of domestic workers have not been registered with social security institutions despite the existence of a legal obligation to do so. Generally speaking, problems in implementation and enforcement, a lack of policy coordination, insufficient financing and weak institutional capacities for the effective delivery of benefits and services have been identified as factors behind low effective coverage rates (ILO 2021g).

In the specific case of domestic workers, Chapter 3 below summarizes a number of reasons that have been identified as impacting the legal coverage, effective registration and contribution payments on behalf of domestic workers, although more studies will be needed to determine their concrete impact. The effect of the factors will of course vary in each country (certain factors may also be more common, depending on the country-income level), although in most cases it is the interplay of these factors that engenders effective coverage gaps.

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<sup>28</sup> For example, according to Convention No. 102, at a minimum persons should be entitled to an old-age pension equal to 40 per cent of their previous earnings after 30 years of contributions.

### 3. Challenges facing domestic workers' social protection



As highlighted above, only half of all employed domestic workers have a recognized right for at least one social security benefit and fewer than one in five are effectively covered.<sup>29</sup> Domestic workers face multiple barriers in accessing legal and effective social security coverage, some of which have been alluded above. Many of these barriers are related to the characteristics of domestic work, such as the fact that it is often performed on a short-term basis and for one or several private households. This section summarizes the main institutional barriers identified as a means to pinpoint the entry points that Member States must consider when developing their social security extension strategies.

## 3.1 Legal gaps and considerations

The estimates provided above of the legal social protection coverage of domestic workers (section 1.1) signal a need to better understand why domestic workers are legally excluded or are only partly included in social protection schemes (for example, only certain categories of domestic workers may be included or they may be included only in certain social security branches).<sup>30</sup>

### 3.1.1 Exclusions from the scope of social security and labour law

The estimates provided above of the legal social protection coverage of domestic workers (section 1.1) signal a need to better understand why domestic workers are legally excluded or are only partly included in social protection schemes (for example, only certain categories of domestic workers may be included or they may be included only in certain social security branches).

Domestic workers face multiple barriers in accessing legal and effective social security coverage.

Domestic workers who are not covered by social security legal frameworks will not have effective access to social protection. Exclusions from labour laws are also likely to result in exclusion from social security laws. Special regulations governing the labour conditions of domestic workers may specify the scope of social protection directly or may limit the application of social protection laws as a result of how they define domestic work. In some cases, social security legal frameworks may exclude many domestic workers, not by reference to their sector but by reference to their employment arrangement (for example part-time workers) (ILO 2021c). In other cases, they may be excluded with reference to the definition of the employer or the workplace. For this reason, legal exclusions need to be read in the light of labour laws more generally, such as to understand the scope of terms such as “employees”, “employers”, “part-time” workers and so on.

The main ways in which the law may ultimately lead to the exclusion of domestic workers can be summarized as set out below.

**Legal exclusions based on sector.** In some cases, domestic workers may be explicitly excluded from the scope of the social protection legal framework. This is the case in Oman, where domestic workers are excluded from the scope of application of the Social Insurance Law and are therefore not covered by old-age, invalidity, survivors’ and employment injury benefits, unlike other workers.<sup>31</sup> In Sri Lanka for example, domestic workers who provide services in any household are excluded from the Employees’ Trust Fund, which provides

<sup>29</sup> As mentioned above, since the actual access to certain benefits depends on contributory density, the actual percentages of coverage are likely lower, especially for certain risks.

<sup>30</sup> For more information, see ILO (2021c, 2021d).

<sup>31</sup> Oman, [Social Insurance Law \(Royal Decree No. 72/91\)](#), 2019, art. 3(b).

lump-sum old-age, disability and survivors' benefits. Therefore, their employers are not required to pay contributions to this fund.<sup>32</sup> However, domestic workers are mandatorily covered under the provident fund, which provides old-age, disability and survivors' benefits – although other workers can accumulate benefits under both schemes. Similarly, in Liberia the law excludes domestic workers from the scope of the national pension scheme that provides old-age, disability and survivors' benefits.<sup>33</sup> In Ethiopia, domestic workers are excluded from the scope of the Private Organization Employees Pension Proclamation No. 715/2011, which governs old-age, disability and survivors' pensions as well as employment injury benefits. Similar exclusions can be found in Zimbabwe.<sup>34</sup> In the Republic of Korea, while domestic workers are not currently eligible for social insurance,<sup>35</sup> the new Domestic Workers Employment Improvement Act that will enter into force in June 2022 will extend coverage to domestic workers who work through service providers. However, other domestic workers will remain excluded from maternity cash and childcare benefits (see box 4.3).<sup>36</sup>

**Legal exclusions based on employment arrangements.** Since contributory social protection systems are often organized around the employment relationship, domestic workers who are not assimilated into the category of employees are likely to be excluded from the legal scope of respective social security laws. The same holds true for definitions concerning the employee and/or workplace. As such, unclear terms of employment or lack of a formal and written employment contract could result in de facto legal exclusions (ILO 2021c). In Indonesia, for example, the Jaringan Nasional Advokasi Pekerja Rumah Tangga (JALA PRT), which is affiliated to the International Domestic Workers Federation (IDWF), argues that most domestic workers are excluded from the

general labour legislation due to the informal nature of the work. Since most domestic workers do not have any written contract in practice, in line with the obligation set out in section 50 of the Employment Law No.13/2003, there is no recognition of their employment relationship, which results in their exclusion from social security (ILO 2022). In Hungary, Act III of 1993 on Social Governance and Social Benefits does not consider domestic work to be a gainful activity. The resulting revenues are not therefore considered to be income and domestic workers are not eligible for social security coverage and benefits (ILO 2022). In some cases, domestic workers may declare themselves as self-employed, with or without the support of their employers, in order to avoid rigid tax and contribution obligations without facing the adverse consequences of a lack of social protection (ILO 2021c). In other cases, coverage exclusion may reflect a lack of choice since the employer may simply not recognize or perceive the existence of the employment relationship. In addition to the concerns related to classifying domestic workers as self-employed where they do not have any actual degree of autonomy and economic independence as such (see box 4.5), it should be noted that, although not per se a legal exclusion, experience shows that the effective coverage of self-employed workers has a tendency to lag since social protection mechanisms are often ill-adapted to their situation (ILO 2021c). For instance, contributing to a social protection scheme can be particularly burdensome when self-employed workers also have to bear the employers' share of contributions.

It is therefore interesting to note that despite some exceptions,<sup>37</sup> domestic workers are legally covered under social security laws on the same basis as other employees. Such a trend may reflect the fact that domestic work is recognized as normally

32 Sri Lanka, [Employees' Trust Fund Regulations, Extraordinary Gazette No. 171/2 of 14/12/1981](#), 1981. However, the provident fund tends to not be in compliance with ILO social security standards, in particular the principles they establish (see section 1.2 in this regard), and as such should ideally and progressively be replaced by contributory social insurance schemes.

33 Liberia, [An Act to Repeal the Decree No. 14 of the People's Redemption Council of the Armed Forces of Liberia and to create a New Chapter 89 of the Executive Law establishing the National Social Security and Welfare Corporation of the Republic of Liberia](#), 2016, § 89.15.

34 According to Zimbabwe, National Social Security Authority of Zimbabwe website (<https://www.nssa.org.zw/employer/coverage/>), domestic workers are excluded from both schemes.

35 Republic of Korea, Labor Standards Act, 2019, art. 11.

36 Republic of Korea, [Domestic Workers Employment Improvement Act](#), 2022.

37 For example, in Mozambique, the social security rules prescribe a domestic worker's right to enrol in the scheme covering self-employed; see Mozambique, [Decreto 14/2015 de 16 de Julho Concernente a Taxa de Contribuicao Dos Trabalhadores Por Conta Propria](#), 2015.

occurring under an employment relationship,<sup>38</sup> although it may not always be perceived or classified as such. For example, in Cuba domestic workers have been assimilated into social security schemes for self-employed workers although domestic they have since been removed from the list of self-employment activities.<sup>39</sup> It is also interesting to note that it seems that only a small proportion of domestic workers actually self-declare as independent workers, irrespective of their actual legal status (ILO 2021e, 2018b).

**Legal exclusions based on thresholds.** In some countries, social security laws exclude certain categories of domestic workers based on their wages or working time. Thresholds exist in higher-income and lower-income countries alike.<sup>40</sup> In some schemes workers must meet a minimum threshold of earnings to be able to access some social security benefits. For example, in Czechia employed domestic workers who earn less than 3,500 krouny, like other workers are thereby excluded from sickness and maternity benefits,<sup>41</sup> although the income received from several part-time jobs with the same employer in one calendar month can be accumulated.<sup>42</sup> In the Philippines, domestic workers must earn at least Pts 1,000 (US\$23) per month to exercise the right to coverage for the same risks.<sup>43</sup> In Australia, like other workers, domestic workers who earn at least \$450 or more per month and more than 30 hours per week are mandatorily covered by the superannuation pension system (however, all residents are covered by a tax-financed, means-tested scheme).<sup>44</sup> In Switzerland, affiliation with the occupational pension provision (second pillar) is compulsory for workers whose gross monthly

salary exceeds CHF 1,792.50 (for temporary contracts of at least three months) or whose gross annual salary exceeds CHF 21,510 (OASI/DI Information Centre 2021). While in general these thresholds are the same for other categories of workers, domestic workers may be more affected by these since they are typically among the lowest-wage-earners (ILO 2021e).

In other cases, thresholds are based on the minimum hours worked. This affects domestic workers who work on an hourly or daily basis for multiple households, who may not meet the minimum number of hours worked that is required per household. For example, in Guatemala, domestic workers are mandatorily covered only if they work a minimum of three days a week per household (see box 3.1).<sup>45</sup> In Brazil, domestic workers who work two days or less for a household are not covered under the social insurance scheme.<sup>46</sup> These workers, known as *diaristas*, are excluded from legal protection and compulsory social security coverage and are considered self-employed workers without a subordinate relationship (Valenzuela et al. 2020). In Mauritania, the law governing the general employment conditions of domestic workers excludes domestic workers who work less than 20 hours a week and therefore the obligation for employers to register their domestic workers with the social security administration no later than eight days following their engagement does not apply.<sup>47</sup> Similarly, in South Africa employed persons, including domestic workers who work less than 24 hours a month with a particular employer, are excluded from the scope of application of the Unemployment Insurance Fund.<sup>48</sup>

38 Convention No. 189, Art. 1(b).

For example, in Cuba domestic workers were assimilated into social security schemes for self-employed workers, although it seems this is no longer the case; see Cuba, [Resolución 104 de 2019 de Ministerio de Trabajo y Seguridad Social](#), which was derogated in 2021 by Decree-law No. 44/2021 concerning the Exercise of Self-Employment.

39 Convention No. 189, Art. 1(b).

40 See ILO (2021e).

41 Czechia, Act No. 187/2006 on Sickness Insurance, section 6.

42 44 Czechia, Czech Social Security Administration, "[Participation in Insurance](#)".

43 Philippines, [Social Security System Circular No. 2020-036](#), 2020.

44 Australia, [Superannuation Guarantee \(Administration\) Act 1992](#), as amended, section 27(2)(b).

45 Guatemala, [Acuerdo No. 1235 de la Junta Directiva del Instituto Guatemalteco de Seguridad Social](#), 2009, art. 2.

46 Brazil, [Law No. 150 of 1 June 2015](#), art. 1.

47 Mauritania, Arrêté No. 2011-1797 of 18 August 2011, arts 2 and 13.

48 Unemployment Insurance Act, as amended, art. 3(a).

Domestic workers are over-represented at two extremes in terms of working hours – they work either very long hours or very short hours. This is especially true for informal domestic workers. In terms of shorter working hours, 12 per cent of domestic workers work fewer than 20 hours a week, compared to just 4 per cent of other employees, making them more likely than other employees to be impacted by such legal thresholds (ILO 2021e). This is especially the case in Europe and Central Asia and Latin America and the Caribbean, where domestic workers work shorter working hours, consistent with the tendency in these regions to

employ domestic workers on an hourly basis for only a few hours per week per household. In this regard, in terms of social protection one study of selected countries indicated a link between different types of employment arrangements and social security coverage gaps. In particular, self-employed workers, part-time workers, temporary employees and multiple job holders are less likely to contribute to social insurance, at least in some countries (ILO 2021g). In other regions, in particular Africa and Asia and the Pacific, domestic workers may not be excluded due to minimum thresholds; however, their

### ► Box 3.1 Social protection of domestic workers in Guatemala

In 2009, the governing board of the social security institute of Guatemala adopted an agreement extending social protection to domestic workers. Rather than include domestic workers under the scope of the existing social protection system, a special scheme was instituted with the objective nonetheless of progressively expanding the scope of coverage of the general scheme to all domestic workers.

The scheme covers all domestic workers who are engaged on a regular and continuous basis in cleaning, care and other work in the household and are not gaining profit or running an enterprise. Coverage is provided on a mandatory basis. Employers who employ one or more domestic workers are required to register workers and pay contributions on their behalf provided that they work not less than three days a week per household.

According to the agreement, in line with the Law of the Guatemalan Institute of Social Security, employers are required to contribute 2.5 per cent of the minimum monthly wage set for non-agricultural activity, domestic workers are required to contribute 1.5 per cent and the state contributes 2.5 per cent. As a result, domestic workers are entitled to maternity medical care and cash benefits, medical care for their children and employment injury benefits.

Since coverage is provided in the framework of a special scheme, there are some differences with regard to social protection coverage. For example, according to the agreement domestic workers are entitled to a maternity benefit if they have contributed for a minimum of six months immediately before birth, whereas workers covered under the general scheme must have made at least four months of contributions in the six months before the contingency. Nevertheless, the duration of benefits appears to be the same – 30 days prior to birth and 54 days after the birth.

However, Guatemala is an example of why legal reforms, albeit necessary, are not sufficient by themselves to translate into effective coverage. According to a report from the Guatemalan Human Rights Ombudsman, by the end of 2020 only 10 domestic workers were affiliated to this programme (the historical number of members being 495).

**Sources:** Guatemala, Agreement 1235 of the Board of Directors of the social security institute of Guatemala on domestic workers, 1964 (Agreements No. 410, 466, 468 and 475 on Sickness, Maternity, and Medical Benefits), with amendments, and Informe de Acción Específica, "Problemática que afronta el Instituto Guatemalteco de Seguridad Social ante Baja de afiliados cotizantes, así como datos relevantes al programa especial de protección para trabajadores de casa particular (PRECAPI)", 2020.

access to social protection may be obstructed, due mainly to the fact that they are informally employed and as such are neither covered by the law nor able to access benefits in practice.

In addition to the legal exclusion of domestic workers who work less than a certain number of hours or who work part-time, the adequacy of social protection can also be affected by under-declared working time, as entitlements to benefits are made contingent on accumulated periods of contributions.

**Restrictive definition of domestic work in legislation.** In terms of legal exclusion, it should also be noted that while we speak of domestic workers in a general sense, domestic work encompasses several different activities, which creates some discrepancies in terms of their legal coverage. In some cases, national legislation, whether at the level of the labour code or of social security laws, narrowly defines salaried domestic work in terms of the household tasks that are actually performed. This hinders the inclusion of some occupational groups that perform domestic work, unless they are covered by another means, for example in the same manner as other employees.

The activities commonly included in statutory definitions are cooking, cleaning and caring for household members, while those less commonly included are gardening, guarding the home and driving. For example, this is the case of domestic security guards in a number of countries, such as Algeria, Bolivia (Plurinational State of), Italy and South Africa. This may also be the case of personal drivers, such as in Argentina, Bolivia (Plurinational State of), Cabo Verde, Costa Rica and Mexico. Gardeners may also be excluded, such as in Belgium, Bolivia (Plurinational State of), Canada, Colombia, Honduras, Italy and the Canton of Geneva (Switzerland). In Belgium, for example, following the adoption of a royal decree on 13 July 2014, all domestic workers became subject to social security except those undertaking non-housework activities such as gardening.<sup>49</sup> From a gender perspective, this is also quite interesting since even though the sector remains female-dominated (women account for more than 76.2 per cent of domestic workers), men domestic workers tend to be drivers, gardeners

and building maintenance workers and security guards (ILO 2021e).

In another group of countries, mainly in Europe and Central Asia, the definition of domestic work and the right to social security are established through collective agreements, such as in Sweden, or through a combination of specific laws and collective agreements, such as in Austria, France and Italy<sup>50</sup> (Carls 2013; ILO 2012). While some countries have no established legal definition for assimilating the rights and responsibilities of domestic workers to that of other workers, in a number of countries definitions exist under both labour laws and social protection laws, which may not always coincide with each other (ILO 2016c).

For example, in Mauritius article 2 of the National Pensions Act defines domestic service as employment in a private household and includes employment as a cook, driver, gardener, *garde-malade*, maid or seamstress, while the second schedule of the Domestic Workers (Remuneration) Regulations also include household employees, caretakers and watch persons in the definition of “domestic employee”.

In sum, the legal definitions of domestic work demonstrate another way in which labour laws and regulations may have an impact on the extent of social protection coverage for certain domestic workers.

### 3.1.2 Shortcomings of certain policy approaches

Beyond the actual explicit or implicit inclusion of domestic workers under labour and social security law (section 3.1.1), the manner in which social security laws extend legal coverage can also have implications for how domestic workers access social protection.

**Voluntary coverage.** While social protection systems sometimes extend coverage to domestic workers on a voluntary basis, such coverage scarcely results in effective coverage. For example, employers in Cambodia can register domestic workers for social security benefits with the national social security fund, but this was

49 See Belgium, [Personnel de maison: Instructions administratives ONSS – 2022/1](#), 2022.

50 For further information, see ILO, Social Protection platform, “[National Legislation for Domestic Workers](#)”. <https://www.social-protection.org/gimi/gess/ShowWiki.action?lang=EN&id=3009>

reportedly the case for only 8 of the 729 members of the Association of Domestic Workers in Cambodia.<sup>51</sup> The law may specify that coverage is voluntary for domestic workers generally or use minimum thresholds (see above) to determine who is covered on a mandatory basis – and by extension who is covered on a voluntary basis. For example, in Fiji the National Provident Fund Act exempts domestic workers, as defined in the Employment Act, from the scope of the law; however, they can opt to be covered by voluntarily paying contributions.<sup>52</sup> In Honduras, agreement No. 006-JD-2008 institutes a specific social protection scheme for domestic workers based on voluntary affiliation; however, one study has revealed that only 2.5 per cent of all respondents have registered their domestic employees with the scheme (Tablada 2019, 18).<sup>53</sup> In Turkey, domestic workers who work less than ten days within a month are not covered for old-age, invalidity or survivor's insurance; however, they can join voluntarily and are mandatorily covered for employment injury benefits.<sup>54</sup> In Panama, domestic workers with contracts of less than one month or who work less than three days a week for the same employer are excluded from the scope of application of the decree that regulates mandatory social security coverage for this category of workers.<sup>55</sup> However, they may register voluntarily, although only for certain branches of social protection. In Malaysia, domestic workers are exempted from mandatory coverage under the Employees Provident Fund but can enrol voluntarily.<sup>56</sup>

#### **Benefits under the responsibility of employers.**

Employer liability provisions place the direct responsibility for the provision of benefits with employers, yet they often result in low effective coverage. These schemes are therefore not collectively financed (whether it be through contributions, taxes or a combination of both) and as a result are not based on the principle of solidarity as set out in international social security standards. As such, they are usually found in labour laws rather than social security laws and most often

Employer liability schemes often result in low effective coverage and discriminatory practice in the labour market.

in the case of illness and maternity, as well as for employment injury. In practice, this means that when a contingency arises that prevents the domestic worker from undertaking their activities, such as an illness, the employer is responsible for paying the entitled benefit. However, the actual implementation of this benefit is challenging for many reasons, including in some cases the limited earnings of households that employ domestic workers. In this regard, the CEACR recently highlighted the following (ILO 2022):

**In a number of countries, employers are required to pay maternity benefits directly. In this regard, the Committee recalls that the ILO social security instruments only envisage schemes in which the cost of benefits and their administration are borne collectively, by way of insurance contributions, taxation, or a combination of both. Moreover, the Maternity Protection Convention, 2000 (No. 183), calls for the provision of maternity cash benefits through compulsory social insurance or public funds in order to protect the situation of women in the labour market. The Committee recalls in this respect that, in practice, in cases where employers are individually liable for the compensation of workers, particularly for maternity cash benefits, this often leads to discriminatory practices that impede the access of women to the labour market.**

<sup>51</sup> Based on information provided by the Cambodian Association of Domestic Workers.

<sup>52</sup> Fiji, [Fiji National Provident Fund Decree 2011 \(Decree No. 52\)](#), 2011, section 36(5).

<sup>53</sup> Honduras, Acuerdo Numero 006-JD-2008, art. 1.

<sup>54</sup> Turkey, Law No. 5510 on Social Insurance and Universal Health Insurance, supplementary art. 9, and Notification from the Social Security Institution Presidency of 1 April 2015.

<sup>55</sup> Panama, [Resolución de la Junta Directiva de la Caja de Seguro Social núm. 52165-A-2017](#), art. 61.

<sup>56</sup> Malaysia, Employees Provident Fund Act 1991, First Schedule (section 2).

**Limitation of protected contingencies.** In some countries, the social security system offers differentiated coverage (different contingencies or branches of social security covered) for difficult-to-cover groups such as domestic workers, which is usually less than that offered in the general scheme. For example, in Bulgaria domestic workers, like all workers working less than 40 hours a month, are excluded from sickness, maternity and work injury insurance schemes.<sup>57</sup> In El Salvador, domestic workers are excluded from the individual account pension scheme (ILO 2020c)<sup>58</sup> and unlike other workers, domestic workers are covered voluntarily under a special scheme for health and maternity benefits. In the Plurinational State of Bolivia, a new regulation on domestic workers explicitly requires their affiliation to the national health fund; however, no such obligation appears to exist for the other social security branches.<sup>59</sup> In Chile, a system of individual accounts was created in 2001 to provide some income support to dependent workers to cover end-of-contract compensation. Domestic workers were explicitly excluded from the scope

of application of this unemployment insurance scheme until October 2020, when as a result of the COVID-19 pandemic, domestic workers were incorporated under the Unemployment Insurance Law No. 21.269 in order to provide them with better protection not only against dismissal but also against unemployment.<sup>60</sup> In certain cases, despite being integrated in the general social protection system, domestic workers are not entitled to the same range of benefits as other employees. In Cabo Verde for instance, they are not entitled to unemployment benefits under the new scheme adopted in 2016.<sup>61</sup> In Spain, domestic workers were covered by a specific scheme until 2011, but following the adoption of Act No.27/2011 were integrated into the general social security schemes for all social security branches except unemployment.<sup>62</sup> Therefore, article 251(d) of the Royal Decree is being questioned by the European Court of Justice for excluding domestic workers from unemployment benefits considering this discriminatory practice since the vast majority are women.<sup>63</sup> Similar exclusions existed in South Africa until recently (see box 4.1).

## 3.2 Challenges concerning the implementation of social security laws and regulations

The discrepancies between the number of domestic workers legally covered and those effectively covered (sections 2.1 and 2.2.) has been defined as the implementation gap (see box 2.1) This section attempts to list several barriers that may explain why legal coverage does not always translate into effective coverage. In most cases, the cause is not limited to just one barrier but is more likely a combination of these.

### 3.2.1 Administrative barriers

Burdensome administrative procedures can discourage social security coverage because they increase transaction costs for employers and domestic workers in terms of the resources and time spent on complying with administrative requirements, mainly the registration of domestic workers with social security institutions and

57 Bulgaria, Social Insurance Code, 1999, title amended 2003.

58 El Salvador, [Ley del Sistema de Ahorro para Pensiones \(Decreto No. 927\)](#), 1996, and [Reglamento de creación y aplicación del Régimen Especial de Salud y Maternidad para los Trabajadores Domésticos \(Decreto No. 74\)](#), 2010.

59 Plurinational State of Bolivia, [Ley de Regulación del Trabajo Asalariado del Hogar, 9 de abril de 2003](#), 2003, art. 9.

60 Chile, [Ley 21269 Incorpora a los Trabajadores de Casa Particular al Seguro de Desempleo de la Ley No. 19.728](#), 2020, and [Historia de la Ley No. 21.269](#), 2020. It should be noted that individual accounts tend not to be in compliance with the principles set out in ILO social security standards (see section 1.2).

61 Cabo Verde, rt. 1(2) of Decree-Law 15/2016, as amended by Decree-Law No. 23/2017.

62 Spain, [Real Decreto Legislativo 8/2015](#), art. 251(d).

63 See European Union, [Court of Justice of the European Union ruling C-389/20](#).

regular contribution payments.<sup>64</sup> For example, a behavioural diagnostic of the barriers to registration in Guatemala found that the majority of employers of domestic workers would be more likely to register their domestic workers with social security if it were faster and more convenient (85 per cent), particularly if the process could be done from home or by phone (89 per cent), or through mobile units (82 per cent) (see box 4.8). As such, even where domestic workers are included under legislation and social insurance is mandatory, many employers do not comply with the obligation to register their workers with a social insurance fund (see Ch. 2).

Employers are usually private households that have limited capacity to deal with complex registration and payment procedures that also require minimal accounting and timekeeping, especially where employers have to deal with a fragmented administrative model that requires transactions with several institutions rather than a single centralized one.

From the perspective of the social protection administration, dealing with multiple employers and discontinuous and irregular contribution payments is complex, especially where manual procedures are still in place. The digitalization of social security administrative and tax processes can positively address some of the challenges raised above by simplifying procedures and bringing services closer to the population (Ch. 4); however, it also requires ensuring the digital capability and access of its principal users, that is domestic workers and households.

It should also be noted that the lack of registries of domestic workers and their employers renders domestic work invisible and thus hard to detect and regulate (ILO 2015a).

In addition to burdensome administrative procedures, ineffective governance and lack of accountability can also result in the lack of effective coverage. Indeed, social security systems that do not effectively deliver benefits and services to the expectation of domestic workers and their employers can lose their trust and commitment. This can lead to a decision to avoid registration with and contribution payments to social security

institutions. Sound institutional capacities, effective administrative processes and adequate systems should therefore be seen as paramount for effective service delivery, irrespective of the type of scheme administered and the social security benefits provided. To fulfil their promises and live up to the expectations of the public, social security institutions and other relevant stakeholders need adequate structures for handling their core administrative processes, including registration, enrolment or affiliation, contribution collection (for contributory schemes), delivery of benefits and grievance mechanisms (ILO forthcoming). Related to this is the need for knowledge and information. Workers and employers need to know what social protection schemes are available to them, what their rights and obligations are and how they can access these schemes to ensure their protection (see section 3.5). Equally important in this regard is the need for benefits to be perceived as adequate and predictable. In sum, workers and their employers need to fully understand the value of social protection for them and they need to know that the social protection system is well governed and can effectively deliver.<sup>65</sup>

### 3.2.2 Limited contributory capacities

Domestic workers are some of the lowest wage-earners among all wage employees. Globally, domestic workers earn 56.4 per cent of the average monthly wages of other employees, with a tendency of average wages to increase in line with the country's income group (ILO 2021e).

Moreover, employers are sometimes not willing to pay contributions, do not pay their domestic workers on time or withhold a portion of their wages, rendering their take-home pay even more uncertain. In Bangladesh, for example, work arrangements and irregular payments have been identified as the main reasons for the lack of contributory capacity. In 2014, more than 50 per cent of domestic workers in Bangladesh did not receive their monthly wages on time and 29 per cent said that employers made irregular combined payments rather than monthly payments (ILO 2016c).

<sup>64</sup> For more information, see ILO (2021c).

<sup>65</sup> For more information, see ILO (2021c).

This is often attributed to the undervaluation and under recognition of care work, in particular the tasks undertaken traditionally by women, as well as the perception that the work is low-skilled or performed by groups such as migrants or people with low levels of education (ILO 2021e). In some cases, domestic workers are seen as “part of the family” rather than as workers (Anderson 2016). The perception that domestic work is “unproductive” because it does not generate direct benefits for employers is another justification for low wages (Tomei 2011). Higher levels of informality and low unionization and bargaining power also partly explain the low wages earned by domestic workers (ILO 2021e).

The household employers of domestic workers may also in some cases have limited contributory capacities to pay the extra costs associated with social security registration. When household employers genuinely do not have the capacity to pay an applicable minimum wage and social security contributions, this leads to the widespread abuse and exploitation of domestic workers, including situations of forced labour.

On the one hand, low wages can result in the exclusion of domestic workers from labour and social security laws due to statutory minimum thresholds (section 3.1.1). In addition, low contributory capacity, whether of workers or employers, may affect the willingness and capacity to register domestic workers and periodically contribute to social insurance schemes. Employers, sometimes together with workers, may decide to not register with social security institutions. Indeed, low-income-earners who can hardly make ends meet are more inclined to follow the approach “a bird in the hand is worth two in the bush”, rather than that of “a penny saved is a penny earned”, emphasizing also the importance of building a culture of social security in combination with government subsidies (see Ch. 4). This is especially so where households themselves engage domestic work only because they do not perceive it as representing an excessive expense. However, the vulnerability of domestic workers may make them more willing to accept employment at any given wage and without social protection, especially in countries in which there are a large number of people who are willing to accept relatively low wages and a large enough number of households with the capacity to employ domestic workers (ILO 2021e). Overall, the lack of contribution payments means that domestic

Low earnings not only have implications in terms of legal coverage and the registration and payment of contributions but can also impact the adequacy of the benefits domestic workers receive.

workers who should otherwise be entitled to social security benefits will not receive a benefit, for example in the absence of income when they are too sick to work or have given birth, further compounding their vulnerabilities.

For domestic workers who have employment relationships with several employers, it may also be difficult to identify the respective obligations of each employer or the social insurance administration may not be able to handle multiple employers (ILO 2021c). That situation tends to affect workers who are in more than one job, are in short-term working arrangements or are temporary agency workers, arrangements that are common in the sector (ILO 2016b). In many cases, domestic workers with more than one employer may end up either not being covered at all or being covered partially through one main employer, yet under-reporting their total earnings and as a result not enjoying the level of benefits that they should be entitled to.

In effect, low earnings not only have implications in terms of legal coverage and the actual registration and payment of contributions but can also impact the adequacy of the benefits they receive. This is because under contributory mechanisms, benefits are generally calculated as a function of earnings. For example, short-term benefits (such as in the case of illness or maternity) will often be equal or similar to the actual wages received. In the case of long-term benefits (such as retirement

or disability), benefits will frequently amount to a percentage of average wages, such as 40 per cent.

In relation to wages, it is important to highlight the implications of paying domestic workers in kind, given that these are generally a portion of the wage paid and in some cases this could be a portion of the minimum wage (ILO 2021e). Among countries reviewed that provide minimum wage coverage to domestic workers, 36 per cent of them permit a portion of the minimum wage to be paid in kind. Payments in kind are also permissible in some countries in which domestic workers have no right to a minimum wage, making them some of the most vulnerable domestic workers (ILO 2021e). This could indeed have a direct impact on the contributory capacity of domestic workers in the terms described above, as well as with regard to the level of the benefits they will receive since social protection schemes will not necessarily consider benefits in kind for the purposes of calculating the benefit. Although Article 12 of Convention No. 189 allows for only a limited proportion of the remuneration of domestic workers to be paid in kind, domestic workers may experience excessive salary deductions for accommodation and food. For example, in the United Republic of Tanzania deductions from the remuneration of live-in domestic workers are allowed up to 68 per cent of the minimum wage. Ultimately, where contribution rates are not in line with contributory capacity, social security coverage remains low.

Even where registered, low incomes and limited contributory capacity may also impact the regularity of contribution payments, which in turn may limit effective access to social security benefits when a risk occurs. As previously mentioned, this is because under social insurance schemes, access to benefits is made contingent on meeting a minimum number of contributions (minimum contributory density). For example, in Argentina the International Domestic Worker's Federation observed that while a specific old-age scheme exists for domestic workers, it is very difficult for domestic workers to receive an old-age benefit since they have very few years of contributions when they reach retirement age (ILO 2022).

### 3.2.3 Lack of enforcement and low compliance

The lack of effective mechanisms to enforce labour and social security laws can result in low effective coverage of domestic workers. For example, most social security laws make the obligation to register domestic workers and pay contributions answerable to sanctions (see section 4.4). On the one hand, compliance requires knowing and understanding the scope of labour and social security laws and the rights and obligations they establish (see section 4.4 on the multifaceted approach presented in this report in relation to the concept of compliance) (ILO forthcoming). Remoteness or isolation of the workplace and home and illiteracy may result in a lack of information about the right to social protection in general and about existing laws, policies and programmes (ILO 2021c). Access to information may also be insufficient due to the fact that the employment relationship generally involves individuals whose organization is limited (see below).

In addition, low rates of compliance can be due to the limited resources and capacities of administrative and judicial mechanisms and labour and social security inspectors (ILO forthcoming). More challenging may be the fact that domestic work is performed in the private home of the employer, which is a matter often regulated by constitutional or other laws. In other words, the right to privacy of household employers may infringe on the enforcement of the labour rights of domestic workers. In addition, the wide dispersion of domestic workers requires considerable financial and time resources for carrying out labour inspections, which are greater than those required to inspect other worksites and which many inspectorates lack (ILO 2015c). Without labour and social security mechanisms, it is difficult to monitor the application of, and ensure compliance with, labour and social security laws (ILO 2016c). The lack of registries for domestic workers and their employers also contributes to the difficulties of detection and regulation (ILO 2015a).

### 3.2.4 Lack of information and organization

When both workers and employers are unaware of the rights and obligations conferred by the social security system, including registration, the payment of contributions and procedures for accessing entitlements, they are much less likely to exercise them.<sup>66</sup> They are also much less likely to defend their rights through enforcement mechanisms. In addition, the lack of information amplifies the asymmetrical position and puts workers at an even greater disadvantage in negotiations with employers, especially where they are not organized or represented. The situation may be worse for migrant domestic workers, who may

also experience language and/or cultural barriers. Information by itself is not necessarily enough. It needs to be readily available and accessible to both domestic workers and their employers (especially households) in order to lead to meaningful outcomes.

In this regard, employers' and workers' organizations play a key role in disseminating information and promoting rights, as well as in increasing the capacities of domestic workers and their employers (see Ch. 4). For example, a survey in South Africa showed that only 19.7 per cent of non-unionized domestic workers had knowledge of which labour laws applied to them (ILO 2015c).

## 3.3 Particular challenges facing migrant domestic workers and live-in domestic workers

**Migrant domestic workers.** In many circumstances, domestic work is carried out by foreign nationals, who are often from poorer countries and have escaped crises and violence or seek better socio-economic opportunities for themselves and their families. As such, poverty and/or need may often lead them to take on domestic work for relatively low wages. In some cases, the lack of social protection may be the reason for migration. For example, studies have found that family members may feel forced to migrate and take up domestic work to pay off high medical debts for care not fully covered by health systems (UNICEF 2017).

Migrant domestic workers are a heterogeneous group. Their migration status, type of employment contract, duration of stay, skill set, income level and demographic characteristics influence their access to comprehensive social protection.

Nevertheless, migrant domestic workers tend to face various additional difficulties in accessing social protection, beginning with their exclusion from the scope of application of national laws. In other words, migrant domestic workers, even where they are legally residing in a state, may not be covered by social security legislation because they are not nationals of that state (principle of nationality) and/or are domestic workers (see section 3.1). For example, Thailand's Social Security Law does not cover domestic work but

► Migrant domestic workers face additional barriers in accessing social protection.

<sup>66</sup> For more general information, see ILO (2021c).

documented migrant workers in several other sectors are covered.<sup>67</sup> In Turkey, foreigner workers are not allowed to work for multiple employers.<sup>68</sup>

Migrant domestic workers may also be excluded from social protection owing to the length of their stay in the country of destination, the irregularity of their status or immigration rules. In South-East Asia, for example, it is the norm for work permits to end shortly after employment terminates, so that in practice people may not have the time to claim benefits or find other employment to maintain their acquired rights or rights that are in the process of being acquired, or to undertake any other administrative procedure in this regard. For example, in Thailand, persons have two weeks from the date their job ends until the date they are required to leave the country (Olivier 2018). Migrants may also face particular challenges in accessing social protection as a result of national immigration rules and because they are migrating to undertake domestic work. For example, Myanmar has effectively banned migration for domestic work, which means that some migrant domestic workers may not be able to regularize their status while abroad, which can translate into lack of social protection in the country of destination but may also have implications for accessing social protection in the country of origin (Napier-Moore 2017). It should also be noted that access to social assistance benefits is often limited to nationals or legally residing residents, which can have implications for how migrant domestic workers access such benefits.<sup>69</sup>

In other cases, the fact that the jurisdiction of social protection systems is limited within the border of a state (principle of territoriality), some migrant domestic workers will lose their access to social protection as a result of moving between countries. For example, a migrant domestic worker who has contributed towards an old-age pension for 25 years in one country and decides to retire to their home country may in some cases not be eligible to receive an old-age pension, simply because they cannot take the benefits with them

or because they cannot take the rights they have accumulated and combine them with other contributory periods. This is particularly true in the absence of effective bilateral and multilateral social security agreements that include clauses for the portability of benefits or the accumulation of contributions across countries, especially for old-age pensions (see Ch. 4). Indeed, even where bilateral and multilateral social security agreements exist, they rarely mention migrant domestic workers as a specific group. General references to workers in international social security agreements often lead to the exclusion of migrant domestic workers, especially in countries in which they are not covered under national legislation (ILO 2021b).

In some countries, access and coverage conditions for migrant domestic workers differ and are generally less favourable than those for national domestic workers. In Singapore, employers of domestic workers who are neither Singapore citizens nor Singapore permanent residents are exempted from contributing to the Central Provident Fund.<sup>70</sup> Experience shows that the reality of domestic workers in irregular status is often compounded by the fact that they are non-nationals and are thereby prevented from qualifying for social assistance benefits, which tend to be conditional on residency conditions, immigration and work permits.

In addition to exclusions from labour and social security legislation, migrant domestic workers face barriers that other domestic workers tend to face, in particular over-representation in the informal sector; lack of equality of treatment with other workers; limited organization and representation; lack of enforcement of the law, including due to lack of labour inspections; and difficulties accessing labour institutions, including social security and justice. However, these tend to be compounded, not least because of discrimination and cultural and language considerations. For example, in several countries migrants (including domestic workers) are not allowed to become pregnant, much less to have access to maternity

67 Thailand, [Social Security Act B.E. 2533 \(1990\)](#), section 5.

68 As reported by the Government of Turkey in the context of article 19 of its Constitution.

69 This is in line with Convention No. 102, which allows, in the case of non-contributory schemes, for special rules to apply as regards the benefits provided under these schemes in the case of non-nationals and nationals born outside the territory of the Member party to the Convention.

70 Singapore, Central Provident Fund Board, "[Employer Obligations: Who Should Receive CPF Contributions](#)".

protection, at the risk of losing their employment and/or being deported.<sup>71</sup> Limited monitoring and enforcement of compliance exacerbates the vulnerability of migrant domestic workers and opens the door to labour law and human rights abuses, such as physical violence, forced labour and trafficking. These barriers tend to make the challenges faced by migrant domestic workers more acute than for other domestic workers and the need for social protection even more important.

**Live-in/live-out domestic workers.** Domestic work can be carried out both by persons who live outside the household where the work is performed and persons who live in the household. Like migrant domestic workers, however, live-in domestic workers are more susceptible to decent work deficits, including with regard to working hours, wages and violence and harassment.<sup>72</sup> These can have an impact on their access to social protection. For example, there is a tendency for

live-in domestic workers to receive cash wages below the average or to receive payment in kind since they receive accommodation. This can have direct implications for how they access social protection benefits, especially under contributory mechanisms such as social insurance schemes, in which access to benefits is usually made contingent on meeting a certain contributory density (for example a minimum number of monthly or annual contribution payments) and where benefits represent a percentage of earnings. It is more common to find live-in domestic workers in the Arab States and the African region.<sup>73</sup> In the Americas, live-in domestic workers were previously commonplace; however, the percentage appears to have decreased from 22.6 per cent in 2000 to 7.3 per cent in 2019 (ECLAC 2019). The incidence of live-in domestic workers in Europe and Central Asia appears to be far less common, although most countries do not collect this information.

71 For example, Singapore and Malaysia give migrant women pregnancy tests yearly or biannually and deport those who are pregnant. (Napier-Moore 2017).

72 ILO and WIEGO, "Brief on Live-In/Live-Out Domestic Workers and Working Time", forthcoming.

73 For example, in Rwanda (81.6 per cent), Burundi (77.9 per cent), Uganda (70.6 per cent), Mali (62.2 per cent) and Côte D'Ivoire (53.9 per cent).

## 4. The high road to ensuring domestic workers' access to social protection



While many barriers impede the effective social protection coverage of domestic workers, they are not unsurmountable. A number of countries have made significant progress in closing legal gaps by extending coverage to domestic workers, although efforts are still needed to close both legal and implementation gaps.

Considering that domestic workers are a very diverse group, ranging from live-in and live-out workers and full-time and part-time workers to vulnerable groups such as migrant workers and child labourers, there is no one-size-fits-all solution for extending social protection to all domestic workers. The development of policy solutions should be based on a solid assessment of the characteristics and situation of domestic workers and their employers and should be conducted with the effective participation of domestic workers and employers of domestic workers, in line with the guidance provided by international labour standards, in particular those described in section 1.2. For example, in Mexico the extension of mandatory social security to domestic workers (see box 4.6) has been the subject of numerous quantitative and qualitative studies that profiled the market, employers and domestic workers alongside good practices and experiences in the region (ILO 2019b, 2019c). These studies built on statistics and data generated through specifically designed surveys undertaken by the national statistical institute. Similarly, workshops, meetings, working sessions, round tables, field research and opinions surveys with domestic workers, trade unions, social, civil and non-governmental organizations, state and federal agencies, among others, have been important for designing an effective scheme (ILO 2019a). Research tools that diagnose the behavioural drivers and barriers to social security registration and contributions have also helped generate behavioural insights and identify solutions in registration and contribution processes (see box 4.8).

Extension strategies take time and planning and need to consider short-, medium- and long-term objectives. However, planning tends to pay off as it will increase the likelihood of the success of the agreed approach, strategies and activities and support the identification of potential constraints, barriers and risks, while allowing to actions to proceed in a timely manner; help establish specific activities following an agenda within fixed deadlines; develop financial plans and budgets;

▶▶ A number of countries have made significant progress in closing coverage gaps but efforts are still needed.

optimize the administrative and human resources; and establish review and monitoring mechanisms, among other benefits (ILO 2021b; ISSA 2012).

The overall objective should be to ensure that all domestic workers have access to social protection in a manner not less favourable than other workers, in line with Convention No. 189 and the guidance provided in Convention No. 102 and Recommendation No. 202. In most countries, this means that domestic workers should be covered under the existing social insurance mechanisms, which play a vital role in providing adequate benefits because they tend to offer a broad scope and higher benefit levels and therefore better/greater protection. In addition, when they are organized according to the principles set out in ILO social security standards (see section 1.2), they are better able to protect more vulnerable groups, in particular those with decent work deficits.

▶▶ The extension of social security to domestic workers should also be perceived as an integral part of any strategy to address informality among domestic workers.

The extension of social security to domestic workers, both in law and in practice, should also be perceived as an integral part of any strategy to address informality among domestic workers (Cebollada Gay 2022). Beyond the fact that the lack of social insurance is the key parameter for measuring informal employment (section 2.2), effective access to social insurance is linked to the legal recognition and registration of employment, combined with measures to increase productivity and encourage compliance. Therefore, the extension of social insurance and labour protection to domestic workers can be considered as important components of national formalization strategies. Fostering transitions from the informal to the formal economy not only is essential for improving universal access to adequate and sustainable social protection but also contributes to broadening the tax base and creating the fiscal space that is necessary for equitable and effective public policies (Gaspar et al. 2017).<sup>74</sup> With respect to effective access to social insurance, this implies that domestic workers should be covered by applicable legislation and should be registered with the relevant institutions. However, it also requires that contributions should be made periodically by and on behalf of domestic workers; that the design and financing and administrative arrangements of social insurances schemes should be sufficiently adapted to the needs and capacities of domestic workers and their employers; and that principles of good governance should underpin the functioning of the national social protection system so they can provide the awareness, ownership, trust and compliance needed.

Strategies for extending social protection to domestic workers can also not be accomplished in isolation. Governments should prioritize the establishment of robust, comprehensive and sustainable social protection systems, in line with the nationally agreed policy framework. These should be inclusive of workers in all types of employment and should be appropriately adapted to the needs and circumstances of those workers with more unstable forms of employment and who face particular challenges, such as domestic workers. Where the entire range of statutory contributory benefits is not yet applicable to these workers, efforts should be made to extend them to domestic

▀▀ Governments should prioritize the establishment of robust, comprehensive and sustainable social protection systems for all.

workers while seeking to ensure that alternative mechanisms are put in place. These should provide protection that, while different from that of other workers, could still be considered as not less favourable, taking into account the vast number of persons worldwide who lack any form of social protection.

In sum, extension strategies could entail having recourse to either contributory mechanisms that have been adapted to the particular circumstances of domestic workers and/or to tax-financed schemes so as to guarantee that, during a transitory phase, all domestic workers at least benefit from basic social security guarantees for the entire range of social security contingencies for which other workers are protected. Considering the regrettably high number of child domestic workers, it will also be important for states to ensure the extension of social protection coverage to all children in order to guarantee their right to freedom from child labour and improve child well-being. Non-contributory family benefits have played a crucial role in this regard (ILO 2021g; ILO and UNICEF 2021).

<sup>74</sup> For more information on the role of social protection systems in formalization policies, see ILO (2021c). <https://www.social-protection.org/gimi/RessourcePDF.action?id=55728>.

## 4.1 Policy and legal solutions for extending coverage

As highlighted in section 3.1, in order to benefit from social protection domestic workers must first be covered by social security and labour laws and their employment status must be clearly identified (section 4.1.1). This not only provides better labour and social protection for domestic workers but also contributes to valuing domestic work. In addition, it also allows bringing national legislation into line with the relevant international human rights and labour standards. Also, while international social security standards do not prescribe a one-size-fits-all approach to extending social protection to domestic workers, they establish a number of core principles with regard to administration and financing that apply to all types of social protection systems and aim to ensure that social protection systems are universal, adequate and sustainable. These should guide the key considerations for extending legal protection (section 4.1.2).

### 4.1.1 Extension of legal coverage to domestic workers

The extension of legal coverage can be undertaken, either through direct reference or indirectly, domestic workers being, for example, implicitly subsumed under the general definition

of employees. For this reason, extending coverage can be realized by either repealing provisions that exclude domestic workers from the general definition of employees or by amending existing legislation and/or developing new legislation to address them specifically (ILO 2012).

Overall, countries appear to have progressively recognized the need to secure access to social protection for domestic workers in a manner equivalent to the protection provided to other workers in an employment relationship, in line with Convention No. 189. For example, South Africa has extended the legal coverage of unemployment, maternity, sickness and more recently employment injury insurance to domestic workers (see box 4.1). In Brazil, mandatory unemployment and employment injury insurance was extended to domestic workers in 2013 (see box 4.2). In Peru, until 2020 domestic workers who worked at least four hours a day were mandatorily covered under the social security health scheme; however, coverage under the pension scheme was done on a voluntary basis.<sup>75</sup> This law was since been derogated and coverage is now mandatory for all schemes.<sup>76</sup> Domestic workers who work through service providers in the Republic of Korea will be covered under the contributory social insurance system beginning in June 2022 (see box 4.3).

#### ► Box 4.1 Extending social protection to domestic workers in South Africa

Employers in South Africa represent one of the two largest employers of domestic workers in the region and among the top ten employers globally. There were an estimated 1,350,000 domestic workers in South Africa in 2019.

In 2003, domestic workers in South Africa were legally granted some social protection benefits for the first time. The Unemployment Insurance Amendment Act included domestic workers in the UIF, which provides (a) relief in case of partial or full unemployment due to dismissal, retrenchment, illness or death of the employer; and (b) maternity benefits for pregnant domestic workers before or after their children are born, depending on their contributions. Recognizing the specific situation of domestic workers, the right to unemployment

<sup>75</sup> Peru, [Ley No. 27986 de los trabajadores del hogar](#), 2003, art. 18.

<sup>76</sup> Peru, [Ley No. 31047 de las trabajadoras y trabajadores del hogar](#), 2020, art. 19.

benefits is recognized even for workers who are still partly employed, for example when they have lost employment with one employer but still work for another. It also entitles workers to unemployment benefits in the case of the death of the employer. Employers and domestic workers each contribute 1 per cent of the monthly salary into the Fund. The implementation of the law was accompanied by the provision of financial and human resources for training and employing additional labour inspectors to strengthen control mechanisms.

The COVID-19 pandemic brought to light the acute vulnerability of domestic workers and the importance of unemployment benefits in particular. National-level statistics showed a decrease of 21.9 per cent in the number of domestic workers and a 35.8 per cent drop in the number of hours worked between the fourth quarter of 2019 and the second quarter of 2020. While it is unclear how many domestic workers were able to rely on unemployment protection, statistics on the number of registered domestic workers can give an indication. According to Statistics South Africa, just over 1 million domestic workers are employed for 24 hours or more per month and about 680,000 were registered with the UIF as of 31 March 2019. One reason for this protection gap may be the number of domestic workers classified as independent contractors, which prevents their access to benefits under the unemployment insurance system.

More recently, in November 2020 the Constitutional Court of South Africa declared unconstitutional the exclusion of domestic workers employed in private households from the scope of the Compensation for Occupational Injuries and Diseases Act. As a result, a notice on the inclusion of domestic workers under the act, their benefits and the registration of domestic workers employers was published in the national gazette. Until this landmark decision, domestic workers were covered through an employer liability scheme, so that their only recourse for damages suffered due to an occupational injury or disease was to institute civil proceedings against their employers.

**Source:** Adapted from ILO (2021c), based on ITUC and UN-Women (2013); Olivier (2009); ILO (2021e); South Africa, *Mahlangu and Another v. Minister of Labour and Others* (CCT 306/19), 2020; and South Africa, *Government Gazette No. 44250*, 10 March 2021.

#### ► Box 4.2 Unemployment and employment injury insurance for domestic workers in Brazil

In Brazil, constitutional amendment No. 72/2013 established the equality of labour rights between domestic workers and other workers. On top of the already existing right to maternity leave, the amendment added the right to unemployment insurance and insurance in case of occupational accidents for domestic workers. Previously, domestic workers had been covered by unemployment benefits only if the employer had contributed to the Time-in-Service Guarantee Fund. Since that was an optional payment by the employer, coverage was very low (only 11,793 of 6.7 million domestic workers). The unemployment insurance has not been put in practice yet, as the amendment states that payment to the unemployment compensation fund and unemployment insurance must await the establishment of regulations before they enter into effect.

**Source:** ILO (2021c), based on ILO (2013b), 33.

► **Box 4.3 Ensuring that domestic workers who work through service providers have access to social protection in the Republic of Korea**

Until 2021, domestic workers in the Republic of Korea were not considered employees under the Labour Standards Act and therefore did not have access to social security benefits. However, with the enactment of the Domestic Workers Employment Improvement Act, which will enter into force on 16 June 2022, domestic workers hired through a formal service provider (that is, an enterprise certified by the Ministry of Employment and Labour) will be covered under four contributory social insurance schemes: the National Pension Service, the Employment Insurance System (cash maternity and childcare benefits), Workers' Compensation Insurance and the National Health Insurance Service. In parallel, the national health insurance programme of the Republic of Korea consolidated the collection systems of five major social security programmes administered by three separate institutions. The consolidation unified the notification, collection and compliance systems, and also achieved significant improvement in the effectiveness and efficiency of social security contribution collection and compliance.

By contrast, domestic workers employed by households directly will not benefit from these legal reforms. In the case of foreign workers, it appears they may be covered on a mandatory or voluntary basis or may be excluded from the Employment Insurance Act, depending on their type of visa and the coverage granted to Korean citizens working in their country of origin.<sup>77</sup>

Source: South Korea, [Domestic Workers Employment Improvement Act](#), 2022, art. 18; and ISSA (2022)

**Extending legal coverage by making explicit reference to domestic work.** In a number of countries, social protection legislation makes explicit provision for domestic workers, in other words it specifically refers to this category of workers in the provisions of the law, either to include them unambiguously under the general definition of “employee” or to adapt the manner in which they will be protected by establishing, for example, simplified mechanisms for registration and contribution collection. The national insurance law and regulations of Trinidad and Tobago specifically define and address the registration of domestic workers.<sup>78</sup> Where employers fail to comply with their obligation to register domestic

workers, the latter are mandated by law to apply for registration themselves within 28 days from the date of employment.<sup>79</sup> In Nicaragua, the social security law explicitly mentions domestic workers within the mandatory scope of coverage of the system.<sup>80</sup> In Morocco, a 2019 decree sets out the conditions for the application of the social security system to domestic workers (see box 4.4).<sup>81</sup> Cabo Verde adopted a decree in 2009 with the aim of extending coverage of the social protection system to domestic workers, even those working informally, entitling them in this way to protection in the event of illness, maternity, paternity, adoption, invalidity, old-age or death of the income-earner, as well as for the maintenance of children.<sup>82</sup>

77 Republic of Korea, [Employment Insurance Act](#), art. 64(1).

78 Trinidad and Tobago, [National Insurance Law \(Chapter 32:01\)](#), 1971, sections 28 and 30.

79 Trinidad and Tobago, National Insurance Law (Chap. 32:01), section 30(4).

80 Nicaragua, [Ley de Seguridad Social \(No. 539\)](#), 2005, art. 5(b).

81 Morocco, Décret 2.18.686 du 30 mai 2019, relatif aux conditions de l'application du régime de sécurité sociale aux travailleuses et travailleurs domestiques.

82 Cabo Verde, [Decreto-Lei No. 49/2009 de 23 de novembro](#), 2009.

#### ► Box 4.4 Extension of social protection to domestic workers in Morocco

In Morocco, since 2019 domestic workers who undertake housework, childcare, caring for a family member because of age, disability, illness or disability, driving, gardening or house-sitting have access to all social security benefits enjoyed by private sector employees.

Employers are required to pay a combined contribution of 26.24 per cent (employer's share of 19.50 per cent and employee's share of 6.74 per cent) on behalf of their employed domestic workers, giving access to family benefits, sickness and maternity benefits, healthcare and long-term pensions (CNSS n.d).

In particular, the decree governs the conditions for employers to register domestic workers with the national social security fund, the options at the disposal of the fund if the employer does not register their domestic worker and the basis for calculating the contributions due to the fund.

**Sources:** Morocco, [Law No. 19–12 fixant les conditions de travail et d'emploi des travailleuses et travailleurs domestiques](#), 2016; Morocco, [Decree No. 2.18.686 on the conditions of application of the social security system to domestic workers on 3 June 2019](#).

#### Extending legal coverage to domestic work implicitly.

Nonetheless, in most cases, national social protection legal frameworks extend the scope of coverage to domestic workers implicitly; in other words, domestic workers are simply subsumed under the legal category of “employees” in a dependent relationship and, unless otherwise specified, are protected against the same range of contingencies. This is the case for example in Belarus, where domestic workers who work for individuals under employment contracts, as prescribed by the Labour Code, are covered by state social insurance, similarly to other workers.<sup>83</sup> The same holds true in Burkina Faso, where all workers subject to the Labour Code, whether they work for one or numerous employers, notwithstanding the nature, form and validity of the contract and the nature and amount of the remuneration, are also covered by the general social security scheme.<sup>84</sup> In Ecuador, the Social Security Law, as amended in 2019, covers all persons who receive income from the performance of a work or the provision of a physical or intellectual service.<sup>85</sup>

#### Extending legal coverage to domestic work by revising minimum thresholds.

Some countries have extended coverage by revisiting the minimum thresholds contained in labour and social security law that resulted in excluding domestic workers from their de facto ambit, that is with reference to their working hours (for example, the requirement to work more than 20 hours per week), earnings thresholds (the requirement to earn at least the minimum wage) and the requirement to sum up hours of work performed for multiple employers. In Belgium, for instance, domestic workers were only mandatorily covered if they worked more

Legal definitions and minimum thresholds should be reviewed to ensure the coverage of domestic workers.

<sup>83</sup> Belarus, Labour Code, art. 314.

<sup>84</sup> Burkina Faso, [Loi No. 015–2006 portant régime de sécurité sociale applicable aux travailleurs salariés et assimilés au Burkina Faso](#), 2006, art. 3.

<sup>85</sup> Ecuador, [Ley de Seguridad Social](#), 2001, art. 2.

than four hours a day for the same employer and more than 24 hours per week for one or more employers. However, following the ratification of Convention No. 189, the national legislation was amended and these requirements were removed to ensure that domestic workers are subject to the same conditions as other employees.<sup>86</sup> Uruguay has extended legal coverage of healthcare benefits to domestic workers by allowing workers who work part-time or have multiple employers to enrol with the Social Security Institution (BPS - *Banco de Previsión Social*). Eligibility has been extended to those who work at least 13 days a month for a total of at least 104 hours and have earnings that are higher than a defined threshold, resulting in significantly increased registration (BPS 2020).

Ultimately, the national legal framework needs to ensure that the employment status of domestic workers, and its characteristics, can be clearly established. As noted by the CEACR, “Greater security and predictability in the employment relationship is crucial for improved labour and social protection. Workers should have a clear idea of whether they are employees or self-employed so that they can determine clearly which part of their labour and social protection is their responsibility and which is the employer’s”.<sup>87</sup> Preventing the misclassification of employment is essential to ensure that employers do not unduly transfer economic risks to workers and avoid the responsibilities associated with formal employment contracts, including labour protection and social protection rights (see box 4.5).

► **Box 4.5 Why effective social protection hinges on recognizing the employment relationship in domestic work**

Convention No. 189 defines a “domestic worker” as “any person engaging in domestic work within an employment relationship” (Art. 1(b)). The definition is meant to be large in order to encompass a number of employment arrangements that are especially prevalent in the sector, in particular domestic workers engaged on a part-time basis and those working for multiple employers, nationals and non-nationals, as well as both live-in and live-out domestic workers. In most cases, domestic work is indeed performed by persons who lack autonomy in carrying their tasks and are dependent on, and subordinated to, their employers. As such, as highlighted by the CEACR, self-employed persons and independent contractors are not considered “domestic workers” within the meaning of the Convention. It further emphasized, however, that in order to ensure the effective protection of the rights of domestic workers, the relevant legislation should ensure clarity with respect to legal terminology, the definition of terms and the scope of the specific laws and regulations governing domestic work. The objective should be to ensure that all workers who perform domestic work on an occupational basis benefit effectively from the protections afforded by the instruments, unless the decision is taken under Article 2 of the Convention, after consultation with the social partners, to exclude certain categories who are otherwise provided with equivalent protection. This would also require the adoption of national labour legislation to facilitate the recognition of the domestic employment relationship.

Three additional remarks can be made in this respect. The recognition of the existence of an employment relationship between a domestic worker and an employer may sometimes be made difficult due to certain requirements imposed by labour legislation, such as the existence of a written contract. While a contract in written form is preferable for obvious reasons,

<sup>86</sup> Belgium, [Arrêté royal abrogeant les articles 5 et 18 et modifiant l'article 16 de l'arrêté royal du 28 novembre 1969 pris en exécution de la loi du 27 juin 1969 révisant l'arrêté-loi du 28 décembre 1944 concernant la sécurité sociale des travailleurs](#), 2014.

<sup>87</sup> ILO, [Promoting Employment and Decent Work in a Changing Landscape: Report of the Committee of Experts on the Application of Conventions and Recommendations \(articles 19, 22 and 35 of the Constitution\)](#), ILC.109/III(B), 2020, para. 833. See also ILO (2005), para. 9.

many national legal frameworks also expressly recognize oral employment contracts, which grant greater protection to the dependent party. It can be recognized that at times, although marginally, duly registered service-providing auto-entrepreneurs assimilated to self-employed persons from a labour and social protection law point of view can also perform remunerated services in private households that are similar to domestic work but in the framework of a service provision contract rather than an employment contract. The requirements and conditions specific to self-employed persons should apply in these cases, although from a social security point of view, it should be noted that self-employed persons face numerous challenges that stand in the way of legal coverage translating into effective coverage. Finally, service-providing companies may provide households with domestic services by sending employees contracted by them to perform domestic work in these households, in which case such employees are categorized as employees from a labour and social security law point of view and therefore may not be subjected to some of the legal barriers experienced by the legal categories and definitions applied to domestic work.

In addition, experience shows that even if the legal framework designates a relationship as constituting an employment relationship, its existence may often be hidden in practice. In other words, we are in presence of an undeclared employment relationship or disguised self-employment. This may involve concealing the presence or identity of the workers or granting them a status other than that of employee, with the intention of shielding the real employer from any involvement in the employment relationship and any responsibility towards the workers.

Both facets are important, since a failure to recognize the employment relationship, both in law and in practice, makes domestic workers particularly vulnerable to unequal, unfair and often abusive treatment. In particular, the employment relationship ensures the entitlement to labour and social security protection derived from this employment status, including protection with regard to minimum wages, working time or the obligation for both the employer and the worker to pay social security contributions (see Ch. 2). As such, the failure to recognize the existence of the employment relationship stands as a barrier to effective access to social protection and ultimately the formalization of domestic workers as dependent employees. In addition, recognizing domestic workers, in accordance with Convention No.189, as persons engaged in domestic work within an employment relationship also requires, in conjunction with the not less favourable treatment principle, that they benefit (failing the same conditions) from the same type of social protection mechanism as other employees that is capable of providing them with the same levels of protection, which in most cases is a contributory social insurance mechanism. Should this not be the case, it is likely that this would represent differential rather than not less favourable treatment from the perspective of Convention No. 189.

In sum, effective access to social protection in line with the provisions of Convention No. 189 requires that labour and social protection laws and regulations adequately acknowledge and draw the consequences of the existence of the employment relationship, taking into account the Employment Relationship Recommendation, 2006 (No. 198), and that mechanisms are in place to secure their application in practice.

Sources: (ILO 2022, 2021e, 2021c and 2012, 11–12).

A number of countries have adopted specific laws on domestic workers. The scope goes beyond social protection, often providing a national definition for domestic workers by reference to the activities encompassed and governing

labour conditions, such as leave and wages and in some cases social security coverage as well. In Uruguay for example, Law No. 18.065 adopted in 2006 provides that the existing social security legal framework shall apply to this sector and

specifically mentions that domestic workers shall be included under existing unemployment and sickness benefit mechanisms.<sup>88</sup> Similar regulations were adopted by Ghana in 2020, which require employers to register their domestic workers under the National Health Insurance scheme for medical care and sickness benefits.<sup>89</sup> In Indonesia, the 2015 regulation concerning Protection of Domestic Workers underlines that employers have the obligation of registering domestic workers in social security schemes.<sup>90</sup> However, in some cases these laws do not address social protection matters.<sup>91</sup>

In sum, there are various manners in which national legal frameworks may ensure the coverage of domestic workers under social protection systems. The social security law can do this directly, by referring to this category as part of the categories of workers included in the scope of the law. The social protection legislation may instead consider domestic workers to be incorporated in the legal definition of “employees” by not dedicating specific provisions to this category of workers and/or by modifying such legal definitions in labour law and regulations in order to ensure that they encompass the particularities of domestic work (for example work performed for an individual, in the household and so on). In other cases, stand-alone legislation can be adopted that specifically covers domestic workers and contains aspects relevant to both labour and social protection. It is of the utmost importance to ensure proper coordination with the labour law framework in which the categorization of employment status is commonly set.

▀▀ The failure to recognize the existence of the employment relationship stands as a barrier to effective access to social protection and ultimately the formalization of domestic workers as dependent employees.

#### 4.1.2 Designing and implementing effective policy and legal approaches for extending coverage

While there is a choice on the medium used to ensure the legal coverage of domestic workers, there are some important considerations to bear in mind when it comes to designing extension strategies. International standards, in particular the principles they establish (see section 1.2.), can provide a valuable guide in this regard.

**Mandatory schemes.** The CEACR has pointed out in various reports that the possibility for voluntary social security coverage provided in national legislation often does not materialize in actual coverage and goes against the principle established by Convention No. 189 of securing not less favourable treatment of domestic workers than other categories of workers in the area of social security. Indeed, international comparative practice confirms the fact that the mandatory nature of enrolment plays a key role in extending coverage. Voluntary schemes often fail to

88 Uruguay, [Ley No. 18.065 de 05/12/2006: Regulación del trabajo doméstico](#), arts 9 and 10.

89 [Ghana, Labour \(Domestic Workers\) Regulations, 2020](#).

90 Indonesia, Minister of Manpower Regulation No. 2 of 2015 concerning Protection of Domestic Workers, art. 11.

91 For example, in Qatar the Domestic Workers Act No. 15 of 2017 does not include provisions on social security.

sufficiently incentivize/encourage affiliation and result in coverage rates of 10 per cent of workers (ILO 2021c). The extension of legal coverage to domestic workers should therefore prioritize mandatory affiliation, especially where this is the approach adopted for other employees. Available data suggest that this is indeed the approach taken in the majority of countries; 87.6 per cent of countries under review cover domestic workers on a mandatory basis, at least for one branch of social security. For example, in Peru since 2020 domestic

workers have been covered on a mandatory basis for health benefits and pensions.<sup>92</sup> This is also the case in Mexico (see box 4.6). In Paraguay, a law adopted in 2015 obliged employers to register domestic workers and contribute on their behalf.<sup>93</sup> Similarly, in Tunisia, employers must register their domestic worker with the National Social Security Fund within the first month of employment and pay the contributions due according to the relevant regulations.<sup>94</sup>

#### ► Box 4.6 Extending mandatory coverage to domestic workers in Mexico

Until 2018, domestic workers were the subject of voluntary coverage under the social security system administered by the Mexican Social Security Institute (IMSS – *Instituto Mexicano del Seguro Social*). In addition, legislation provided a limited benefit package for domestic workers (old-age, disability, and survivors' benefits, as well as in-kind benefits in case of sickness, maternity and employment injury), excluding them in this sense from several cash benefits (sickness, maternity, employment injury benefits) and certain services, including social benefits and day care.

However, in 2018 the National Supreme Court of Justice (SCJN – *Suprema Corte de Justicia de la Nación*) found such provisions discriminatory and in violation of the human right to social security under conditions of equality and declared them unconstitutional. It emphasized that “the State has the unavoidable duty to mitigate the social exclusion and poverty that domestic workers frequently suffer, by generating the necessary means to provide this vulnerable group with adequate, accessible and sufficient social security coverage to achieve greater formality in the labour sector and, on the other hand, to allow these workers to develop a dignified life project through full access to the human right to social security”.

The SCJN mandated the IMSS to implement a “pilot programme” that would serve as the basis for designing and implementing a simplified social security scheme for domestic workers within a reasonable time frame. According to the court ruling, such a scheme should take into account the particularities of domestic work and should have conditions not less favourable than those laid down for other workers, in particular in terms of the benefit package.

In 2019, following the decision of the SCJN, both article 337(IV) of the Federal Labour Law and article 12 of the Social Security Law were amended with the purpose of including domestic workers under mandatory coverage, which comprises the full range of benefits. The IMSS also implemented the pilot programme this same year based on a set of general rules (see official gazette of 3 August 2020).

The provisions incorporating domestic workers into the mandatory social security system were scheduled to enter into force in April 2022. They should ensure that domestic workers

92 Peru, [Ley de las Trabajadoras y Trabajadores del Hogar \(Ley No. 31047\)](#), 2020, art. 19.

93 Paraguay, Ley No. 5407: del trabajo doméstico, 2015, art. 18.

94 Tunisia, [Loi No. 2021-37 du 16 juillet 2021, relative à la réglementation du travail domestique](#), arts 4 and 20.

are covered on a mandatory basis and that the registration and payment of contributions are the employer's exclusive responsibility and should facilitate the inclusion of domestic workers with multiple employers. The exercise has been exemplary in terms of social dialogue, including the participation of representatives of the government sector and domestic workers' unions, in line with Article 14(2) of Convention No. 189, as well as international organizations, academics, specialists and civil society organizations.

**Source:** Mexico, SCJN, [Amparo Directo 9/2018](#), 2018; [Acuerdo número ACDO.AS2.HCT.220720/190.P.DIR](#), 31 August 2020; Senado de la República, Legislatura LXV, Comisión de Trabajo y Previsión Social, "Dictamen de las comisiones unidas de trabajo y previsión social para la igualdad de género y de estudios legislativos, segunda, en sentido positivo, con modificaciones a la iniciativa con 'proyecto de decreto por el que se reforman, adicionan y derogan diversas disposiciones a la ley del seguro social en materia de derechos de las personas trabajadoras del hogar"; and [Gaceta del Senado LXV/1SPO-21/124107](#), 2 March 2022.

**Integration into existing social security mechanisms.** Another important issue regarding the extension of social protection coverage to domestic workers is to seek to integrate this category into the mechanism covering other employees rather than creating a new separate scheme or fund that specifically covers domestic workers. However, it is important to design the benefit modalities so that they are adapted to the specificities of domestic work and successfully address the obstacles to effective coverage (outlined in Ch. 3). States should consider instituting simplified mechanisms that allow domestic workers to be included in bigger pooling groups rather than isolated in separate funds and schemes (to better understand what is meant by general schemes, specific schemes and simplified schemes (see box 4.7). This may be done for example by including domestic workers under the scope of the main social security law but through a separate chapter that provides the necessary adaptations. This may also be done by instituting a new law on domestic workers but placing them under the umbrella of the general social security scheme applicable to all employees. Such simplified modalities concern administration processes, in particular registration and contribution payment and collection (see section 4.2). This can also be about modifying the way in which benefits are calculated or could start by offering a slightly different benefit package to make the entry of domestic workers more accessible and then work progressively towards extending their coverage towards a more uniform coverage in line with Convention No. 189's not less favourable treatment objective.

It is nevertheless important not to underestimate the challenges faced by governments and social security administrations when faced with this question. Indeed, many of the countries with developed social protection systems and high levels of coverage continue to face challenges in securing effective labour and social protection of domestic employees and adapting their policies and legal frameworks to this effect. Issues of financial sustainability are complex and significant in a practical sense. In many cases, the successful extension of social insurance schemes to more vulnerable segments require a commitment from the government, notably in financial terms as the guarantor not only of the principle of financial, fiscal and economic sustainability but also of solidarity in financing and due regard for social justice and equity. This is necessary to facilitate the inclusion of domestic work as part of integrated strategies that aim to formalize the economy. In

► Social protection schemes should be adapted to the specificities of domestic work and address the obstacles to effective coverage.

many cases, the extension of social protection, including to domestic workers, can be better achieved when accompanied by subsidies from general revenue that seek to support the extension

of social protection to vulnerable categories of workers and to launch a positive longer-term dynamic towards sustainable development (see section 4.3).

#### ► Box 4.7 Implications of using general schemes, special schemes or simplified schemes for the extension of domestic workers

The distinction between general and special schemes can sometimes be misleading. In the context of this report, we refer to a general scheme as the main scheme that is generally put in place to cover private sector employees, especially those who work full-time. There has been a tendency for such schemes to become more encompassing with time, likely in parallel to the emergence of other employment arrangements or due to a desire to systematize and streamline the social protection system. This is partly owing to a desire to create bigger risk-pooling and economies of scale and to redress issues around financial sustainability, as well as to allow for better portability for workers with heterogeneous careers, that is who move between sectors and between employment arrangements.

What is referred to as a “special scheme” is a scheme that was adopted with a specific sector in mind. For example, most public sector employees have their own scheme (and even within this sector different professions have their own scheme, such as judges, professors, military and so on). In many states, miners, railway workers and so on also have their own special scheme, often to provide greater levels of protection due to arduous working conditions, a high union density capable of negotiating more favourable conditions and so on. These schemes tend to be organized through a stand-alone law and their administration and financing is separate.

Yet, this distinction is not always clear-cut. In some cases, there may be a stand-alone law, but the administration of the scheme may be done by the same entity as the general scheme and the contributions from these workers and other employees may have separate funds or be merged with the same funding. In other cases, only the conditions for accessing benefits and/or the benefit package differs. Even where a stand-alone law that specifically regulates the labour conditions of domestic workers has been adopted, this does not necessarily mean that domestic workers are covered through a “specific scheme” with its own administrative body, its own rules and its own separate financing. Such a law may indicate that domestic workers are to be covered under the existing social security scheme in the same way as other workers and/or establish simplified rules that seek to facilitate the application of existing schemes, both in law and in practice, to domestic workers.

One of the main challenges with so-called “special schemes”, especially those that have a distinctive financing mechanism, is that their financing is not pooled, rather it is limited to the contributions made by the employers and workers covered by the scheme, in addition to any support provided by the government. Where the workers covered are among the more vulnerable segments of the labour force, this can lead to deficiencies in terms of financing, as well as in terms of the effectiveness and adequacy of the protection. In addition, this can create portability issues, whereby different schemes exist to cover different employment arrangements. In other words, changes in employment status or the existence of simultaneous contracts of different employment types may translate into a challenge for domestic workers to accumulate rights and may therefore impact the eligibility and/or adequacy of social security benefits. Such schemes therefore represent a challenge from the point of view of the core principles of international social security standards – social solidarity and collective financing – underpinning the objective of universal social protection.

In sum, in line with ILO standards and principles, extension strategies for domestic workers should therefore seek to include domestic workers under existing general schemes, based on large risk-pooling but through simplified mechanisms rather than through separate schemes. This should be done notably by designing adapted regimes and mechanisms to this effect, as this allows for the better application of the principles of solidarity, collective financing and not less favourable treatment, and it also ensures that the law and practice adequately adapts the pathways of those schemes to address the actual and specific barriers faced by domestic workers.

#### Checklist: Considerations for bringing domestic workers under social security legislation

- What are the main obstacles to extending legal coverage to domestic workers? Are they excluded from coverage altogether?
- Are the criteria used to define an “employee” overly restrictive? If the definition of “employee” in the legislation excludes many domestic workers in practice, how could it be adapted to cover them more effectively? How can legal coherence be ensured between the labour and social protection legal framework, including but not limited to legal definitions? What additional measures would be needed to facilitate social security coverage for a larger group of domestic workers?
- If there are legal thresholds with regard to the minimum hours of work per day, week or month, could they be reduced? Could measures be taken that allow for the recognition of total working hours performed for more than one employer?
- Will the legal framework include domestic workers under the scheme that is already in place for other workers? Will the legal framework set out a simplified scheme for domestic workers? How will the legal framework address the need for adaptations? Will this be done by amending the existing legislation or adopting new legislation? How will legal coherence be ensured?
- Does the legislation require private households that employ domestic workers to register them with the social security institute?
- If the legislation excludes migrant workers, what measures could be taken to eliminate discrimination and ensure equal treatment?

Source: Adapted from ILO (2021c), 83.

## 4.2 Facilitating access to social protection by removing administrative barriers

Even where legal coverage exists, it is in large part the registration of domestic workers that triggers the recognition of the rights and obligations established under the social insurance legal framework, including the obligation to pay contributions. It is also registration that accounts statistically for data on effective social protection coverage (see section 2.2). However, registration processes can be difficult and ill-adapted to the reality of domestic work. In particular, employers are private households and may have knowledge gaps about the obligations set out under the social security system, as well as limited administrative capacity and time to deal with complex and lengthy registration procedures (see section 3.2).

This is relevant because under contributory social protection systems in particular, administrative procedures are under the responsibility of the employer: employers are responsible for registering themselves and their workers and for

deregistering them, as well as for making changes in the reported wage, among other procedures. If not adapted to the sector, the time and resources invested in administrative procedures for registration and the periodic payment of contributions can generate important transaction costs that may act as a disincentive to enrolment (ILO 2021c). Given the specific characteristics of domestic workers and their employers and the challenges described above (see Ch. 3), some countries have undertaken efforts to simplify administrative procedures. It is important to undertake the necessary analysis at the national level in order to identify the particular barriers and challenges that domestic workers face in accessing social protection measures available to other workers. Policymakers should consider a number of qualitative and quantitative tools. Some states have relied on behavioural science in this regard (see box 4.8).

### ► Box 4.8 Behavioural science as a means of identifying barriers and enablers of registration

The field of behavioural science has increasingly applied to public policy in the areas of health, wealth and well-being. In the realm of social security registration, behavioural science can be used to diagnose some of the behavioural barriers to registration and identify any areas of undue administrative burden or “sludge” (Sunstein 2021). Diagnostics can help determine, for example, whether barriers emanate from social norms (what everyone appears to be doing), concerns around cost, the emphasis on present over future needs or other behavioural biases. The ILO has provided support to conduct such diagnostics in Argentina, Guatemala and Zambia, for example, helping policymakers to identify cost-effective ways to address the challenges.

Behavioural insights generated from the diagnostic can then be used to design interventions, such as simplified, user-friendly systems or behaviourally informed communications campaigns. For example, in Argentina the Ministry of Labour used behavioural insights to promote compliance with social security registration. A diagnostic, including focus group discussions among domestic workers and their employers, found that most employers saw themselves as good employers and did not see informal employment as a departure from that image; rather, employers justified their non-compliance by stating that it was the preference of their domestic workers not to be registered with the social security system. Meanwhile, focus group discussions among domestic workers revealed that in most cases they did wish to be formally employed.

A behaviourally informed letter was written and sent to households above a certain income, reminding them of their obligation to register and providing them with the necessary information to do so. The letter used the behavioural insights derived from the diagnostic to reinforce the identity of employers as being good employers and drew attention to the fact that informal employment was not a behaviour consistent with being a good employer. Some 173,022 households were randomized into a control and a treatment group. The letter had a statistically significant positive impact of 0.23 per cent: an average of two more households per 1,000 registered their domestic workers after receiving the letter, representing an increase of 8.9 per cent in the rate of registration, as compared with the control group.

Source: Sunstein (2021); and Ohaco and Vello (2019).

### Centralizing contribution collection processes.

There is broad consensus about the need to establish single centralized collection mechanisms given their advantages over decentralized or fragmented systems. In general, the enrolment and collection systems are also integrated to facilitate registration and contribution collection.

Centralizing the collection process in a single institution has been successfully implemented mainly in higher-income countries such as Ireland, Sweden and the United Kingdom, as well as in a few middle-income countries, including Costa Rica and Uruguay (ISSA 2011). The system can operate in the same institution that grants social security benefits or in an independent entity. For example, in Uruguay the Social Security Bank and the State Insurance Bank signed an agreement that simplifies the procedure for accessing work injury and occupational diseases insurance by facilitating employers' compliance with Law No. 16.074. As a result, since January 2014 the cost of employment injury insurance has been automatically included as part of the obligations under the BPS and does not require any additional procedure on the employer's part (BPS 2021). A similar system exists in France (see box 4.13).

The establishment of a centralized model benefits both the institutions and the insured. It facilitates the process of detecting irregularities such as evasion and multiple registration and also helps control fraud. Moreover, it facilitates economies of scale by centralizing the management of both activities (enrolment and collection) in order to avoid expensive duplications, which are quite common in fragmented administrations (Durán Valverde 2012). Such mechanisms, which are applicable through a centralized model, have additional advantages, including the ability for social security institutions to cross-check information, especially

with ministries of finance. Another advantage is that they facilitate the application of fiscal incentives where they exist.

**Harnessing technology.** A number of countries have made intensive use of technology to simplify and streamline registration and payment procedures so as to facilitate access to social protection services and encourage compliance. Social security institutions should consider, where possible, progressively adopting innovative digital solutions, such as using SMS or digital applications for registration, contribution collection and/or delivery of benefits, while adhering to the principles of data protection and privacy (ILO 2021a). For example, in Argentina a simplified online registration system allows the registration of domestic workers and the administration of their social security contributions and payslips. In Mexico, a pilot project included the design of an electronic registration system to promote the formalization of domestic

► The establishment of centralized contribution collection mechanisms benefits the institutions, domestic workers, and their employers.

workers. Similar mechanisms have been implemented in the Latin America and the Caribbean region, including in Costa Rica, where the Costa Rican Social Security Institute launched an online platform for employers of domestic workers in 2017 (see box 4.9).

Mobile applications are increasingly used to enable employers to administer the registration of their workers, pay contributions, change reported wages and update information, among other functions, using their smart phones. For example, in Turkey registration and contribution payment

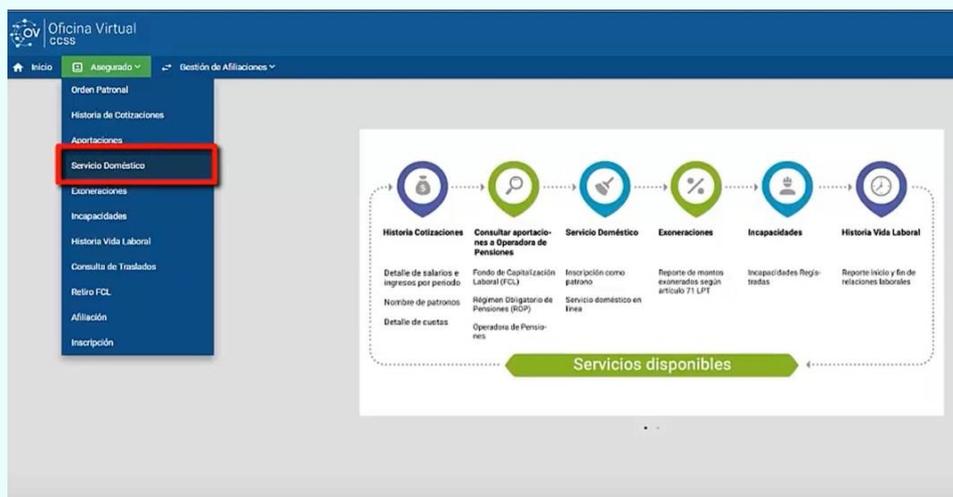
can be done via the internet or by sending an SMS message to the social security institutions.<sup>95</sup>

**Implementing service vouchers systems.** Another way to reduce the administrative burden is to simplify procedures. Service voucher system, such as those implemented in Belgium and France, have proved useful not only to simplify such administrative procedures but also to ensure that they are adapted to particular circumstances, such as those of domestic workers who work part-time (especially in the Americas and Europe and Central

► **Box 4.9 Electronic registration system for domestic workers in Costa Rica**

Costa Rica has developed a “virtual office” to facilitate the registration of employers and the affiliation of their domestic workers to the Costa Rican Social Security Institute. The platform allows employers to access several services online (including the registration/affiliation of domestic workers and the payment of social security contributions), report and consult temporary incapacities for work, and notify the institution when the employment relationship ends.

To introduce employers to the different functionalities of the virtual office, the institution has produced step-by-step tutorials, while permitting employers who need further guidance to book face-to-face training on the proper use of the application.



See Costa Rica, CCSS, “Oficina Virtual: Tutorial de Trabajadora Doméstica”, YouTube video, 2017.

Source: CCSS, “Oficina Virtual: Preguntas frecuentes”.

95 As reported by the Government in the context of Article 19 of the ILO Constitution.

Asia) or who have multiple employers with limited administrative capacities (boxes 4.11 and 4.13).

Such systems are multipurpose. Vouchers can be used by employers both to declare the services provided by the worker and to pay workers by the hour or workday. In particular, the entities that provide this service assume the responsibility for registering the domestic worker with the various social security bodies. They also undertake to pay these entities the legally required contribution rates; calculating on their behalf the necessary contribution deductions based on the hours declared. In some cases, they also directly pay domestic workers the wages due. In addition, they often provide standard employment contracts to help formalize the employment relationship and identify appropriate wages. For all these reasons, these systems are recognized for simplifying the registration and contribution payment procedures for employers, thereby reducing the administrative

burden and transaction costs and promoting registration (see box 4.10).

The service vouchers can also provide fiscal incentives for employers to encourage registration and formalization (see below). In some countries, social security collection mechanisms are integrated with those of tax collection, which can be advantageous as the collection of social security contributions is centralized in treasury departments or finance ministries (such as in France in the case of independent workers).

Other countries that have implemented service vouchers to facilitate the registration and contribution payment on behalf of domestic workers include Belgium, Canada (Quebec), Finland, France, Germany, Italy, the Netherlands and Switzerland (canton of Geneva). The case of the canton of Geneva is noteworthy given that it covers undocumented migrant workers (EFFAT 2021).

#### ► Box 4.10 Impact of the service voucher system in Austria

In Austria, a service voucher system is in place, whereby households pay an additional 2 per cent of the value of the voucher as a social security contribution to cover accident insurance for their domestic workers and administrative costs. The introduction of the household service voucher system is said to have contributed to formalizing the contractual relation between some households and domestic workers. Since its introduction in 2006, the numbers of service users of the voucher scheme increased from 2,317 households in 2006 to 13,278 households in 2017, while the number of personal and household service workers increased from 2,038 workers in 2006 to 10,881 workers in 2017. According to the Insurance Association for Railways and Mining Workers, which is responsible for implementing the scheme, the household service vouchers led to the formalization of 1.55 million working hours from 2006 to 2013, assuming an average hourly cost of €11.

However, in Austria the coverage is limited to employment insurance and there is therefore no coverage under health, pension or unemployment insurance schemes, although if a domestic worker has several employers whose combined payments exceed the established income threshold (€485.85 per month), they are subject to compulsory health and pension insurance.

**Source:** Austria, Österreichs digitales Amt, "[Dienstleistungsscheck \(Arbeitsverhältnisse in privaten Haushalten\) – Allgemeines und Sozialversicherung](#)", and Bundesministerium Arbeit, "[Dienstleistungsscheck](#)".

**Presumptive provision.** To address the difficulties in guaranteeing social security coverage for domestic workers, some countries have implemented strategies to improve and facilitate their identification and registration.

One innovation for the inclusion of domestic workers in social security is the introduction of a presumptive provision based on the presumptive income of households. The institution administering social security presumes that a household is an employer of a domestic worker when the household income declared on tax statements exceeds a fixed threshold. In this case, the administration notifies the respective household that it presumes that the household employs a domestic worker, thus it will charge the household the respective social security contributions. If the household is not an employer, the household head must demonstrate to the administration that they

are not the employer through certain verification criteria, such as monthly income. To implement this provision, the respective institution must have strong legal backing in order to send notifications and make presumptive charges. Furthermore, close coordination between social security institutions and the tax authority is essential in order to obtain information on the income declared by individuals and households (see section 4.4.).

In Argentina, the Federal Administration for Public Income (AFIP - Administración Federal de Ingresos Públicos) incorporated a presumptive scheme in 2013 (Law 26.844), which authorizes AFIP tax inspectors to visit households that are presumed to have undeclared domestic workers. The non-registration rate is nearly 77 per cent, placing nearly 1 million domestic workers in the informal economy.<sup>96</sup>

#### Checklist: considerations for facilitating the access of domestic workers to social protection by removing administrative barriers

- Has there been research and/or studies that have identified what are the specific administrative barriers standing in the way of effective extension of social security to domestic workers? Are their opportunities to undertake some? Can/have employer's and domestic worker's organizations be involved and/or consulted?
- What are the specific administrative barriers that domestic workers and employers face with regard to registration and other administrative procedures?
- How can access to and registration in social security systems be facilitated for both employers and domestic workers? How can administrative procedures be adapted to the needs and circumstances of domestic workers and their employers, such as through facilitating access and simplifying procedures?
- How can the legal framework support the registration of domestic workers (for example through presumptive provisions)?
- Are there existing mechanisms to centralize the collection of contributions and can these be applied to the domestic work sector? Are certain adaptations necessary?
- Where centralized collection processes are not yet in place, can a system be piloted for the domestic work sector?
- Are their opportunities for harnessing technologies to simplify and streamline registration and contribution payment procedures, such as cellular telephones, digital applications and so on? Are certain adaptations necessary for the sector?
- Can a service voucher system be implemented for the sector? What would the modalities of the service voucher system comprise? Who would develop and implement it? Can it be linked to other strategies and if so which strategies?

Source: adapted from ILO (2021c).

## 4.3 Facilitating the payment of contributions and developing adequate financing mechanisms

One of the main reasons for the poor effective coverage of domestic workers is the lack or inconsistent payment of contributions. This is a direct result of low and volatile incomes and limited contributory capacity (see Ch. 3). In addition to creating mechanisms that facilitate the payment of contributions, some of which have been described above, it is also important to adapt the manner in which contributions are determined and to consider offering fiscal incentives and subsidies, especially in the case of domestic workers with limited contributory capacity.

As mentioned above, efforts to incorporate the domestic work sector in social security schemes presents challenges, including the limited contributory capacity of the sector. The particularities of the employment relationship, especially the fact that the employer is often a household or an individual, can lead to a barrier in terms of contributory capacity, sometimes impacting the willingness of employers to assume their responsibility. In addition, the fact that domestic workers have volatile wages and working hours and can work for various employers makes the payment of contributions all the more difficult. Various approaches have been developed to address the difficulties of fluctuating incomes and the challenge of estimating exact earnings for the purpose of calculating contribution rates. Such approaches aim to reduce the information that needs to be provided by the insured person or the employer and thereby to facilitate or eliminate the preparation of declarations, while facilitating the calculation and recording of contributions (ILO 2021c).

A possible solution that addresses the actual cost and capacity to pay contributions is the use of contribution categories that allow for differentiation according to the contributory capacity of the domestic worker, without necessarily requiring exact proof of the level of income (Durán Valverde et al. 2013).<sup>97</sup> Together with the creation of other incentives for enrolment, including fiscal incentives, this can favourably influence the effective rate of registration. In accordance with the principles

It is important to consider fiscal incentives and subsidies to increase the effective coverage of domestic workers.

of solidarity and equity, the differentiated contributory provisions should not affect the type or amount of benefits that domestic workers receive. Governments can also assume a key role in subsidizing contributions (see below).

Differentiated contributory provisions are applied mainly through two mechanisms: (1) reducing the contribution rate or the amount of the contributions to the different social security schemes; or (2) applying an alternative way of determining contributions that is adapted to the situation of domestic workers; for example, some systems calculate contributions based on the hourly wage, the weekly wage or the intervals of hours worked, such as in Argentina or Italy, in order to enable increased flexibility in the application of the mechanism in cases of part-time or multi-employer employment.

**Contributions determined according to working time.** In Italy, the National Social Security Institute (INPS - Istituto Nazionale della Previdenza Sociale) established a contributory provision based on hourly wage (see table 4.1). Contributions are absolute amounts expressed in euros. This provision is different from that applicable to most Italian employees, who unlike domestic workers contribute based on the nominal wage reported and the contribution rate (combined employer and worker

<sup>97</sup> See also ILO (2021c), Ch. 5.

contribution). For example, if a domestic worker in Italy earned €10 per hour in 2021, the contribution rate per hour worked would be €1.97, to be paid jointly by the worker and the employer. According to this provision, the higher the domestic worker's hourly wage, the higher the contribution rate. This creates a progressive scale for financing social security. The INPS established an additional contributory category for domestic workers working more than 24 hours weekly, offering even lower

contribution rates in order to create incentives for employers to hire domestic workers for longer hours. In addition, the compulsory contributions paid for domestic workers can be deducted from the employer's income up to a maximum amount of €1,549.36 per year and the employer must keep the receipts of the INPS payslips. The maximum deductible amount is fixed and does not vary with declared income.<sup>98</sup>

► **Table 4.1 Italy: Contributory rate for domestic workers based on hourly wages, 2021 (in euros)**

Hourly wage	Total	Employer	Worker
Up to €8.10	1.43 (1.53)	1.07 (1.17)	0.36
More than €8.10 and up to €9.86	1.62 (1.73)	1.21 (1.32)	0.41
More than €9.86	1.97 (2.11)	1.48 (1.62)	0.49
Work more than 24 hours per week	1.04 (1.12)	0.78 (0.86)	0.26

**Notes:** The total and employer's hourly contributions given in parentheses apply to fixed-term employment contracts (except for the temporary replacement of an absent domestic worker).

The contributory provision has a special feature for the financing of family benefits: when the worker is the spouse of the employer or co-habits with the employer, the employer's contribution is higher.

Source: INPS, 2022.

A similar mechanism exists in Ireland, where workers pay different contribution rates based on their weekly earnings (see table 4.2).

► **Table 4.2 Ireland: Contribution rate for domestic workers based on weekly wages, 2021 (in euros)**

Weekly wage	Total (per cent)	Employer (per cent)	Worker (per cent)
From €38 to €352 per week	8.8	8.8	-
More than €352 and up to €398	12.8	8.8	4
More than €398	15.05	11.05	4

**Note:** contribution rates reported apply to all class A contributors and not only to domestic workers (class A includes employees under the age of 66 in industrial, commercial and service-type employment who have reckonable pay of €38 or more per week from all employments, as well as public servants recruited from 6 April 1995).

Source: Ireland, Collector General's Division, 2021.

<sup>98</sup> Italy, Law 92/2012, art. 2, para. 28.

**Contributions determined according to age.**

In addition to adjusting contribution rates to the hourly base, contributions can also be differentiated according to age. Older workers are frequently displaced by younger ones, particularly in occupations such as domestic work, in which the conditions and physical efforts required are important in terms of productivity. Some social security systems have opted to implement contributory provisions with different contribution rates depending on the worker's age, which favour older workers, in order to discourage this practice, giving employers a contributory advantage when they hire older workers.

Therefore, the application of this differentiated mechanism creates a contributory provision of solidarity across age groups: younger workers contribute based on a higher contribution rate compared to workers who are closer to retirement age.

The use of the differentiated contributory provision by age may vary across systems. For example, in Finland contributions to the employer's pension insurance depend on the employee's age and sex (workers' share) and the employee's age (employers' share). The legislation establishes a contributory provision for the employers' share based on three age groups, ranging from 53 or less to workers over 63. For the youngest and the eldest groups, a contribution rate of 7.15 per cent is applied, whereas the rate is 8.65 per cent for middle-aged workers (53 to 62).

Similarly, in Argentina ANSES established a differentiated contributory provision for domestic workers (table 4.3), which combines an hourly wage provision with an age-based provision that uses absolute amounts of contributions expressed in Argentine pesos and not contribution rates. Contributions are the exclusive responsibility of the employer.

► **Table 4.3 Argentina: Contributory rate for domestic workers based on hourly wages and age of worker (flat-rate contributions, in Argentine pesos per month), 2021**

Age and hours worked per week	Total	Health insurance	Pension system	Employment injury benefit
Workers over 18				
< 12 hours	667.08	144.04	50.84	472.20
12 to 15 hours	1 064.46	266.91	101.66	695.89
16 or more hours	2 943.36	1 775.18	148.28	1 019.90
Workers under 18 and over 16				
< 12 hours	616.24	144.04	–	472.20
12 to 15 hours	962.80	266.91	–	695.89
16 or more hours	2 795.08	1 775.18	–	1 019.90
Retired workers				
< 12 hours	523.04	–	50.84	472.20
12 to 15 hours	797.55	–	101.66	695.89
16 or more hours	1 168.18	–	148.28	1 019.90

Source: AFIP, "Aportes, contribuciones y A.R.T".

ANSES defines three age groups: over 18; 16 to 18; and retired workers. This provision does not offer differentiated contributions, but not all age groups are covered under all schemes. For example, workers aged 16 to 18 do not contribute to the pension system and retired domestic workers are excluded from health insurance as they receive medical benefits from the National Institute of Social Services for Retired and Pensioned Persons (PAMI – *Instituto Nacional de Servicios Sociales para Jubilados y Pensionados*).<sup>99</sup>

**Contributions determined according to household composition.** One measure related to financing is the differentiation of contributions according to the composition of the worker's household, whereby contributions vary if the worker has a spouse or children.

In the National Health Insurance System of Uruguay, social security employee's contributions depend on the worker's household composition. In 2020, the basic rate was 3 per cent and additional rates varied from 0 per cent (in the case of an employee without a spouse or cohabiting partner, with a salary of less than 11,297.50 Uruguayan pesos (Ur\$)) to 5 per cent (for an employee with a spouse or cohabiting partner and child(ren) and with a salary greater than Ur\$11,297.50). Clearly, this measure seeks to promote the formalization and employment of younger adult domestic workers.

**Deductions or exemptions from paying contributions.** Domestic workers may find it challenging to pay contributions given their low earnings and vulnerable livelihoods. Some social security schemes exempt employers from deducting domestic workers' contribution payments under certain circumstances. In some cases, the employers need to assume the full social security contributions.

The Costa Rican Social Security Institute (CCSS – *Caja Costarricense de Seguro Social*) applies a contribution based on a minimum contributory wage, which was 293,132 Costa Rican colones in 2020. Under this system, if the reported wage is below the minimum contributory wage (which is

different from the minimum wage), the employer is responsible for paying the difference between the reported wage and the minimum contributory wage in effect. It is important to note that this contributory strategy should be adapted to the contributory capacity of employers of domestic workers, assessed on the basis of available household income data.

In addition, some high-income countries have established contributory exemptions for employers who have fulfilled certain prerequisites, such as being above a certain age (e.g. 70), being defined as socioeconomically vulnerable and being the beneficiary of social assistance, among others. This facilitates the provision of services to vulnerable populations and helps to reduce gaps in the care service delivered by the state, among other objectives.

**Fiscal incentives.** Households that bear the cost of hiring domestic workers, whether directly or through a service provider, do not have an economic gain or commercial interest associated with the tasks performed by the worker. Under these circumstances, fiscal incentives to favour enrolment can play an important role. A number of countries employ this strategy to different degrees, including through:

- implementation of employer contributions as income tax-deductible expenses (some countries, such as Germany, Luxembourg<sup>100</sup> and France (see box 4.13), have established limits on the amount of deductible expenses);
- reduction of the tax rate for the employer when the domestic work contract is for full-time employment;
- reduction of a percentage of contributions for employers who have made timely payments for a specified period; and
- reduction of the contribution rate for employers who participate in the service voucher system, such as in France and Belgium (boxes 4.11 and 4.13)

<sup>99</sup> PAMI is a decentralized public health insurance institution of the Ministry of Health. For further information, see Argentina, "INSSJP".

<sup>100</sup> Taxpayers can deduct a maximum flat-rate tax allowance of €450 per month or €5,400 per year. The flat-rate tax allowance may not exceed the costs actually incurred. For further information, see Luxembourg, Guichet.lu, "Requesting a Tax Allowance for Extraordinary Expenses".

► **Box 4.11 Providing fiscal incentives for those using the service voucher system in Belgium**

In Belgium, fiscal incentives are provided through a service voucher system known as *titres-services*, which was introduced in 2004 at the initiative of the Government. Unlike other countries, domestic workers are often employed by a temporary agency (the formal employer), while households are considered to be users of the agency's services. The service voucher system is managed by a private firm (Sodexo). From a tax point of view, users can benefit from a twofold benefit: a 30 per cent discount on voucher purchases (up to an annual deductible of €1,400) and a further nominal reduction of €0.9 on each voucher for the first 156 vouchers. Between 2008 and 2011, the number of *titres-services* users increased from 557,482 to 834,959, while the number of employees under the scheme increased from 103,437 to 149,827; in the same period, approximately 17 per cent of Belgian households used *titres-services* vouchers.

Source: (ILO 2021c, 177) based on (ILO 2016a).

**Government subsidies.** The adaptation of contribution collection may go a long way towards facilitating the coverage of domestic workers but may not in itself be sufficient, especially in the case of workers and employers with limited contributory capacity. The effective extension of social protection also requires political will and financial commitment. Government subsidies are an important mechanism for addressing low contributory capacity in the domestic work sector. Government transfers can be designed to subsidize contributions of all domestic workers or only those with low contributory capacity. In the latter case, subsidy levels can vary in an inverse relationship with contributory capacity; in other words, the lowest-earning workers – and their employers – benefit by receiving a higher level of subsidies. This strategy requires effective measures for monitoring contribution payments in order to prevent employers from under-reporting wages in order to benefit unfairly from the subsidies. It is also important for subsidized schemes to be inclusive of migrants.<sup>101</sup>

In all cases, subsidies are designed to create more incentives for social security enrolment by reducing the contributory burden. Depending on the model chosen, international practice indicates

that subsidies can favour both workers and employers or workers only.

Subsidies can be part of a strategy that incorporates all employees (and own-account workers) or only difficult-to-cover groups, such as domestic workers. For example, in Costa Rica a subsidy was put in place for part-time workers with the aim of reducing employer's contributions. Workers contribute on the reported value, unlike employers who contribute on a minimum contribution basis. The subsidy is considered effective to extend coverage when combined with complementary measures, such as measures to ensure compliance. In Belgium, the social benefits that employers have to pay<sup>102</sup> has been reduced to promote the extension of social protection to domestic workers. Implemented first as a federal policy, it was transferred to the regions as of 2014. The regional governments cover the difference between the price paid by the user for the services (such as cleaning and ironing at home, preparation of meals at home, transport and shopping for people with reduced mobility) and the amount collected by the approved companies, that is the companies who hire the domestic workers. This transaction is done through a service voucher mechanism and is also accompanied by a tax incentive. Overall,

101 In Singapore, non-nationals on work permits can access healthcare services but do not receive the subsidized rate and have to pay the full price in public facilities. See: ILO, [Extending Social Health Protection: Accelerating Progress towards Universal Health Coverage in Asia and the Pacific](#), 2021.

102 For further information, see Belgium, "[Sociale zekerheid/Onderneming](#)".

it is estimated that up to two thirds of the final cost for the user is borne by the state (ELA 2021; Williams 2018). A subsidy also exists in Argentina (see box 4.12). Similarly, in Mauritius as of January 2012, domestic workers drawing less than 3,000 Mauritian rupees per month in aggregate salary are exempted from the payment of their part of contributions to the pensions scheme and the

Government pays on their behalf. In other cases, fiscal advantages are offered to encourage the formalization of domestic workers and their affiliation with social insurance schemes (ILO 2022). In Guatemala, the Government undertakes to pay a contribution at the same rate as employers (see box 3.1). A similar subsidy exists in France (see box 4.13).

#### ► Box 4.12 Government subsidies to formalize domestic workers in Argentina

In 2021, the Government of Argentina created the Programme for Economic Recovery, Employment Generation and Social Inclusion of Domestic Workers, which benefits employers who register a new employment relationship. Concretely, under this programme the state will pay 30 to 50 per cent of the domestic worker's salary for six months and open a free salary account at the *Banco de la Nación Argentina*. However, this is only applicable to those working a certain number of hours and for households of a certain income.

The objectives of the programme are to:

- Promote formalization in the domestic workers' sector;
- Guarantee the access to and permanence of domestic workers in registered employment; and
- Raise the level of "bankarization" (the access to and use of financial services generally and banking services particularly) and reduce gender gaps in financial inclusion.

Conditions for accessing the programme:

- Domestic workers in private households must work at least 12 hours per week in the same place and not be registered.
- Their tasks must fall under the categories "Staff for specific tasks", "Housekeepers and homemakers", "Assistance and care of persons" or "Staff for general tasks".
- Employers must have an average gross monthly income of up to \$225,937 in the last 12 months.

Sources: Argentina, [Decreto 660/2021](#). See also: AFIP, "[Programa Registradas](#)".

While such subsidies do have a cost, in many cases the cost is often considered relative in relation to the returns, notably in terms of tax revenue and social security contributions, as well as indirectly in terms of increased business activity and consumption and labour market substitution effects (OECD 2021). For example, in the case of Belgium it has been estimated that the total gross cost for public authorities at the national level was about €2 billion and the earn-back effects were equivalent to €1 billion or €10,000 per full-time equivalent job (Williams 2018). In the case of France, the earn-back effect was estimated to be €70 million

greater than public expenses in the sector in 2014 (OECD 2021).

**Facilitating contribution payments through simplified mechanisms.** As mentioned above, the payment of contributions can be facilitated through simplified mechanisms that also draw on digital technologies in order to make these administrative processes more accessible. When combined also with financial incentives, such as in Belgium and France (see boxes 4.11 and 4.13), this can lead to increased effective coverage.

► **Box 4.13 France: Combining simplified registration with financial incentives**

France was the first country to issue the service voucher in 1993, which was replaced in 2006 by the Universal Employment Service Voucher (CESU - *Chèque emploi service universel*). Through the CESU, employers can pay both the services rendered by the domestic worker and social security contributions.

To use the voucher, the employer (the household) must register with the system through the French Social Security and Family Benefit Contribution Collection Union (URSSAF – *Union de Recouvrement des Cotisations de Sécurité sociale et d'Allocations familiales*), the entity responsible for collecting social contributions either through a bank or online.

Once registered, employers authorize the CESU to automatically debit the contributions from their bank account. After registration is completed, the CESU calculates worker and employer contributions and directly issues employment certificates, which is a proof of the insurance coverage of the worker. Employers can also choose (with the agreement of the worker) to authorize CESU to transfer the salary to the worker. The CESU guarantees that remuneration cannot be lower than either the minimum wage in effect in France (the minimum interprofessional growth wage) or the wage scales established in collective bargaining agreements. With respect to fiscal advantages, the CESU grants employers the right to a tax credit of 50 per cent for annual remunerations below a certain threshold (€12,000 in 2021). Nevertheless, under some circumstances this ceiling may be higher, for example when there is a child to maintain or a member of the household is more than 65 years old (plus €1,500; the ceiling cannot exceed €20,000 in 2021) or when there are disabled individuals in the employing household. The system also exempts employers over 70 from contributions if they have a certified disability or are beneficiaries of other subsidies for personal or family reasons. Studies have demonstrated that two thirds of CESU users have declared a previously undeclared employee.

Since 2021, private employers employing domestic workers can choose between an immediate payment of the tax credit, resulting in reduced contribution payments, or receiving a refund after their annual income tax declaration. There is no longer a time lapse between the receipt of tax credit and the expenditure made.

Also, employers that pay their employees with prefinanced vouchers in the same manner as restaurant vouchers, which can be used by the employer (the household) to pay part or all of the services provided by a domestic workers, can benefit from a reduction of corporate tax (25 per cent of the amount they contributed to financing the vouchers for their employees, up to a maximum of €500,000 per year).

Sources: (Farvaque 2013), and URSSAF/CESU website, <http://www.cesu.urssaf.fr/>.

**Le CESU, chèque emploi service universel : Rémunérer un service devient une formalité**

Il existe 2 types de CESU :

- Le CESU préfinancé :** il est préfinancé par l'employeur (comme un titre restaurant). \* Les services de solidarité départementaux ou communales financés par des CESU préfinancés. Leur usage est limité à des prestations délivrées par des organismes ou des personnes agréées.
- Le CESU déclaratif :** une seule formalité : déclarer en ligne sur [cesu.urssaf.com](http://cesu.urssaf.com)

**Pour payer quoi ?**  
des services à la personne ou une assistance à domicile :

- MÉNAGE
- REPASSAGE
- GARDE D'ENFANTS
- aide aux : PERSONNES AGÉES, PERSONNES HANDICAPÉES

**Les avantages fiscaux du CESU**

<p><b>POUR L'ENTREPRISE AVEC LE CESU PRÉFINANCÉ</b></p> <p>Jusqu'à 100€ en CESU pour 42€ d'apport</p> <ul style="list-style-type: none"> <li>JUSQU'À 33% DÉDUCTION D'IMPÔT</li> <li>25% CRÉDIT D'IMPÔT</li> </ul>	<p><b>POUR LES PARTICULIERS AVEC LE CESU DÉCLARATIF</b></p> <p><b>50% CRÉDIT D'IMPÔT</b></p> <p>Dans la limite d'un plafond de 12 000 € / an soit 6000 € de réduction d'impôt</p>
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**Et pour la personne ?**

**Un statut de salarié à part entière :**

- une vraie protection sociale
- + l'accès à la formation professionnelle
- + des congés payés

**Facilitating the payment of contributions.** A centralized collection system simplifies the management of social security resources. Social security institutions should also consider adopting strategies to reduce the costs of, and facilitate the payment of, contributions by employers and workers. International experience indicates that certain strategies can translate into higher rates of coverage of the sector (ILO 2016c). The most common strategies are:

- the use of institutional web platforms or mobile applications to facilitate enrolment and payment of contributions;
- agreements with commercial banks for payment of contributions in person or through institutional web platforms;
- automatic debit services;
- the use of call centre services, processing of payments through bank account debits;
- agreements with post offices or commercial entities, such as supermarkets or pharmacies, for the payment of contributions at their locations; and
- the use of service vouchers.

For example, in Uruguay the BPS has promoted an automatic invoicing system for companies after payroll validation, which calculates the different pay items and social security contributions for employers of domestic workers. Based on the nominal salary declared by the contracting party (per day, hour or week), it automatically determines the remuneration items that make up the salary, such as Christmas bonus, holiday salary, seniority bonus, attendance bonus and so on. This system simplifies the declaration and payment for the employer and ensures the correct collection and calculation of the items for the worker (BPS 2021).

Finally, the compulsory capacity of the social security contribution collection system established in legislation does not guarantee the success of a coverage policy. Nevertheless, it constitutes an indispensable foundation for improving the institutional structure with a view to extending coverage. To this end, the legal system and coercive capacity play a pivotal role in the operational capacity of social security institutions (see section 4.4).

#### Checklist: considerations for facilitating the payment of contributions and developing adequate financing mechanisms

- How can contributions be determined in a way that is better adapted to the needs of domestic workers and their employers and that takes account of workers' often low and volatile incomes and multiplicity of employers, as well as the low contributory capacity of some employers? Have the representatives of domestic workers and their employers participated in the determination of options?
- How can the payment of contributions be facilitated for both domestic workers and their employers, as well as the social security administration? Can a service voucher system be put in place (or piloted) to facilitate the payment of contributions? What would its modalities be?
- Are unified contribution mechanisms in place that can be extended to domestic workers? Are certain adaptations necessary? If these are not in place, can a unified contribution mechanism be implemented (or piloted) that includes domestic workers?
- Can digital technologies be harnessed to simplify and facilitate the payment of contributions? What are the necessary considerations and adaptations for the sector?
- Is there a possibility to consider differentiated contributory categories or mechanisms that are adapted to the reality of the sector? Have these been considered in consultation with representatives of domestic workers and of their employers?
- How can the subsidization of contributions or fiscal incentives be put in place to facilitate the extension of the coverage of domestic workers?

Source: adapted from ILO (2021c).

## 4.4 Promoting compliance through prevention and enforcement measures

Compliance with the social protection regulatory framework is the result of a range of measures through which the state assumes its responsibility for securing the proper functioning, financing and administration of social protection systems. In particular, the state must ensure the effective and efficient functioning of the system, which involves setting up the required legal and institutional arrangements, including inspection services and auditing rules, as well as complaints and appeal mechanisms. Together, these mechanisms can ensure compliance with national social protection legal frameworks, notably with regard to the registration of domestic workers with social security institutions, the regular payment of contributions on their behalf and the delivery of due social protection benefits.<sup>103</sup>

Inspection mechanisms in particular are crucial for ensuring compliance with labour and social security law (ILO forthcoming). According to Article 17 of Convention No. 189, ratifying Member States should take measures to ensure compliance, including ones that specify the conditions under which access to household premises may be granted, having due respect for privacy. For example, under the Chilean Labour Code, inspectors of the Labour Directorate can request entry to a private home to verify the working conditions of domestic workers. If an employer denies access

to the premises, the circumstances are recorded and the employer is summoned to the Labour Inspection Office under penalty of a fine in case of non-appearance.<sup>104</sup> Similarly, in Turkey in case of any complaint or if it is deemed to be necessary, the household premises are inspected by the Social Security Institution inspection staff in order to ensure compliance and protect the social security rights of domestic workers.<sup>105</sup> In Uruguay, a special inspectorate was founded that is legally allowed to enter the house of an employer provided that it has a court decision (box 4.14). In Germany, on the basis of constitutional law on the inviolability of the home (article 13 of the Basic Law), officials or other agents of the supervisory authorities may not, as a matter of principle, enter and inspect workplaces in a home without the consent of the owner. An exception to that rule is in order to avert immediate threats to public security and public order.<sup>106</sup> A similar restriction and exception exist in Senegal<sup>107</sup> and Peru.<sup>108</sup> In Tunisia, since 2021 labour inspectors and the controllers of the National Social Security Fund, each within the limits of their competence, are entrusted the responsibility of monitoring the working conditions of domestic workers and imposing sanctions in case of non-compliance. The law specifically provides that inspectors may not enter the workplace without the employer's consent.<sup>109</sup>

103 For more information on the drivers of compliance, see ILO (forthcoming).

104 Chile, [Código del Trabajo](#), 2002, art. 146 ter.

105 As reported by the Government in the context of Article 19 of the ILO Constitution.

106 Germany, [Hours of Work Act](#), 2019, section 17(5), and [Young Persons \(Protection of Employment\) Act](#), 2012, section 51(2).

107 Senegal, [Constitution du Sénégal](#), 2001, art. 16.

108 According to Peru, Law 28806, art. 5, labour inspectors are empowered to enter the home in which the domestic worker works on the day and at the time of their choice, provided that they have the employer's consent or the appropriate judicial authorization. If the employer refuses to give their consent and grant access to the facilities to verify the fulfilment of the worker's rights, the labour inspector shall draw up a report with the sole version of the complainant regarding the unfulfilled working conditions, which shall be considered as a presumption of true facts, for all legal purposes.

109 Tunisia, Loi No. 2021-37 du 16 juillet 2021, relative à la réglementation du travail domestique, art. 22.

#### ► Box 4.14 General Labour and Social Security Inspectorate of Uruguay

In Uruguay, the inspection team of the General Labour and Social Security Inspectorate of the Ministry of Labour and Social Security may visit homes in which domestic workers are believed to work. Inspectors may interview domestic workers at the front door of homes and request that employers provide documentation to verify that they are up to date with their obligations. These visits also serve to share information on rights and responsibilities and to identify cases of abuse. Inspectors may not freely enter homes (while they may enter business premises); however, the inviolability of the private home is not absolute given that the inspector may enter a home after obtaining a court order.

This and other measures to foster compliance under a broader set of policies reduced the under-reporting of domestic workers to the social security administration from 22.6 per cent in 2006 to 8.7 per cent in 2016.

Source: ILO (2016c, 2019c).

The implementation of these legal frameworks may require the specific capacity-building of labour and social security inspectors for conducting house visits (ILO 2016a). It is also important to note the role of key labour inspections in raising awareness and promoting compliance through prevention measures. For example, in countries such as Costa Rica, the Philippines and Uruguay, awareness-raising activities have been demonstrated to be integral elements of effective labour inspections (ILO 2015c) (see below).

Notwithstanding the critical role that deterrence measures can play in securing compliance, it should be noted that deterrence mechanisms have two dimensions – the cost of sanctions and the perceived or actual likelihood of being detected (Williams 2018). Non-compliant behaviour is unlikely to change if there is a low probability for offenders of “getting caught” and facing the consequences of violations or a low level of pecuniary or other sanctions (ILO 2020b). At the same time, seeking to ensure compliance exclusively through punitive mechanisms will only partly deliver the expected results in the absence of other complementary approaches. Therefore, in parallel to establishing a comprehensive regime of sanctions, efforts should also be made to raise awareness and develop a system of incentives to encourage compliance and develop effective and well governed social security institutions, efficient inspection services and accessible grievance mechanisms (ILO forthcoming).

In addition, other measures may support social security inspections for domestic workers. As mentioned above, due to the reversal of the burden of proof in Argentina, tax inspectors are authorized to visit households that are presumed to have undeclared domestic workers. As a result of these and other measures, the number of registered domestic workers increased more than threefold, from 133,013 in 2005 to 434,760 in 2017 (ILO 2019c). In Ecuador, the Government collaborated with a domestic workers' organization to facilitate inspections (ILO 2017a). In January 2022, the Labor and Social Security Inspectorate of Spain launched an action plan to regularize wages and social security contributions for domestic workers hired part-time. This initiative builds on a similar campaign launched in February 2021 that addresses full-time domestic workers. The inspectorate contacted 45,019 employers by mail to regularize the situation of 47,749 domestic workers, resulting in the regularization of about 82 per cent of the employment relations concerned. The new campaign involves a massive mailing of letters addressed to employers, who are provided with technical assistance and information in order to regularize wages below the interprofessional minimum salary and the corresponding regularization of social security contributions (Ecuador 2022).

The respective objectives of social security and labour inspection services are considered complementary and mutually supportive and therefore require strengthened coordination at the national level, including the communication of relevant information on cases and conditions in a systematic manner, especially where resources are limited (ILO 2011). In Nicaragua, the Ministry of Labour and the Social Security Institute are empowered to carry out joint inspections to verify compliance with the obligation of employers to register domestic workers with the social security institute.<sup>110</sup> In Cabo Verde for example, employers have an obligation to register domestic workers with the social security agency after a 15-day trial period. Failure to do so is punishable, without prejudice to the registration being carried out at the initiative of the worker, at the request of the labour inspectorate or worker's organization, or ex officio by the competent social security authority. Non-compliance with these obligations generates administrative responsibility and will be sanctioned by the corresponding departmental labour inspectorate.

National labour and social security law can also provide for sanctions and penalties as an additional measure to deter non-compliance. The design and application of meaningful and adequate sanctioning mechanisms are particularly important for labour and social security inspection in sectors that are prone to a high incidence of informal employment (ILO 2021c). In most countries, a deterrent effect is sought by imposing heavy fines. Nonetheless, for sanctions to be effective and dissuasive, they need to be proportional to the severity of the offence, while considering financial means (ILO forthcoming). It is essential that social security systems possess a solid legal framework that adequately defines violations and applicable fines in the case of employer non-compliance of contribution obligations by employers.

With respect to penalties, countries also vary in terms of the severity of penalties. Each country focuses on measures that it considers can favour

compliance. Regardless of the severity of the penalties established by law, two types of penalties are generally applied in legislation for domestic work:

- (a) **Financial penalties.** For example:
- A penalty expressed in reference to minimum wages (from 2 per cent to 15 per cent in the United States,<sup>111</sup> depending on the number of days late).
  - Application of an interest rate on the default payment, calculated on the value of overdue contributions (for example, fines amounting to 2 per cent of the overdue amount in the Philippines<sup>112</sup> or 5 per cent plus 0.2 per cent per month late in France – applicable until January 2020<sup>113</sup>);
  - Application of a fine equivalent to a fraction or the entire amount of the overdue contributions. If it is a fraction, progressive increases are applied on the percentage as the number of months in default rises. In Lithuania, employers who have not paid contributions in full are liable to pay a penalty equal to twice the amount due (Lithuania, Law on State Social Insurance, art. 36).
- (b) **Criminal penalties.** In Namibia, for example, fines for the non-compliance of the payment of contributions (including paying within prescribed periods) and for engaging in evasion under declaration and fraud shall not exceed 8,000 Namibia dollars (c. US\$1,100) or a term of imprisonment not exceeding two years.<sup>114</sup> Similarly, in Sierra Leone, when an employer fails to register an employee, upon summary conviction they shall be liable to a fine not exceeding 5 million leones, imprisonment for up to three months or both.<sup>115</sup>

In most cases, social security schemes do not establish definitions and specific penalties for employers of domestic workers; rather, they apply the same penalties used for other workers.

110 Nicaragua, Labour Code, 1996, Title VIII, Chapter I.

111 United States, Internal Revenue Code, "[Sec. 6656. Failure to make deposit of taxes](#)".

112 Philippines, [Social Security Law](#), as amended, 2018, section 22(a).

113 France, [Code de la sécurité sociale](#), 2022, art. R243-18.

114 Namibia, Social Security Act, 1994, section 23(2).

115 Sierra Leone, [National Social Security and Insurance Trust Act, 2001](#) [No. 5 of 2001], section 30(1)(a).

Sanctions often exist in relation to the non-respect of deadlines for the registration of domestic workers with social security institutions. Deadlines vary significantly across countries. For example, in Trinidad and Tobago employers who fail to register themselves as employers or do not affiliate their employees, including domestic workers, with the National Insurance Board within 14 days are liable on summary conviction to a fine of \$5,000.<sup>116</sup> In the Philippines, the registration period is one month. The Labour Code of Costa Rica provides that the employers of domestic workers are obliged to register them with the social security fund within eight business days; otherwise, they can be liable for a fine equivalent to 5 per cent of the total wages, remuneration or income omitted.<sup>117</sup> In Panama, private persons who hire domestic workers are obliged to register themselves as employers with the social security institution and affiliate their employees within six working days of the month following the service rendered. Those failing to do so in the time limits prescribed are liable to a fine of 100 to 5,000 balboas.<sup>118</sup> Similarly, employers of domestic workers in Morocco must affiliate and register their domestic workers within one month from the date of signature of the employment contract.<sup>119</sup>

Although some laws emphasize the classification and punishment of default practices, others focus more on preventing evasion. Both are important and the treatment of each should be considered separately in the legal definition.

Traditionally, securing compliance has tended to focus predominantly on enforcement mechanisms, in particular the use of penalties and other administrative sanctions, to punish non-compliance with social security obligations, as well as on recourse to judicial review in case of alleged non-compliance. However, several countries have increasingly engaged in a multidimensional and more holistic approach to securing compliance,

whereby promotional mechanisms complement punitive strategies in order to raise awareness and create a culture of social protection as one of the main pillars grounding each society's social contract (see section 4.5) (ILO forthcoming).

Several countries have increasingly engaged in a multidimensional and more holistic approach to securing compliance.

Importantly, non-compliance with social protection law, in particular with the obligation to register workers and pay contributions on their behalf, should not result in a prejudice against domestic workers in terms of accessing their rights, especially where they have not participated in this decision. In such cases it is considered good practice, in line with international standards, to allow domestic workers to access benefits and for the social security institution instead to penalize employers for undue payment of benefits.<sup>120</sup> For example, in the Bahamas if employees discover that employers have not paid contributions after examining payroll records and copies of payments and receipts, they can report the omission to the National Insurance Board, which will pursue the employer to collect the said contributions, and where these have not been deducted from the employees' salary the employer will be responsible for paying the entire contribution in accordance with the law.<sup>121</sup> In some instances, the law relies

116 Trinidad and Tobago, National Insurance Board, "[Employers' Obligations](#)".

117 Costa Rica, [Código de Trabajo de Costa Rica \(Ley No. 2 de 26 de Agosto de 1943\)](#), art. 104.

118 Panama, [Reglamento General de Afiliación e Inscripción de la Caja de Seguro Social \(Resolución de la Junta Directiva de la Caja de Seguro Social núm. 52165-A-2017\)](#), art. 64, and [Ley No. 51 de 27 de diciembre de 2005, que reforma la Ley Orgánica de la Caja de Seguro Social y dicta otras disposiciones](#).

119 Morocco, Décret No. 2.18.686 relatif aux conditions d'application du régime de la sécurité sociale (3 juin 2019 BO 6783).

120 Jurisprudence of the CEACR under Conventions No. 102, No. 121 and the Maritime Labour Convention, 2006, as amended (MLC, 2006).

121 Bahamas, [National Insurance \(Contributions\) Regulations](#), 1984, section 33. See also National Insurance Board of the Bahamas, "[Contributions](#)".

on employer liability schemes. For example, in Colombia when an employer does not affiliate a domestic worker for medical care, pensions and employment injury, they assume the costs for treatment and pay their benefits (ILO 2022). However, difficulties in applying this obligation may arise in practice.

Finally, in addition to having an adequate and appropriate inspection mechanism, as set out in Article 17 of Convention No. 189 and Article 70 of Convention No. 102, as well as provisions for penalties, the enforcement of social security rights and obligations should also be accompanied by a strong and effective complaint and appeal mechanism. Such mechanisms are also considered integral to social protection systems in international social security standards and human rights instruments as they are key to ensuring a rights-based approach to social protection.<sup>122</sup> In Germany, like other workers within an employment relationship, domestic workers

can avail themselves of judicial protection and legal action, including administrative and social court proceedings.<sup>123</sup> In Ireland, domestic workers whose employment or social security rights have been violated can lodge a complaint with the Workplace Relations Information and Customer Services. Complaints are dealt with either through an inspection or at a hearing by a Workplace Relations Commission adjudicator. Inspectors from the Workplace Relations Commission carry out inspections of domestic workplaces and investigate any complaints received from domestic workers.<sup>124</sup> Complaint and appeal mechanisms should also be designed in a way that facilitates the lodging of complaints by domestic workers. This can mean facilitating the process of lodging complaints, such as through hotlines (as is the case in Turkey; see box 4.15), but also making protection accessible and inexpensive and ensuring that processes are impartial, transparent, simple and rapid, in line with Recommendation No. 202.

#### ► Box 4.15 “Hello 170 SGK” hotline in Turkey

The Ministry of Labour and Social Security set up the telephone hotline “Hello 170 SGK” on 15 November 2010 to provide individuals with information on social security 24 hours a day, seven days a week. Currently, domestic workers may lodge complaints through the telephone hotline “hello 170 SGK” with the Social Security Institution (SGK) or with its website<sup>125</sup> if they are employed informally. SGK can then follow up on the complaint and investigate and confirm the status of informality. If the complaint is founded, households employing the workers informally may face sanctions, notably fines.

According to the information obtained, through 2013 the SGK had received 499,840 notices and complaints related to undeclared work in various sectors. As a result of their investigations, 50,000 people and 5,000 workplaces were found to be unregistered.

In addition to “HELLO 170 SGK”, domestic workers can report cases of undeclared work and lodge their complaints directly with SGK through an online portal made available by the Presidential Communication Centre (CIMER) or the provincial directorates of labour and employment agency of their district.

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Source: (Erdoğan and Toksöz 2013); Turkey, SGK, “Alo 170”.

<sup>122</sup> For further information, see ILO (forthcoming).

<sup>123</sup> Germany, Book I of the Social Code – General Part, 2011. sections 18 to 29.

<sup>124</sup> Ireland, Workplace Relations Commission, “Domestic Workers”.

<sup>125</sup> At <https://www.alo170.gov.tr/>.

### Checklist: considerations for promoting compliance

- ▶ What are the main obstacles to extending labour and social security legislation to domestic workers and their employers in the context given?

#### Labour inspections

- ▶ Is the existing legal framework adequate to provide for the inspection of private households? Does it provide an adequate mandate to labour and social security inspectorates that is in line with the legal provisions for social security coverage? If not, would it need to be adjusted and if so how?
- ▶ Does the legal and institutional framework provide adequate provisions for maintaining the privacy of private households during labour and social security inspections?
- ▶ Do labour and social security inspectorates dispose of adequate information to improve awareness of the services? Do labour and social security inspectorates dispose of adequate human resources, equipment and IT systems to be able to effectively extend their services?
- ▶ Could labour and social security inspection mechanisms be rendered more effective and efficient by using automatized solutions and establishing coordination mechanisms? This may include:
  - automating the exchange of information and linking databases, while respecting and protecting personal data and the right to privacy;
  - closer coordination among different inspection services and between inspection services and other parts of government; and
  - integrated labour and social security inspection services or integrated inspection units.
- ▶ Could closer coordination between labour and social security inspection enhance the monitoring of compliance and more efficient use of resources?
- ▶ Could integrated strategies for labour and social security inspection mechanisms contribute to enhancing compliance and the protection of domestic workers?

#### Penalties and sanctions

- ▶ How can penalties and other sanctions be rendered more effective and meaningful?
- ▶ Are the sanctions applied appropriate? Could a graduated system of sanctions that ensures that penalties are meaningful, effective and appropriate be introduced?
- ▶ Are sanctions resulting in a prejudice against domestic workers in terms of them accessing their rights (for example a suspension of benefits), even where they have not participated in the actions resulting in the sanction?
- ▶ Could sanctions be combined with promotional measures for raising awareness and build capacities, where appropriate?

#### Complaint and appeal mechanisms

- ▶ Is there a strong and effective complaint and appeal mechanism in place? Can this mechanism benefit from more information related to considerations and challenges in applying social security law to domestic work specifically?
- ▶ Are existing complaint and appeal mechanisms accessible to domestic workers and their employers? Are they inexpensive?
- ▶ Can IT solutions facilitate the functioning of complaint and appeal mechanisms so they are more accessible for the sector?
- ▶ Is there anything the existing processes regarding the lodging of complaint and appeals and their processing that could deter domestic workers and/or their employers from using them? Can these be changed and how? How can the representatives of domestic workers and employers participate in the necessary adaptations and awareness-raising to ensure that these mechanisms are strong and effective?

## 4.5 Raising awareness and disseminating information

Raising awareness among domestic workers and their employers is essential in order to inform them about their rights and obligations. When workers and employers are aware of the benefits of social protection and formalization, they will be more willing to enrol. This is why the development of a social protection culture is generally essential for raising civic awareness on the human right to social security.

Information that should be divulged includes messages regarding the right of domestic workers to social security; the benefits for domestic workers and their families of being affiliating to social security and the benefits for employers of upholding their legal obligations; what benefits and services domestic workers would be entitled to; the obligations that domestic workers and employers need to uphold; explanations regarding administrative procedures; and so on.

### ► Box 4.16 Raising the awareness of employers of domestic workers in Uruguay and Zambia

In Uruguay, following the enactment of Law 18.065, which among things strengthens the social security coverage of domestic workers, the country launched a series of information campaigns on the changes introduced by the law. The strategy included the distribution of pamphlets on the rights of domestic workers; handbooks explaining social security enrolment procedures; and materials explaining the use of the web page and other online services available to facilitate enrolment in the BPS.

In Zambia, an awareness-raising programme was directed at employers of domestic workers, because most of them lack awareness of their obligations to register their domestic workers with the National Pension Scheme Authority (NAPSA). The campaign aims to explain the importance of old-age pensions and how to register workers with NAPSA.



More recently, the Tripartite Technical Working Group, with ILO support, carried out an awareness-raising programme, drawing on behavioural insights, which was directed at employers of domestic workers. The campaign included a media strategy meeting with 14 media houses; the production and dissemination of communications materials to sensitize the media and the public on the importance of registration; and union-led community sensitization meetings held in 10 districts. Registration for social security among domestic workers increased by 336 per cent, from 1600 to 6981 registrations.

See ILO, [“Give your Domestic Workers a NAPSA Pension Today”](#), YouTube video, 8 May 2018.

Source: ILO (2021d).

These messages can be communicated by various means, including:

- ▶ incorporating civic education on social security in education programmes for all ages (ILO 2021h);
- ▶ through mass media, including radio, television and the press, web pages and specific social marketing campaigns, and in public arenas (for example supermarkets, banks, theatres and so on) (see box 4.16);
- ▶ publishing special newsletters on domestic work and call centres, which can provide basic information on the schemes and benefits offered by the programmes, as well as on required registration procedures, such as those in Italy and Uruguay that established free telephone services to respond to information requests on issues related to the social protection of domestic work;
- ▶ mobilizing organizations of domestic workers, employers, unions and other civil society and community groups to facilitate the dissemination of information, support the implementation of the law and change the attitude of the public, such as in the Philippines (see box 4.17);

▶ Raising awareness among domestic workers and their employers about their rights and obligations can lead to increased coverage.

- ▶ implementing awareness campaigns and social security affiliation days for domestic workers, developed in coordination with social security institutions, ministries of labour and civil society organizations, among others, such as in Ecuador and Panama (see box 4.18); and
- ▶ developing knowledge products, guides and toolkits, such as in Colombia or as developed by Women in Informal Employment: Globalizing and Organizing (WIEGO) and the IDWF (see box 4.19).

#### ▶ Box 4.17 Media outreach by civil society organizations in the Philippines

In the Philippines, the implementation of the Domestic Workers Act in 2013, which extends social security rights, including health insurance, to an estimated 1.9 million domestic workers, drawing on Convention No. 189, was accompanied by an information campaign conducted by civil society organizations. The objective of the campaign was to change attitudes towards domestic workers, which among other things established the official Philippine term for “domestic worker” as “*kasambahay*” (household helper). The campaign was not only targeted at domestic workers and their employers but also the general population. The Government declared a National Domestic Workers Day, to be held every 30 April. Media outreach is also being conducted regularly and a National Domestic Workers Summit is organized periodically. These awareness-raising tools, together with strong political commitment at the national and local levels, have contributed significantly to the successful implementation of the law.

Source: ILO (2021d).

► **Box 4.18 Awareness campaigns in Ecuador and Panama**

In 2010, Ecuador promoted a campaign of dignified domestic work (2010), through which 260 mobile points were established in the leading cities to respond to information requests of domestic workers and their employers (ILO 2016c).

In Panama, the Gender Office of the Ministry of Labour and Labour Development and the Social Security Fund periodically organize social security registration and affiliation days for domestic workers in order to ensure compliance with the relevant legislation. The events are held in various locations over a number of days in order to facilitate registration and reduce transaction costs.

In addition, numerous orientation and training opportunities have been organized for domestic workers and domestic workers' unions with the aim of informing them about their rights (including in the light of Convention No.189, which has been ratified by Panama), promoting gender equality in this area of work and updating them on their rights

**Source:** Panamá, Ministerio de Trabajo y Desarrollo Laboral, "[MITRADEL instruye sobre sus derechos laborales a Trabajadores Domésticos](#)", 2019.

► **Box 4.19 Using guides to demystify national laws and international rights**

The Ministry of Labour of Colombia published a Domestic Services Labour guide to inform domestic workers of their rights and obligations, including as regards social security.

**Source:** See Colombia, Ministry of Labour, "[Servicio Doméstico: Guía Laboral](#)", 2012.

The WIEGO and the IDWF prepared a toolkit on Convention No. 189, acknowledging the importance for domestic workers and their organizations to fully understand the international legal framework and its role in guiding national legislation, as well as the relevant supervisory mechanisms. The tool aims to provide information in an easily understandable way and raise awareness about domestic workers' labour and social rights.

**Source:** See WIEGO and IWDF, "[Your toolkit on ILO Convention 189: The Domestic Workers Convention](#)", 2018.

Intermediaries such as agencies, digital platforms and cooperatives that have a role in job screening, facilitating immigration procedures and job placement can potentially play a decisive role in informing both domestic workers and employers about social security rights and duties (see below). A successful practice in this area is the use of an integrated call centre that links social security administrations and labour ministries in order to provide online consultations for domestic workers and their employers. For example, Uruguay and Italy incorporated free telephone services to respond

to information requests on issues related to the social protection of domestic work (ILO 2016c). This is also the case in Zambia<sup>126</sup> and the United States, where toll-free telephone number service is available from 7 a.m. to 7 p.m. every business day and all calls are confidential.<sup>127</sup> In addition, digital technology can also be harnessed for this purpose, notably cellular, online and social media tools. For example, Hong Kong (China) uses Instagram to increase awareness regarding rights and obligation. In Mexico, the Support and Training Centre for Household Employees launched the mobile

126 Zambia, NAPSA, "[Payment of Social Security Contributions for Domestic Workers is Law](#)", 12 December 2016.

127 See United States, Social Security Administration, "[Introduction to Social Security](#)".

app “Dignas” to help domestic workers know and claim their labour rights as well as to provide a calculator for determining leave, bonuses, vacation

premiums and compensation in case of unjustified dismissal.<sup>128</sup>

#### Checklist: considerations for raising awareness and sharing information

- How can domestic workers and their employers be better informed about social security rules and regulations? What are the barriers against ensuring that domestic workers and employers are better informed and how can these be addressed?
- How can the representatives of domestic workers and their employers and other relevant stakeholders participate in raising awareness and sharing knowledge and information about social protection?
- How can information be made better accessible?
  - Is information on social protection accessible in all the languages spoken in the country and those spoken primarily by domestic workers (for example, the main languages spoken in migration corridors)?
  - Is the information accessible to all, including illiterate persons, persons with disabilities, migrants and older persons?
  - Is information available in different forms (both simplified and more complex information) and through different forms of media?
  - Do more marginalized groups have access to this information?
- What are the messages that should be communicated and what are the mediums/channels to do this? Are the messages and mediums adapted to the target audience?

Source: adapted from ILO (2021c).

## 4.6 Building on social dialogue and collective bargaining

Collective bargaining and the right to organize play an important role in establishing legislation that enhances the labour and social security rights of domestic workers (ILO 2016a). These are ILO fundamental principles and rights at work and the ILO supervisory bodies have long recognized that these two principles are valid for domestic workers too, although in practice they experience many challenges in making them a reality (ILO 2022). The

importance of these principles for the attainment of decent work for domestic workers is also highlighted in Articles 3 and 8 of Convention No. 189 and throughout Recommendation No. 201.<sup>129</sup>

However, for domestic workers to enjoy freedom of association and effective recognition of the right to collective bargaining, they need to be able to establish or join organizations.<sup>130</sup> In addition, meaningful social dialogue also requires

<sup>128</sup> See Mexico, CACEH, “[Conoce DIGNAS, la App Asistente para Trabajadoras del Hogar](#)”, 19 November 2020.

<sup>129</sup> Paras 6, 8, 19, 22 and 25.

<sup>130</sup> Recommendation No. 201, Para 2(a).

supporting measures to strengthen the capacity of worker's and employer's organizations in line with ILO standards.<sup>131</sup> The need to ensure that representative organizations of domestic workers and their employers participate in the establishment of social protection measures is established by Article 14 of Convention No. 189.

Where domestic workers are not represented by trade unions, their ability to engage in social dialogue and collective negotiations as a means of improving their social protection will be hampered. In addition, given the specific nature of domestic work and the resulting vulnerable position of domestic workers, workers' organizations play a crucial role in promoting better working conditions by providing information and other services to workers, such as legal assistance and training and the negotiation of collective agreements that may facilitate access to benefits (Fudge and Hobden 2018).

For instance, the participation of domestic workers unions has had an impact on the registration of domestic workers. For example, in Indonesia the JALA PRT has reported that following its advocacy efforts, it was able to mobilize more than 1,400 members under the voluntary social security scheme. This included mobilizing the social security office in Jakarta to reach out to domestic workers and facilitate a collective registration mechanism, as well as having the Social Security Office and Council issue a letter that encourages employers to pay for social security contributions (ILO 2022). In Mexico, the domestic workers union provides assistance in relation to registration and the calculation of contributions (ILO 2022).

The existence of employers' organizations has been recognized as facilitating joint advocacy for increased public investment in domestic work as a means of bridging the interests of both workers and employers (ILO 2021e). In particular, employers' organizations can contribute to decent work and formal employment by offering services that build the capacity of individual employers to comply with their legal obligations and provide decent working conditions for the workers they employ. Many of these services have helped to address informality in the sector by providing model or standard written contracts and increasing access to social insurance schemes (ILO 2021e).

The CEACR has also recognized the importance of involving employers' and workers' organizations in designing awareness campaigns and the dissemination of information since this not only allows for messages to be better tailored but also provides a vector for ensuring that relevant information reaches its target audience (ILO 2022). In Peru, Law No. 31047 has institutionalized social dialogue by establishing a permanent round table that will include members of the Ministry of Labour and Employment Promotion, the Ministry of Women and Vulnerable Populations, the National Superintendence of Labour and Employment Promotion, the Ministry of Labour and Employment Promotion, the Ministry of Women and Vulnerable Populations, the National Superintendence of Labour Supervision, the National Superintendence of Customs and Tax Administration and relevant trade unions, with the objective of promoting the fulfilment of the rights of domestic workers (ILO 2022).

Other stakeholders can also play a crucial role in the development and implementation of extension strategies to domestic workers. In particular, certain NGOs have specialized knowledge of the characteristics of domestic workers and the dynamics of their labour activities and can therefore provide insights that go beyond traditional surveys, including by providing a human perspective on the particular situation of this sector.

When adequately represented by trade unions, domestic workers are better able to engage in social dialogue and collective negotiations to improve their social protection.

<sup>131</sup> Recommendation No. 201, Para 2(b).

### Checklist: Considerations for facilitating social dialogue to extend social protection

- ▶ What are the main obstacles for the representatives of domestic workers and their employers to engage in social dialogue and collective negotiations?
- ▶ When designing and implementing social protection mechanisms to extend coverage for domestic workers, are relevant employers' and workers' organizations consulted? What additional measures would be needed to facilitate the participation of domestic workers' unions and employers' organizations in the design and implementation of extension strategies for domestic workers?
- ▶ Do workers' and employers' organizations provide their members with services aimed at creating awareness and disseminating information about social protection systems and complying with legal obligations? What additional measures would be needed to enable this?
- ▶ What role can other stakeholders (e.g. civil society organizations) play in extending social protection to domestic workers? How could this role be further enhanced?

## 4.7 Developing and implementing integrated and coherent policies

Strategies for extending social protection coverage to domestic workers constitute part of a broader set of cross-sectoral policy interventions, notably in the social and economic policy areas that participate in the formalization of economies. The extension of social protection to domestic workers should consider the social protection system in its entirety and the protection of domestic workers as an integral element of it. Addressing gaps in the social protection of domestic workers will necessitate not only adapting the existing system to their particularities but also addressing the challenges that already exist in the social protection system itself. The inclusion of domestic workers in social security and labour legislation is an essential first step, as it not only provides better social protection for domestic workers but also contributes to valuing this sector. However, strong government commitment, the support of lawmakers, well governed institutions, the participation of social partners and collaboration with civil society will also be necessary for the design and implementation of laws and schemes that will ensure that domestic workers are covered in practice. International experience suggests that coordination among the institutions responsible

for implementing the different functions of social security is crucial for improved effectiveness.

Positive results associated with increased inter-institutional coordination include simplified administrative procedures that employers and workers are required to carry out; increased administrative efficiency and effectiveness (including reducing the administrative costs of the system); increased transparency in programme management; and access to information to enable improved strategy design for extending coverage (Schwarzer et al. 2014). Therefore, inter-institutional coordination is a necessary but insufficient condition for extending coverage to domestic workers. A number of countries have developed coordination mechanisms among the institutions in charge of social security administration, as well as among other government entities, such as ministries of labour, social development, finance, migration, gender equality or their equivalent, as well as among statistics institutes (Bierbaum and Wodsak 2021). Noteworthy examples include Argentina, whose social security institutes coordinate closely with the Ministry of Finance; and Uruguay and Singapore, which collaborate with the Ministry of Labour.

The participation of each of these institutions in strategies to extend coverage is explained throughout this chapter. In the case of the Ministry of Finance of Argentina, for example, increased institutional linkage with social security institutions at both policy design and implementation levels helps advance the strengthening of contributory control strategies and other innovative measures, such as Argentina's provisions for contributions based on presumptive income (see section 4.2).

Nevertheless, to ensure that domestic workers enjoy adequate social protection alongside decent work conditions, social security policies and strategies, in particular those highlighted above, will need to go hand in hand with other policy areas, such as minimum wage legislation and other wage policies, legislation and policies on working hours, legislation and guarantees for occupational safety and health, and the promotion of social dialogue, notably through improved organization and representation.<sup>132</sup> Indeed, countries that have successfully extended coverage to domestic workers have employed a combination of interventions, while addressing the diversity of domestic workers' needs and situations.

Finally, as mentioned above the role of domestic workers in delivering care services needs to be considered in light of increasing demand and needs. Domestic workers can indeed participate directly in the provision of care arrangements and social protection services (Addati et al. 2022; ILO 2021e). For example, domestic workers can provide care in households and government can create mechanisms to integrate certain care-related services provided by domestic workers into the national social protection system including by financing these in a similar way to the approaches implemented in many countries for the provision of healthcare services provided in the community. Indeed, this may prove more cost-efficient than

care provided in institutions and is also more closely aligned with the objectives of many older persons to age in place and have services provided in their homes. This is the case in Spain, where financial help is provided for the support of domestic workers in assisting with activities of daily living when those cannot be done independently for reasons of illness, disability or age. In such cases, the carer is required to register with the social security system (ELA 2021). For domestic workers to participate in solutions that address care and social protection needs, coordination with other social, economic and employment policies, such as skill development (for example in relation to childcare and caring for older persons or persons with disabilities) will also be necessary. For example, in Latin America the professionalization of domestic workers, combined with an increasing proportion of female-headed households, has been determined to be among the main factors contributing to greater social security coverage of female domestic workers (Rodgers 2009).

► Countries that have successfully extended coverage to domestic workers have employed a participatory and integrated policy approach.

<sup>132</sup> For more information, see ILO (2021e).

### Checklist: considerations for ensuring integrated and coherent policies

- ▶ Is there a national social protection strategy that provides a framework for the social protection system and its different components? If so, does the strategy support effective institutional linkages between administering institutions, government entities and other agencies?
- ▶ Is there sectoral and intersectoral coordination and collaboration between the institutions responsible for implementing, administering and monitoring the different components of the social security system?
- ▶ Do social security policies and strategies consider the need to extend the coverage of social protection to domestic workers? If so, do they address the diversity of domestic workers' needs and circumstances? Are they aligned with other policy areas, such as employment and occupational health and safety policies and legislation? Have these policies and strategies benefited from meaningful participation of representatives of domestic workers and employer organisations and other relevant stakeholders?
- ▶ Are there mechanisms that integrate care-related services provided by domestic workers into the national social protection system? What additional policies, measures and approaches could address the increasing care needs of the population while ensuring domestic workers' right to social security?
- ▶ Are there mechanisms in place that promote the professionalization of domestic work (i.e., skills training, certification of competencies, validation of previous experience)?

Source: Adapted from (ILO 2021c).

## 4.8 Protecting migrant domestic workers<sup>133</sup>

Migrant domestic workers face many of the challenges faced by domestic workers generally, and then some (see section 3.6). As stated previously, migrant workers represent a significant proportion of domestic workers. Also, a large share of domestic work worldwide comprises undeclared or informal work, which often represents one of the few possibilities for irregular migrants to generate income. However, data collection regarding migrant domestic workers is particularly complicated and deserves to be strengthened as that would greatly improve and clarify the actual picture regarding the situation of these workers, with a view to informing policy measures in their respect, including from a social protection extension point of view.

It is necessary to address legal exclusions based on status and facilitate the portability of benefits to ensure migrant domestic workers are covered in their country of destination and in their country of origin.

<sup>133</sup> Most of the information and examples contained in this section are taken from ILO (2021b).

Some countries have created mechanisms for facilitating the social security coverage of migrant workers, including migrant domestic workers. The measures implemented include online enrolment and payment of contributions; the portability of benefits and other incentives to encourage employers to register with social security administrations; and the possibility of voluntary registration in social security. These measures, together with bilateral and multilateral social security agreements, are indispensable not only for guaranteeing short-term social security benefits in the country of destination but also for ensuring that workers do not lose accredited contributions to pension systems when they return to their country of origin.

**Legal coverage.** As mentioned above, in many countries, migrant domestic workers are expressly excluded from coverage under the labour and social security laws, sometimes for all benefits and in other cases for selected benefits (ILO 2021b; Kulke 2006; van Ginneken 2010). In other cases, they are excluded owing to the length of their stay, the fact that they work in the informal economy or due to the irregularity of their migration status (ILO 2021d). Therefore, first and foremost, coverage under national labour and social security legislation should be extended to all workers, specifically ensuring the recognition of domestic work as work and of domestic workers as workers, by expanding coverage under the existing legislation to include migrant domestic workers or adopting new legislation that specifically targets them. Transitional measures, such as voluntary coverage, special programmes and differentiated

coverage, can be instrumental in achieving legal coverage in the short term, bearing in mind that mandatory coverage may present a challenge to the social security institutions of countries of origin (ILO 2021b). For example, in Indonesia migrant domestic workers are integrated into the national social security system, which covers employment injury, life insurance and pensions on a voluntary basis. Domestic workers can also be included under non-contributory schemes based on the principle of equality of treatment between national residents and non-nationals residents that is set out in international social security standards. Countries that have extended the coverage of part of the social security system to migrant domestic workers include Chile (see box 4.20) and Italy, where they are eligible for medical coverage under the general social security regime (ILO 2021b). In the Plurinational State of Bolivia, migrant domestic workers enjoy full equality with national workers with regard to labour and social security legislation.<sup>134</sup> In Quebec (Canada), the employment contract obliges the employer to contribute to the foreign worker's coverage under the Act on industrial accidents and occupational diseases, which protects them in the event of a work-related accident. In addition, the contract stipulates that the employer undertakes to provide free health insurance coverage to the worker, equivalent to that of the *Régie de l'assurance maladie du Québec* (RAMQ), until they become entitled to RAMQ benefits (ILO 2022). In Malaysia, recent legislative amendments have also extended the scope to migrant domestic workers (see box 4.21).

► **Box 4.20 Chile and the extension of social protection to all domestic workers, including migrants**

Under Chilean law, migrant workers are subject to the same regulations as nationals. Their access to social protection benefits and to membership in and coverage under the national social security system is mandatory. They have access to benefits under the social security system if they have a work permit and meet certain requirements, such as a minimal period of contributions and legal residence or minimum length of stay. Most of these benefits are based on private insurance schemes and cover several branches of social protection, including old-age, unemployment, disability, invalidity, sickness, occupational disease and maternity benefits. The public system also provides basic and complementary old-age

<sup>134</sup> Plurinational State of Bolivia, [Ley No. 370 de 8 de mayo de 2013, de Migración](#), art. 48(1).

pensions. Domestic workers are recognized as a specific category of workers in the Labour Code and its regulations apply to migrant domestic workers, regardless of nationality. These regulations require employers to contribute 4.11 per cent of domestic workers' wages per month to an individual compensation fund, with a benefit payable upon termination of the worker's contract. In an effort to formalize domestic work and guarantee workers' labour and social security rights, a more recent legal reform (Act No. 20,786 of 2014) requires employers to submit a copy of their workers' employment contracts to the labour inspectorate and pay their social security contributions. Chile ratified Convention No. 189 in 2015. It has signed several bilateral agreements on social protection and is a party to the Ibero-American Multilateral Convention on Social Security.

Source: ILO (2021b).

#### ► Box 4.21 Extending employment injury benefits to migrant domestic workers in Malaysia

In Malaysia, both local and migrant domestic workers were historically excluded from the scope of labour and social security legislation, but since 2021 have been entitled to benefit from employment injury protection. This is of particular relevance as some of the world's most important labour corridors run from the Philippines and Indonesia to Malaysia; 250,000 migrant domestic workers, primarily from Cambodia, Indonesia and the Philippines, are legally registered in Malaysia, although 10,000 others are undocumented. They tend to experience important decent work deficits and in some cases other human rights violations.

Similarly, the scope of application of the Invalidity Scheme (disability and survivors' benefits) and Employment Insurance System (unemployment benefits) was extended to cover domestic workers who are Malaysian citizens, permanent residents and temporary residents on a mandatory basis; however, this would exclude foreign domestic workers, even those with a valid travel document and temporary employment visitor's pass issued by the Immigration Department of Malaysia. It should be mentioned, however, that foreign workers with a temporary employment visitor's pass are covered by the Employment Injury Scheme.

Sources: Au et al. (2019); ILO (2022); and Malaysia, Social Security Organisation, [Employer Circular NO. 5, 2021, PERKES0.600-3/1/14 \(2\)](#), and "Frequently Asked Questions regarding the Extension of Social Security Coverage to Domestic Workers" 2 June 2021.

#### **Registration through embassies or consulates.**

Linkage with domestic workers abroad is a challenge for national institutions, especially in terms of communication, registration and the payment of contributions. To address this problem, embassies in foreign countries can serve as links between workers and social security institutions. This is the case of the Philippines, where domestic workers (Overseas Filipino Workers) may complete most of the necessary procedures in their embassies in the countries with the largest migratory flows.

#### **Conclusion and enforcement of bilateral or multilateral social security agreements with a view to ensuring social security coordination.**

Of particular importance to migrant domestic workers is the portability of contributions or benefits. This measure refers to the mechanism that enables migrant workers to maintain and have recognized, in their home country, any contributions accumulated in the host country. Some agreements among countries may also allow migrant workers to totalize the contributions made in a number of countries. Portability is particularly important for guaranteeing long-term benefits, such as from pension schemes. In the absence of portability,

migrants have less incentive to contribute because they can lose the contributions accumulated over the years abroad without ever accessing the protection they need. They are also faced with a high risk of financial loss.

In order to address the need for portability, some countries have ratified bilateral and multilateral social security agreements, which include among other things clauses for the portability of benefits or the aggregation of the number of contributions across countries, especially for old-age pensions. This means that the entitlements accumulated in one of more territories, whether benefits or contribution periods, must be guaranteed to the migrant worker in another ratifying territory (ILO 2013a). This situation is crucial for income protection when workers finally return to their home countries; nevertheless, it needs to be pointed out that these practices are still incipient around the world. This is also in line with Paragraph 20 of Recommendation No. 201, which calls on Member States to consider concluding bilateral, regional or multilateral agreements to provide, for migrant domestic workers covered by such agreements, equality of treatment in respect of social security, as well as access to and preservation or portability of social security entitlements. For example, the MERCOSUR Multilateral Social Security Agreement,<sup>135</sup> which entered into force in 2005 and is recognized as one of the most advanced in the region owing to its effectiveness and coverage, includes healthcare, old-age and disability benefits and ensures the portability of migrant domestic workers' pension rights. The Ibero-American Multilateral Convention on Social Security provides for the coordination of national legislation on pensions, thereby guaranteeing the rights of migrant workers and their families. As of 2017, it has 15 States parties (Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela (Bolivarian Republic of)) and is currently being implemented in 12 of them (Argentina, Bolivia (Plurinational State of), Brazil, Chile, Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain and Uruguay).<sup>136</sup>

While the Convention applies only to persons who are entitled to social security in their countries of origin, a fact that significantly reduces the number of potential beneficiaries, it has the potential to encompass migrant domestic workers. Article 8 states that the Convention is fully applicable in the absence of any bilateral or multilateral social security agreement between States parties thereto.

The inclusion of social security provisions in bilateral labour arrangements and memorandums of understanding can be a step towards the protection of migrant domestic workers' rights, although coverage will also depend on the relevant national laws and social security agreements, where these exist. In addition, in order to implement agreements (bilateral and multilateral) some practical concerns must first be addressed, the most important of which is the exchange of information between the social security institutions of the countries involved (Durán Valverde 2012). Finally, empowering diplomatic representations and domestic workers' unions to monitor the enforcement of bilateral labour agreements can help to ensure the access of migrant domestic workers to social protection.

**Special programmes and unilateral measures.** The creation of special programmes to strengthen general schemes in an effort to cover domestic workers employed abroad appears to be an effective strategy. Such programmes permit the contribution and benefit provisions to be differentiated and adapted to a population with characteristics that are quite different from those of individuals covered in general schemes. In the Philippines, the OWWA provides a range of social services to the country's 3.8 million migrant workers, including domestic workers, under the Migrant Workers and Overseas Filipinos Act (Act No. 8042). The OWWA provides life and personal accident insurance and monetary benefits to members who suffer occupational injuries, illness or disabilities while employed abroad. It also facilitates access to the Philippines Health Insurance, allowing nationals abroad to have coverage and ensure that they can contribute to the coverage of dependants left at home (see box 4.22).

135 Relevant national legislation includes Argentina, Act No. 25655 of 18 September 2002; Brazil, Legislative Decree No. 451/200 of 15 December 1997; Uruguay, Act No. 17,207 of 14 September 1999; and Paraguay, Act No. 2513 of 14 December 2004.

136 For further information on the status of the Ibero-American Multilateral Convention, see the Convention website, <https://oiss.org/convenio-multilateral/estado-de-situacion/>.

#### ► Box. 4.22 Protection of migrant domestic workers by country of origin (Philippines)

The Philippines is a major migrant worker-sending country, home to some of the most important labour migration corridors from the Philippines to Malaysia and Hong Kong (China), as well as to Qatar, Lebanon and other countries in the Middle East and North Africa region. A large portion of Filipino overseas workers are engaged in domestic work and almost all of them are women. The United Nations Committee on the Elimination of Discrimination against Women has even noted that the Philippines remains a source country for international and internal trafficking, including for domestic servitude.

For those reasons, the Government of Philippines has implemented a number of unilateral measures to ensure the social protection of migrants and their families. In particular, the Migrant Workers and Overseas Filipinos Act 1995 (RA 8042) and amendment in Republic Act No. 10022 provide the legal basis for social health protection among overseas Filipino workers and their families left in the Philippines. Specific measures to protect the right to health include the extension of portable health insurance to migrant workers; the implementation of multisectoral training schemes to enhance the capacity of overseas labour officers dealing with migrant health issues; and the creation of procedural guides for overseas welfare officers in managing overseas foreign workers living with HIV who are deported from host countries with travel-related restrictions. Additionally, RA No. 10022 stipulates the responsibility for recruitment and staffing of agencies to manage the social health insurance coverage of each migrant worker deployed, the establishment of a replacement and monitoring centre for returning Filipinos, and an overseas Filipinos resource centre in countries where there are large concentrations of Filipino migrant workers.

**Source:** UNDP, *The Right to Health: Right to Health for Low-Skilled Labour Migrants in ASEAN Countries*, 2015; ILO, "Direct Request (CEACR) - adopted 2020, published 109th ILC session (2021) Domestic Workers Convention, 2011 (No. 189) - Philippines (Ratification: 2012)"; ILO, *Extending Social Health Protection: Accelerating Progress towards Universal Health Coverage in Asia and the Pacific*; and ILO (2022).

**Linkage with public migration administrations.** Social security institutions can contribute to creating mechanisms for promoting the formalization of the employment of migrant workers. Workers who would like to enrol in social security could first register with the government agency that oversees migration issues in the host country, such as in the case of Singapore. Similarly, in Costa Rica an employment contract and individual social security coverage are preconditions for regularizing migration status. An unexpected side effect of this is that migrant domestic workers actually have a higher level of social security coverage than national domestic workers; for example, their rate of maternity coverage is nearly twice as high. In Bahrain, the Government reported introducing measures aimed at combating undeclared domestic work by authorizing migrants working in an unfair situation to apply independently for a

personal work permit without attachment to an employer, thereby avoiding any exploitation and guaranteeing access to all aspects of legal care and protection, including social security schemes, unemployment insurance, healthcare and other national schemes.<sup>137</sup>

**Strengthening and facilitating monitoring and labour inspections.** The limited monitoring and enforcement of compliance with respect to domestic work generally, including as regards labour inspections, can have exacerbated consequences with respect to migrant domestic workers, making them more prone to labour law and human rights abuses, such as physical violence, forced labour and trafficking. This reinforces the importance of strengthening and facilitating monitoring and labour inspection and ensuring, in addition to the recommendations provided under section 4.4,

<sup>137</sup> ILO, "Observation (CEACR) - adopted 2017, published 107th ILC session (2018): Discrimination (Employment and Occupation Convention, 1958 (No. 111) - Bahrain (Ratification: 2000)".

that labour inspectors are instructed on the particularities of migrant domestic workers and have a good understanding of the best practices for intervention.

**Building the awareness and capacities of migrant domestic workers.** Working in a foreign country can be particularly challenging for domestic workers, including in terms of grasping important information about labour rights and understanding administrative processes. Awareness-raising campaigns, the translation of essential information on social security schemes and the establishment of complaint mechanisms that are accessible to migrant workers (such as pro bono legal support) will be important for ensuring their social protection in practice. Some countries offer training courses for domestic

workers prior to authorizing work permits. The courses provide information on rights and responsibilities of workers, including those associated with social security, among other subjects. Other countries use awareness-raising tools within an integrated policy approach in order to tackle these barriers. For example, Argentina is implementing a comprehensive policy, including tax incentives, simplification of procedures and an information campaign, with a view to increasing the formalization and social security coverage of the most vulnerable workers (migrant workers, domestic workers and construction workers). As a result, the number of migrant domestic workers covered by social security doubled over a period of five years, although the overall number remains low and enrolment is a challenge.

#### Checklist: Considerations for extending the social protection of migrant domestic workers

- Is there sufficient, accurate and reliable data on migrant domestic workers' circumstances, with regard to social protection coverage? Could information and data collection on migrant domestic workers be improved? How can data be shared between national social security institutions?
- Does national labour and social security legislation cover migrant domestic workers? If not, what measures and reforms would be required to extend legal coverage? When covered, do migrant domestic workers enjoy conditions that are not less favourable than those applicable to other workers?
- What mechanisms are in place to facilitate the social security coverage of migrant domestic workers (e.g. streamlined administrative processes, benefit portability, bilateral and multilateral social security agreements, appropriate awareness-raising materials and mechanisms, etc)? What policy, legal and implementation changes would be necessary to ensure migrant domestic workers can access their right to social security? For example:
  - What changes to immigration laws and policies would be necessary?
  - Could labour inspection be strengthened to identify, address, and monitor the issues faced by migrant domestic workers, including their high risk of experiencing labour law and human rights abuses?
  - Are there mechanisms to raise awareness and increase the capacities of migrant domestic workers with respect to their labour and social security rights and obligations?
  - Are there special programmes designed to address the particular circumstances of domestic workers employed abroad? How can these programmes complement and strengthen social protection coverage?
- Are there bilateral and multilateral social security agreements in place between the migrant domestic worker's country of origin and the destination country? If so, do these include the necessary provisions to ensure domestic worker's access to social protection? What would be necessary to ensure they are enforced? If they are not in place, can they be concluded?

# Conclusions



**Achieving and maintaining universal social protection requires a continuous effort that combines strong political will in favour of a coordinated whole-of-government approach with adequate financing and increased technical capacity. There is growing recognition that, due to the important coverage gaps suffered by domestic workers, realizing the fundamental right to social security of this category of workers needs to be placed high on political and reform agendas in the run-up to achieving the SDGs.**

Today, from a legal coverage point of view, not even 50 per cent of domestic workers worldwide are considered to be legally covered through social insurance schemes. The situation is much worse from the perspective of comprehensive coverage (for all nine contingencies constituting social security) – where only 6 per cent of domestic workers are legally covered. In practice and not surprisingly, such low legal coverage rates translate into even lower effective coverage rates. Only one in five domestic workers are actually registered with the respective social security institutions, the vast majority of them being employed informally. Domestic workers are nearly two times less likely than other employees to be effectively covered by social security systems.

The successful extension of social protection to domestic workers thus requires States to address gaps in both legal and effective coverage. Due to domestic work traditionally being undeclared and informal, successful policies to extend labour and social protection to this category of workers have therefore tended to go beyond extending the scope of national legal frameworks in their direction. They have also sought to adapt these frameworks to take into account the specificities of domestic work – which is performed in private households, often for many employers and for wages that are often partly paid in kind, with difficulties in relation to compliance (carrying out inspections in private households) and so on. Taking stock of these specificities and challenges can shed light on the optimal ways to design schemes in terms of benefit packages, calculating and collecting contributions, establishing qualifying periods and benefit duration. For this reason, successful national experiences have launched national studies and engaged with social partners and other relevant stakeholders to help identify the specific barriers standing in the way of effective protection. Such studies and processes can

feed into national social protection policies and strategies and provide options to ensure that the extension of social protection to domestic workers is done in an effective, adequate and sustainable manner.

Realizing the fundamental right to social security of domestic workers needs to be placed high on political and reform agendas in the run-up to achieving the SDGs.

In line with the guidance provided by international labour standards, in particular Convention No. 189 and its accompanying Recommendation No. 201, as well as Recommendation No.202, more States have started exploring ways of extending social protection to domestic workers as an important component of the objective of achieving universal social protection. Indeed, a number of countries have recently undertaken legal reforms to extend the scope of existing contributory schemes to domestic workers on a mandatory basis. Further efforts remain necessary, however, in view of the magnitude of the deficit in social protection coverage in both legal and effective terms. Solutions will need to be adapted to each national context through a combination of measures. In regions like Africa, for example, challenges are greater since both legal and effective coverage remain the

exception, despite the few successful experiences referred to above. Significant efforts also remain necessary in the Arab States and in the Asia and Pacific region on both fronts, whereas high-income countries face greater challenges in tackling the phenomenon of undeclared domestic work, which translates into low effective coverage rates.

Overall, in designing and implementing extension strategies that ensure that domestic workers are effectively and adequately covered by national social protection systems, Member States, social partners and other relevant stakeholders may take into account the policy considerations outlined below.

**Extension strategies require a multifaceted approach.** Notwithstanding existing barriers, this report shows that it is feasible to extend legal and effective social security coverage to domestic workers, even in developing countries. Countries that have made important strides in extending effective coverage have adapted their social security systems to the specificities of domestic work, including with regard to the financing and collection of contributions; enrolment and the promotion of coverage; the dissemination of information and awareness-raising among workers and employers; and the adoption of specific measures to include migrant domestic workers. States should therefore consider a combination of interventions as part of a comprehensive strategy that addresses the particular challenges and barriers that exist at the national level.

**Legal frameworks should be inclusive and harmonized.** When addressing gaps in legal coverage, the focus should be on implementing the principles set out in Convention No. 189, which seek to ensure that domestic workers have access to social protection in a manner no less favourable than that enjoyed by other workers. In most countries, this means that consideration should be given to extending existing social insurance mechanisms to include domestic workers. This will require the parallel extension of the labour legal framework to this category of workers so as to secure coherence across different laws and regulations, notably labour laws, social security laws, immigration laws and so on.

**Extension strategies should be founded on international social security principles.** ILO social security standards establish the principles that guide the extension of social security to domestic

workers in a manner that is conducive to building universal, comprehensive, adequate and sustainable social protection systems. With these in mind, states should consider extending coverage to domestic workers through mechanisms at least as favourable as those applicable to other employees. In most cases, integration in the general social security scheme that covers all employees – in application of the principle of combining the largest numbers for risk-pooling, which underpins the very concept of social security – should therefore be favoured over developing separate schemes that are much less capable of reaching financial sustainability. The extension of social insurance and other contributory mechanisms also requires considering the requirement for adaptation to the needs and circumstances of domestic workers, who have more unstable forms of employment and face particular challenges.

**Universal social protection requires a two-dimensional approach.** The extension of social protection to domestic workers cannot be tackled in isolation. Governments should prioritize the establishment of universal, comprehensive and sustainable national social protection systems that provide adequate levels of protection and are inclusive of workers in all types of employment. Where the entire range of statutory contributory benefits is not yet applicable to these workers, efforts should be made to progressively extend coverage and ensure that all domestic workers benefit, at the very least, from basic social security guarantees comprising access to essential health care and basic income security throughout the life cycle, as established by Recommendation No. 202.

**Administrative procedures should be customized and simplified.** In order to ensure that legal coverage can translate into effective social security coverage, it is essential to facilitate access to social protection measures by removing administrative barriers, in particular those faced by the employers of domestic workers. Registration processes and contribution payments should be reviewed with a view to addressing the problems related to limited administrative capacities, including by simplifying procedures and harnessing digital solutions. Service vouchers systems have proved very useful to facilitate administrative procedures, support the recognition of employment relationships, raise awareness and share information. Digital solutions should be accompanied by principles of data protection and privacy and measures to improve

digital literacy. Centralized collection processes and legal tools, such as presumptive provisions, can also be considered.

**Financing modalities should be adapted to contributory capacities.** Effective coverage under social insurance schemes will require that employers regularly pay contributions payments on behalf of domestic workers. In view of the limited contributory capacity of domestic workers and sometimes also of their employers, specific measures for facilitating this process might be necessary. As regards addressing the difficulties of fluctuating incomes and the challenge of estimating exact earnings for the purpose of calculating contribution rates, states may consider using differentiated contributions based on working time or age. For certain vulnerable segments of domestic workers, states have made good use of general revenue resources to subsidize the extension of social protection to domestic workers, either by way of contributory exemptions or reductions or tax credits.

**Knowledge and information-sharing are key.** Measures should be designed and implemented to ensure that domestic workers and their employers are informed about their rights and obligations and are aware of the benefits of social protection coverage. A combination of different mediums can be considered to raise awareness and share important information about the right of domestic workers to social security and the corresponding obligations in a manner that is well adapted to the target audience. These include civic education and national academic programmes, mass media, special newsletters and call centres, awareness campaigns, knowledge products, guides and toolkits and so on. Representatives of domestic workers and their employers and other relevant stakeholders can play a key role in raising awareness and sharing knowledge and information about social protection.

**Compliance should be strengthened, including through preventive and enforcement measures.** Promoting compliance through prevention and enforcement measures will be essential for the proper implementation of labour and social security law. This will require the state to assume its responsibility for the effective and efficient functioning of the system, notably setting up the required legal and institutional arrangements, including adequately resourced inspection services and auditing rules, as well as complaints and

appeal mechanisms. In particular, social security and labour inspection services should be mutually supportive and coordinated. In addition, in the case of domestic workers, this will mean specifying the conditions under which access to household premises may be granted, with due respect for privacy, in line with Convention No. 189. Complaint and appeal mechanisms should be accessible and inexpensive, impartial, transparent, simple and rapid, in line with international standards. A holistic approach should be undertaken that ensures that enforcement mechanisms are accompanied by prevention and promotional strategies, such as awareness-raising and capacity-building (notably of inspectors, law enforcement officials and administrative and judicial officials), in addition to punitive measures (such as fines and sanctions).

**Representative organizations of domestic workers and their employers play an essential role in designing and implementing social protection systems and building capacity and raising the awareness of key stakeholders.**

The participation of the representatives of employers' and workers' organizations is essential for the design and implementation of national social protection extension strategies that seek to cover domestic workers. To be effective, social dialogue must be meaningful, which also necessitates respect for ILO fundamental principles and rights at work, in particular collective bargaining and the right to organize. Such organizations can facilitate joint advocacy for increased public investment in domestic work and can also support the capacity-building of their members in order to ensure better compliance with labour and social security legal obligations. They can also serve as a vector for ensuring that relevant information reaches its target audience. Insights provided by other stakeholders with specialized knowledge of domestic work can also play a crucial role in the extension of social security to domestic workers.

**Good governance and coordination and coherence across social and economic policies should be ensured.** Well governed and empowered institutions that build trust, awareness and ownership, while ensuring transparency and accountability, will be central to the effective and sustained extension of social protection systems to domestic workers. Social protection extension strategies that successfully realize domestic workers' human right to social security will also require coordination with other social, employment and economic

interventions. These include formalization strategies; minimum wage legislation and other wage policies; legislation and policies on working hours; legislation and guarantees for occupational health and safety; active labour market policies; and the promotion of social dialogue, notably through improved organization and representation, among others. Domestic work also plays an important role at the intersection of care and social protection policies.

**The particular challenges that migrant domestic workers face should be addressed.**

Certain categories of domestic workers – including live-in and migrant domestic workers – might face additional challenges in accessing their human right to social security. In the case of migrant domestic workers, special efforts should be made to ensure they are not excluded from labour and social security law based on their migration status. The conclusion and enforcement of bilateral or multilateral social security agreements will also be essential to ensure the portability of contributions and benefits between host and destination countries. Measures should be adapted and able to ensure that labour laws and human rights are adequately enforced, notably through effective controls and inspection mechanisms. Additional efforts may also be necessary to ensure that information reaches migrant domestic workers in a functional manner and that they are provided the support needed to complete administrative procedures related to their status and social security obligations, as well as to access complaint-based mechanisms.

Achieving and maintaining universal social protection represents a moving target and requires constant vigilance and adaptation by the state and social partners to ensure that workers in all types of employment, as well as all other persons in need, are effectively and adequately protected throughout their lives in terms of access to medical care and prescribed levels of income security. ILO social security standards assign to the state the overall and primary responsibility to progressively secure the realization of this objective and chart the way by establishing the principles on which universal and rights-based social protection systems should be built and maintained. In times when much of the discourse is about addressing the challenges related to the many transitions and transformations that contemporary societies are going through, notably in connection with the future of work, it is important to recall that a very significant share of the 4.1 billion people who have no form of social protection are people who work informally or in rural areas, including many domestic workers. Often, despite having been practiced for centuries, these occupations have yet to be recognized by legislators or society as deserving of extended labour and social protections. It is therefore high time that, when considering ways of protecting the growing number of workers engaged in new forms of work, decision-makers make sure to address these pre-existing categories as well, notably the category of domestic workers. Their enjoyment of the human right to social security is long overdue and our reliance on them in the future is likely to increase, partly because of the centuries-old societal demand for domestic work, which will only marginally be replaced by technological advancement, and also because the domestic work sector will be important and instrumental in securing a decent care economy.



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(IPEC)  
CONTRACT AGREEMENT AND CONDITIONS OF SERVICE FOR YOUNG  
EMPLOYEES WITH EMPLOYERS  
(ELIMINATION OF DOMESTIC CHILD LABOUR IN LILONGWE DISTRICT)

Working conditions will be guided by this manual.

*Malamulo a nchito adzasamalidwa bwino bwino ndi mwana wogwira  
nchitoyo ndino bwana wako womulamba nchito.*

It is an express condition of your service that you provide the following information to  
the employer:  
**Muwanyo ayenera kulembedwa mfundo iyi**

Name/Dzina	Beauty Robert
Age/Zaka	15 years
Male/Famola (Muamuna/Mtsoa)	Female
Village/Kumodzi	Chikanga (Ngola)
T/A (Mfumu Vabulu)	T/A Chades
District/Boma	Nkhoswe Lilangwe
Name of employer/Dzina la bwana	Mr & Mrs Jere
Place of work/Malo ogwira nchito	Kambe 1
Nature of work/ Mtundu wa nchito	Ya ngumbi
Position/Nchito yabe/ludindo	Kuyang'asura Pakhoma
Starting from/Tulu loyamba nchito	22 December 2010
School/Suhulu/Centre yomwe apita	

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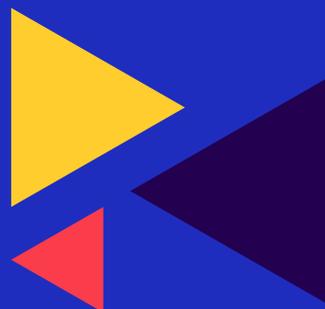
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On any given day, no less than 75.6 million domestic workers support households to meet essential household care needs. The vast majority of them are deprived of their human right to social security — something the COVID-19 pandemic made glaringly evident. Access to social protection can greatly improve the livelihoods of domestic workers and their families, including by reducing poverty, inequality and social exclusion and supporting their transitions into the formal economy. The challenges are real but not insurmountable, as attested by the headway made in many countries. Drawing on new data, the report demonstrates the magnitude of social protection deficits experienced by domestic workers worldwide and identifies the barriers standing in the way of their effective social protection coverage. It then sets out concrete extension strategies, based on the guidance set out by internationally agreed normative frameworks and country-level experience, to help policymakers, implementers, representatives of domestic workers and their employers, as well as other relevant stakeholders, to overcome social protection barriers and make the right to social security a reality for domestic workers.

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