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Eunie Dladla of the South African Domestic Service and Allied Workers Union talks to members in Johannesburg about how to negotiate with employers. Photo: Jonathan Torgovnik/Getty Images Reportage

From the Palace to the Kitchens: Making C189 Real for Domestic Workers in Africa

By Pamhidzai H. Bamu

At the moment the International Labour Organization adopted the Convention concerning Decent Work for Domestic Workers, No 189 at the Palais des Nations in Geneva on 16 June 2011, domestic worker leaders and their allies displayed a huge banner that read: “C189 – Congratulations! Now comes the domestic work for governments: RATIFY – IMPLEMENT!” But C189 remained an unfulfilled promise for domestic workers in Africa.

In response, WIEGO and the International Domestic Workers’ Federation (IDWF) initiated a joint project in 2016 on [Making C189 Real for Domestic Workers](#). This edition of *Law & Informality Insights* chronicles the conception, implementation and outcomes of the project.¹

The sections below sketch the situation of domestic workers in Africa in 2016, when the seed for the project was sown; explain how bringing together WIEGO’s Law Programme and Organization and Representation Programme radically changed the project’s design from the traditional recipe for legal education; discuss what project participants have done; and consider the ‘secret sauce’ that distinguished our project and contributed to the reported outcomes. I end with reflections on what the project has meant for me as a movement lawyer, and how it has impacted the Law Programme’s approach to legal

¹ While the project is being implemented in the African and Caribbean regions, this newsletter focuses on our work in Africa.

empowerment. To centre worker voices, I have incorporated direct quotations from the domestic worker leaders I talked to wherever possible.

C189: A Promise Unfulfilled for African Domestic Workers

In 2016 – five years after its adoption – 23 countries had ratified C189. Of these, only two (Mauritius and South Africa) were from Africa, a region with very high domestic worker employment and where domestic workers are among the most marginalized.

The Convention's main objective is to put domestic workers on an equal footing with workers in other sectors. It extends basic rights to domestic workers, such as minimum wage, regulated working times, paid time off, social protection, health and safety at work, and protection from harassment and violence at work. But it also recognizes that promoting domestic workers' enjoyment of these rights may require sector-specific standards that recognize the "special conditions under which domestic work is carried out".²

Domestic workers in Africa were facing many challenges, including gender-based violence and sexual harassment at work. They experienced physical, verbal and psychological abuse ("even the children abuse you and call you funny names"). Additionally, many domestic workers did not have an employment contract and worked long hours for very low pay. Moreover, basic rights that other workers enjoy, such as rest days and annual leave, were the exception rather than the norm in this sector.

Underlying domestic workers' challenges was a social, legal and economic system that for decades has denied their status as human rights bearers or workers. Consequently, they had limited power to bargain with their employers and were invisible in society and the economy. Worse still, law- and policymakers largely excluded domestic workers in the processes of making decisions that affected their work and lives.

In this context, aligning law, policy and practice with the principles of C189 is complex, raising many questions. How can we secure the ratification of a convention for invisible and undervalued workers? Are there other avenues for domestic

worker organizations, and domestic workers themselves, to realize decent work in the sector? How, if at all, can lawyers support the cause?

Legal Education for Workers: The Traditional Recipe

It was also in 2016 that I had a life-changing conversation with Vicky Kanyoka ("Mama Vicky"), the IDWF's regional coordinator for Africa. I had joined WIEGO and one of my first tasks was to contact her to find out how our newly formed Law Programme could support her organization. "Mama Vicky", as she invited me to call her, immediately mentioned building the capacity of African affiliates to use C189 effectively: "We need a toolkit and capacity-building to help our leaders push for ratification."

Mama Vicky explained that, although most organizations had participated in the processes leading up to the adoption of C189, leaders did not fully appreciate its provisions. Ruth Kakame, Chairperson of Domestic Workers' section in the Kenya Union of Domestic Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA), would later say, "if you look at how we used to interpret the convention, [you will see that] it was very heavy for domestic workers". The sector was only beginning to engage with the ILO system, and leaders needed to understand ratification, implementation and supervision and the role of worker organizations. Furthermore, leaders seemed to believe that ratification was the only way for domestic workers to access the rights and protections in C189. Essi Kotor, former Secretary-General of Syndicat National des Domestiques du Togo (SYNADOT), would later recall that "we were afraid to talk about C189 without ratification".

As we discussed the toolkit and the training, I made a mental to-do list: 1. Develop a toolkit with simplified language. 2. Prepare Powerpoint presentations to break down the provisions of the convention and its recommendation. 3. Make sure the slides contain lots of photographs and graphics. 4. Draw connections between the daily issues that domestic workers face and the provisions of the convention. 5. Include questions to get the participants talking. 6. Include group activities, with flipcharts and colourful markers, to test whether the participants "got" what was in the presentations.

² Preamble of Convention 189.

These were the makings of a classical “know the law” training. Underpinning this approach is the assumption that ordinary people do not know the law and that all they need to be able to change their situation is to know and understand it more fully.³ In other words, the main barrier to workers’ efforts to have C189 ratified and implemented was lack of knowledge.

As an expert in international labour standards and on national laws regulating domestic work, I saw my job as teaching the worker leaders how they could use C189, taking this international law instrument to push for its translation into national law. But this limits the role of participants, as Ruth from KUDHEIHA put it, to “sitting and listening to a lecture with many slides”. I wasn’t thinking about what we could learn from their existing organizing and advocacy strategies, which had delivered them gains, both on C189 and other issues. Nor was I thinking of the domestic worker organizations’ other capacity constraints, such as limited experience in advocacy and lack of confidence to approach government officials. As Essi would later reflect, “we thought that only [professionals or experts from international organizations] could discuss [this] with the government”.

Adding Cooks to the Kitchen: A Cross-Programmatic Approach

Thankfully, the Law Programme Director at the time, Marlese von Broembsen, felt that the Law Programme could not work alone on this project. She suggested working with WIEGO’s Organization and Representation Programme (ORP). Responsible for supporting workers’ organizing at the local, national and international levels, ORP facilitates strategic linkages with key allies and supports workers’ membership-based organizations in gaining the necessary confidence and skills to achieve their goals.

The two programmes began designing the toolkit and capacity-building programme with the IDWF. Chris Bonner and Vanessa Pillay were the main collaborators from ORP. We took the following steps:

- In June 2018, we held the **first workshop** with representatives of 21 affiliates of the IDWF in Nairobi, Kenya. Our goal was to build workers’ capacity to understand the

provisions of C189 and develop strategies to promote its ratification and implementation. In addition, we shared the draft C189 toolkit with the domestic worker leaders and sought their inputs prior to finalizing it. The affiliates represented Benin, Burkina Faso, Côte d’Ivoire, Ghana, Guinea, Kenya, Liberia, Malawi, Mali, Mozambique, Namibia, Niger, Nigeria, Senegal, South Africa, Tanzania, Togo, Uganda, Zambia and Zimbabwe.

- In June 2019, we held a collective bargaining and negotiation skills workshop in Dar-es-Salaam, Tanzania, where 23 (now including Ethiopia and Madagascar) domestic worker leaders reviewed and approved the revised **toolkit**.
- In March 2023, WIEGO and the IDWF organized a workshop to evaluate the outcomes of the toolkit and capacity-building. This was held at the end of the IDWF Africa pre-congress workshop in Dar-es-Salaam, and 28 affiliates (now including Botswana, the Democratic Republic of the Congo, Guinea-Bissau, Lesotho and Rwanda) of the IDWF participated.

As the project progressed, I increasingly appreciated the cross-programmatic collaboration, which enabled us to fuse our respective strengths. The Law Programme brought its expertise on principles of interpretation of international instruments, analyzing gaps in national laws and navigating avenues for incorporating international principles into national law. ORP brought its wealth of experience in developing worker education, organizing and mobilizing workers, building campaigns, and supporting negotiations and collective bargaining. As a result, our project adopted several principles and practices that distinguished it from conventional “know your rights” training.

First, we named the project “Domestic Workers and C189: Making it Real” – to remind us that our goal was to ensure that domestic workers enjoyed the protections of the Convention, and also highlighting the agency that domestic workers and their organizations have to improve their working conditions in various ways.

Second, instead of presenting our partners with a completed toolkit, we turned its development into a collaborative effort with IDWF staff and

³ Von Broembsen, Marlese. 2012. *Legal Empowerment of the Poor: The Re-emergence of a Lost Strand of Human Rights?* Austin, Texas. The Bernard and Audre Rapoport Center for Human Rights and Justice.

affiliates. We shared a draft for feedback at the first workshop and incorporated their suggestions in preparation for the second. We also incorporated examples that they shared about strategies that they had employed to promote ratification and/or implementation of C189. All of this encouraged *ownership* by the IDWF and their affiliates. It wasn't a WIEGO toolkit; it was theirs.

Third, we began each workshop by asking about problems that domestic workers in their country face. This helped establish the *relevance* of the convention to the daily realities and struggles of domestic workers and increased the participants' levels of engagement with the convention — how they could bring it to bear on their engagements with employers, the government and the public.

Fourth, we screened a video titled, *C189 Conventional Wisdom*, which documents the process leading up to the adoption of C189, from national and regional discussions to participating in the International Labour Conference in Geneva. By engaging emotions, the video goes beyond conventional training that primarily engages the mind. The screening prompted reflection on the strategies domestic worker leaders employed to bring the Convention about, including alliance-building, demonstrations, petitions and awareness campaigns. This enabled participants to validate the strategies they were already employing and decide on others they could use.

Fifth, before sharing new information about any topic, we asked participants what they already knew about that topic. We also created opportunities for them to share their experiences of, and strategies for, promoting better working conditions. This was critical to put into practice our principle of *mutual learning* (“everyone is a teacher and a learner”) and disrupt the power asymmetry associated with unidirectional flow of knowledge.

Sixth, we used role-playing in building up the domestic worker leaders' negotiation and collective bargaining skills. We incorporated *humour* here, adding enjoyment to these activities that engage participants' bodies and emotions as well as minds. We also built in *reflection and feedback*, which enriched their learning.

Seventh, we asked the participants what actions they would take within their organizations to take C189 forward. We found that writing these commitments made it clear that we aimed to go beyond the usual “talkshop” in making the participants accountable to the group.

Taking It and Running With It: Outcomes of the Making C189 Real Project

In 2019, Mama Vicky excitedly reported that the IDWF affiliates were doing “amazing things” with the C189 toolkit. The affiliates were using the toolkit and lessons from the workshops in their strategies to sensitize the public, promote better employer practices, and demand legal and policy reform. In a number of cases, changes they made led to positive developments in the behaviour of other actors too, including governments and employers.

This section shares project outcomes drawing on information gathered during the 2019 and 2023 workshops, and from email correspondence and interviews with leaders of IDWF affiliates in Africa in May and June 2024. It highlights how the project contributed to changes that domestic worker organizations have made in their agendas, activities, relationships, policies or practices.⁴ Where appropriate, it also identifies changes made by other actors, including government, employers and the media. Without claiming that the project was the sole cause of these outcomes, the discussion draws logical links between the project and the changes it led to, demonstrating that it made some contribution.

As the discussion shows, the organizations have strengthened their strategies by building alliances across a range of stakeholders. Domestic worker leaders reported that these alliances have strengthened the organizations in their struggles by enabling them to secure information, advice, new strategies and political support. According to Nellie Kahua, Secretary-General of the Namibian Domestic and Allied Workers Union (NDAWU): “... the one thing that you also learn is you must not do it alone. You cannot do it alone, because the moment you start trying to do things alone, you will not succeed.”

⁴ This approach draws from Ricardo Wilson-Grau, *Outcome Harvesting: Principles, Steps and Evaluation Applications* (2018); a volume in the series *Evaluation and Society*. Editor(s): Stewart I. Donaldson, Claremont Graduate University; Katrina L. Bledsoe, Education Development Center.

Organizing and mobilizing domestic workers and tapping into the labour movement

Leaders need to fully engage their members to be able to represent their interests and air their concerns effectively. Without the support of active members, there can be no demonstrations, petitions or campaigns that highlight the challenges and demands of the workers in this largely invisible sector. As Ruth from KUDHEIHA argued, it is important to teach domestic workers about the convention “so that they understand why the Convention is important ... [and] what we are campaigning for”. Domestic worker leaders in countries including Burkina Faso, Kenya, Nigeria, Tanzania and Zambia have used the toolkit to guide their capacity-building activities, with one leader describing it as a “ready-made resource to explain the Convention”.

Describing an initiative with the IDWF to teach Nigerian domestic workers about C189, Ojo Kayode of the National Union of Hotels and Personal Services Workers (NUHPSW) said: “The idea is to get members to understand the provisions of the Convention and how to use it in their various places of work.” Zanzibari domestic worker leaders used the toolkit in their Safe Migration Programme in late 2023. The training focused on the law and the rights of domestic workers, as well as the impact of international agreements on migrant domestic work.

In Kenya, KUDHEIHA leaders discuss the convention in their monthly meetings. Having the toolkit available in Swahili has made it possible to build workers’ capacity:

“When we discuss any issue, we link it with the Convention Workers can educate fellow workers, I don’t need to come from the offices to support education. You yourself as a leader can use the information to reach out to domestic workers in your estate and in your community groups and where you live, in informal settlements.”

In addition to building knowledge about the Convention, domestic worker organizations are building their members’ collective bargaining and negotiation skills. For example, the Syndicat National des Employés de Maison et de Gardiennage du Burkina Faso (SYNEMAG/B) organized training on collective bargaining and negotiation in June 2022. In Tanzania, the Conservation, Hotel and Domestic Workers Union

(CHODAWU) held similar training in 2023 and 2024. Specific programmes like these are coupled with continuous efforts to raise the awareness of domestic workers, who “always ask us about how they too can achieve decent work”.

The Domestic Workers Union of Zambia (DWUZ) leverages its branch structures to disseminate the knowledge and skills gained from the project. According to the union’s Secretary-General, Ruth Sakala:

“Domestic workers working within the same geographical area come together and share different values / experiences Through these participatory verbal interactions we provide teachings related to domestic work, discuss challenges, among others. These meetings have provided members an opportunity to reflect on the content of the teachings and take into practice the knowledge and skills gained.”

Leaders’ participation in the Making C189 Real project and subsequent activities and information-sharing among members have helped to re-invigorate domestic worker organizations and to energize their recruitment and organizing efforts. In Senegal, Syndicat National des Travailleurs Domestiques (SYNTRAD) began to organize meetings with their members on Sundays: “It was after the 2018 workshop in Nairobi that we started it and it became a continued practice”. These meetings are a space for members to generate ideas to address priority issues, and the union has experienced “strengthened leadership, transparency and solidarity”.

According to union leaders, implementing the lessons learned from the training and the toolkit has enabled them to increase their membership significantly. In Zambia, where the government is yet to ratify the Convention, the domestic worker-led DWUZ is confident that its members are making it real on the ground:

“We learned a lot, shared the experiences with other union leaders and union growth has never been the same ... We have done a lot of activities and confirm that some of our members have ratified the C189 in their respective workplaces through the FIND MORE concepts: Find where the domestic workers are; Involve them in undertakings; Nurture the relationship; Design and develop trainings for capacity-building; and

Mobilize the Domestic workers; Organize them; Recruitment and retention of domestic workers; Educating the domestic workers."

In Guinea, "Many things have changed, namely the massive membership of domestic workers in our union even within the country, with new branches in certain large regions of our country." And in Nigeria, "Gradually, our numerical strength has increased from a mere 396 members in 2018 to 2,760 registered members in December 2023, and the number has continued to grow with the recently concluded workshops across the country." In Nigeria and Senegal, the momentum that the organizations have generated has made it possible for them to use social media and teleconferencing to connect, share experiences and strategies. Moreover, the stronger the domestic worker unions have become, the more responsive they have been to their members' broader needs, such as income-generating activities to supplement their earnings.

Domestic worker leaders in a few countries stressed that, in multisectoral trade organizations, the sector often falls behind others in terms of membership and the collection of dues. This often has meant that the needs and requests of domestic worker sections or branches are not prioritized in these organizations. After the 2018 workshop, one domestic worker leader convinced her multi-sectoral union to adopt the position that "domestic worker members need to be serviced in the same way as all other sectors". Three years later, the union appointed a domestic worker to a prominent position in its women's committee in keeping with the principle "nothing for us without us", and union members from other sectors joined the campaign for decent work for domestic workers.

In another country, domestic worker leaders have been working hard to get the domestic worker section to "stand up and shine" to "kill the invisibility of the sector". They have negotiated for support for domestic workers and are addressing the controversy about membership dues, which has hindered the inclusion of domestic workers:

[We have to] remind the union that the union must fight for [domestic workers]. It is not about dues...let them come to the union, let them know us first. Let us not block them because they don't pay dues. They need to understand what the union is about and then [they will] see the benefits of paying the dues.

Domestic worker organizations have leveraged their relationships with their trade union federations. For example, in Namibia, the National Union of Namibian Workers provided strategic guidance to domestic worker leaders on how to engage the social partners to secure ratification. In Togo, SYNADOT acknowledged the guidance that its trade union federation provided in obtaining authorization to carry out demonstrations.

Trade union federations also represent labour in tripartite forums where domestic work is discussed. This was the case in both Togo and Burkina Faso when C189 was tabled for ratification in late 2023. In both countries, the federations relayed this information to the domestic worker organizations, and in the case of Burkina Faso, the federation requested the participation of the domestic workers union in the discussions.

Domestic worker organizations also have drawn inspiration, encouragement and strength from the experiences and strategies that their sister organizations across the continent have shared. In Zambia, the then-Domestic Workers' Association of Zambia organized the sector's first Workers' Day demonstration after attending the first workshop in 2018. This demonstration gave visibility to the sector's role and contribution and gave domestic workers the confidence to stand and be counted as workers, much to the surprise of government authorities. In Namibia, the Secretary-General of NDAWU, Nelie Kahua, recalls:

"Yes, I learned new strategies in Namibia ... especially from South African domestic workers' union (SADSAWU) when they overnight[ed] at the parliament in Cape Town and chain[ed] themselves to the gate. [Then] we demonstrated in front of the office of the Ministry of Labour with mops, brooms, cleaning material and different equipment to submit our petition to the Minister."

Engaging government institutions and officials

After the Convention's adoption, worker leaders found the idea of confronting their governments daunting. This changed after we initiated the Making C189 Real project. Many participants reported that they subsequently negotiated with government officials. In Senegal: "The toolkit allowed me to negotiate well with the Minister of Labour of Senegal so that he can come and chair the Senegal workshop ... before this training on the toolkit, I did not know how to make pleas,

negotiations and lobbying.” In Togo: “Before, we did not know how to approach the government, but toolkit and training enabled us to know which information to give the government, which message to bring to them, and we benefited from the role plays”. In Burkina Faso: “After this training, the union leaders participated in negotiations with the labour ministry on several occasions for C189 ... which demonstrates a positive change in the leaders’ knowledge.”

Namibia ratified C189, and there has been significant progress towards ratification in several other countries, with high-level commitment to ratify in Kenya, Tanzania and Togo. On Tanzania’s Zanzibar Island, CHODAWU is represented on a task force for the campaign for the ratification of C189 and is using the project’s toolkit to inform the discussion about the development of a work plan for the task force.

Although C189 remains unratified in most African countries, organizations are using it to secure legal changes that give effect to the Convention’s protections and principles. For example, the Secretary-General of Ghana’s Domestic Service Workers’ Union participated in the process of drafting regulations on domestic work, which provide for employment contracts, maternity leave, annual leave, decent living conditions and social protection. In 2023 in Tanzania and Togo, the domestic workers organizations secured minimum-wage increases. In Zimbabwe, the union secured an increase in the minimum wage, but the high rate of inflation rendered the increase worthless within a short period of time. In Togo and Côte d’Ivoire, domestic workers have been included in universal health programmes by presidential decree and policy reform respectively.

In a few countries, the organizations have approached government authorities for support beyond legal reform. CHODAWU in Tanzania is seeking to convince the Labour Ministry to include the union in the negotiations to conclude bilateral labour agreements where the migration of Tanzanian domestic workers is being discussed. In Zambia, domestic worker leaders targeted the police and the immigration departments for capacity-building about domestic workers’ rights because these officials often encounter domestic workers in the context of their work. In Kenya, when a domestic worker leader was arrested and jailed for recruiting fellow workers in a residential

estate, she called her daughter and asked her to bring her the **Toolkit on C189**. “I showed [the prison authorities] my book. I told them that I have rights and had done nothing wrong.” Confronted by the weight of an international agreement, the authorities released her.

Engaging and negotiating with employers and employment agencies

Participants have been engaging with employers at different levels and in different ways. First they have been building their members’ capacity to negotiate with their employers themselves, as is the case in Togo, Kenya, Nigeria and Zimbabwe. Second, the organizations have been engaging with employers on behalf of workers. Third, they have engaged with groups of employers that are part of a sector association, or who associate in other ways. In addition to engaging employers, domestic worker organizations engage with agencies that place domestic workers in private homes.

Generally, leaders reported that learning how to negotiate effectively has enabled domestic workers to know when to exercise power in subtle ways, especially against employers who can fire ‘troublesome’ workers on a whim: “We know what they like and what they don’t like, so we find ways to ask them for something.” Leaders demonstrate creative ways to bring the provisions of the law and C189 to their employers’ attention and negotiate for better working conditions. This has enabled workers to achieve “small wins in the workplace”, including protections relating to public holidays, minimum wages and salary increases, and employment contracts. According to some organizations, this has marked a shift, from being “just willing to do anything [for the employer]” in Kenya to taking the initiative to improve their working conditions. In Zimbabwe, negotiating for better working conditions “has not been happening before, since domestic workers were used to a take-it-or-leave-it approach by their employers”.

Turning to organizations efforts to engage employers on their members’ behalf, the Senegalese domestic workers union reported that it supports individual employers to negotiate employment contracts with their domestic workers. In other countries, the organizations reported engaging domestic worker employers through awareness-raising campaigns. This is the case

in Tanzania, where CHODAWU has been raising awareness among employers and domestic workers about the importance of the social security fund. This has resulted in a total of 170 domestic workers on Zanzibar making contributions to the social security fund.

Domestic worker organizations also have engaged and sought the support of employers' organizations. In Zimbabwe, ZDAWU's awareness-raising about the Convention during 2020 opened the door for conversations with a group of employers, who later established the Zimbabwe Domestic Employers Association to represent their interests and promote good employment practices in the sector. Because employers' associations in the domestic sector are a rare occurrence, organizations have had to find creative ways to gain employers' support. The Kenyan and Namibian unions also engaged national employer federations about the ratification of C189. In Namibia, NDAWU secured the national employers' federation's support in having the ratification of C189 tabled for discussion in tripartite negotiations.

Another avenue for engaging employers collectively has been by leveraging strategic relationships with groups or organizations whose members employ domestic workers. In Nigeria, the union has engaged employers of domestic workers with other affiliates of the International Union of Food Workers (IUF). The union has used its monthly meetings to sensitize its four sister affiliates on C189 and decent work for domestic workers. In Togo, the domestic workers' union has used engagements with government officials to remind them how domestic work supports their own work. In Côte d'Ivoire, the union has engaged ILO and UN staff members – many of whom employ domestic workers – to declare their domestic workers, register them with the social protection scheme, and pay them the stipulated wage rates.

Domestic workers' organizations are also beginning to engage employment agencies that recruit in the sector. In Zambia, DWUZ identified cases of abuse and exploitation related to the role of agencies that recruit workers from villages to place them with employers in large cities. This resulted in the development of an ILO project. Following a mapping exercise to identify the locations of employment agencies in Lusaka, staff from 30 agencies trained on the rights of domestic workers. In Tanzania, CHODAWU participated in negotiating

and concluding a Memorandum of Understanding with an association of 14 employment agencies that send domestic workers abroad.

The role of the media and the use of social media

Media coverage is important to increase visibility and the impact of organizations' efforts to promote decent work, and several factors suggest that participation in the Making it Real project has contributed towards increased or more effective media engagement. All participants in the first workshop had the experience of participating in a **press conference** that the IDWF organized to commemorate International Domestic Workers' Day. Participants also said they had been inspired by leaders who shared how they used the media. A leader in Tanzania remarked: "[The toolkit] has helped me a lot in providing education to the community, local leaders using the radio and various meetings and publications with various messages about the importance of agreeing to [Convention] 189 for domestic workers."

In Zambia, a TV station called Crown Television developed a reality TV programme called "Labour of Love", where families surprised their domestic workers with a gift to thank them for their service in the household. In May 2024, a domestic worker received an award in recognition of her contribution to her employer's household. This was a first for a domestic worker, and the award was presented by the President of Zambia.

Undoubtedly, greater engagement with the media has many potential benefits for domestic workers and their organizations. But there are also challenges, including media houses' demands for payments to cover stories. This has made it difficult for some domestic worker organizations to develop and implement sustainable proactive media strategies, and forced them to largely take advantage of media invitations to respond to trending news stories, including those concerning "rogue" domestic workers.

Social media also has played a role in raising awareness about domestic worker issues, and organizations in Nigeria and Senegal said they use social media as a tool for organizing, educating and communicating with members.

Savouring the Secret Sauce in Legal em-POWER-ment

“Knowledge is power!” has become a cliché. For many years before we embarked on the Making C189 Real project, I had assumed that knowing and understanding the law would empower vulnerable groups to pursue the changes they wanted to see. The outcomes that the worker leaders have reported demonstrate that law on its own is a blunt instrument in the hands of workers.

I learned that, to be effective, knowledge of the law should be married to the struggle of the people it purports to protect. It is therefore essential for workers to understand the power that is exercised over them. This power encapsulates sociocultural norms that devalue domestic work and ignore the sector’s contribution to society and the economy, and a system that excludes domestic workers from the political agenda-setting process, and from the processes of making and enforcing the rules that govern their work (see Just Associates, 2006).⁵

It is also essential to identify and leverage the sources of countervailing power that workers have. In the labour context, it is common to draw on the “power resources” approach, which includes structural power (i.e. ability to disrupt economic activity) and associational power (that workers exercise through collective action). But the project highlighted the value of thinking more expansively about power to understand how to make change – particularly for an occupational group like domestic workers, who have limited structural power. For example, the expressions-of-power framework highlights the agency of workers to create strategies for change.

The first is *power with* their fellow workers (Just Associates, 2006). This is similar to the idea of associational or collective power. As we have observed through this project, domestic workers are building and strengthening their collective organizational power to bring visibility to their issues and to make their concerns heard. Demonstrations, petitions and public statements have featured among the more visible collective strategies that African domestic worker organizations have adopted.

The second is *power to*, namely, the power to shape their lives or their world (Just Associates, 2006). This means that domestic workers are key actors in their struggle for decent work, that political change is not only a top-down process, but can be generated from the bottom up. The project participants have exercised their agency to mobilize and organize themselves, to engage and negotiate with their governments and with employers, and to build alliances with stakeholders to support them in their struggle. Domestic worker organizations are changing the narrative that domestic work is unskilled and of no economic value, and therefore that a domestic worker can be easily replaced. They are rewriting the story about their work and their role in society:

From Togo: *“We told them that the Minister and even the President cannot go to work if they don’t have a domestic worker.”*

From Zambia: *“Pause for a moment, think of a day in a home without a domestic worker, a week, a month. What will happen? Domestic workers contribute a lot to the economy and world over and are a key pillar of the care economy.”*

From Nigeria: *“We are the foundation of the national economy ... would you have been here without the support of domestic workers to look after your homes in your absence?”*

From Tanzania: *“Domestic workers are workers like any other workers ... We are the managers who manage all the activities when they are at their workplace, nurses who take care of the sick and the elderly, the chefs who cook their food for the whole family and visitors, gardeners who make the environment look clean and take care of the livestock such as cows, goats and poultry farms.”*

Being able to articulate the message that theirs is the work that makes all work possible has emboldened domestic workers when they engage with the government, employers and other actors.

The third is *power within*, which “relates to an individual’s sense of self-worth and self-knowledge” (Just Associates, 2006). This is at the core of power with and power to. In the words of Pamela Awiti, an organizer in KUDHEIHA: “It has to start with you, it has to start with how we see ourselves as domestic workers, do we love what we do, are we proud of the work we do as domestic

⁵ Just Associates *Making Change Happen: Power: Concepts for Revisioning Power for Justice, Power and Peace* (2006) accessible at https://prevention-collaborative.org/wp-content/uploads/2021/08/JASS_2006_Making-Change-Happen-Power-Excerpt.pdf

workers. If we are proud, then we will have no fear of joining the union.” Essi Kotor in Togo also spoke about the importance of building the confidence of workers to enable them to have the courage to organize and be fearless before their employers and the government.

Movement Lawyering: Thinking beyond the law

“We need special lawyers who can think inside and outside the law”

– Adriana Paz Ramírez,
IDWF General Secretary

Domestic workers and their organizations still face myriad obstacles to the realization of decent work. One is employers’ take-it-or-leave-it attitude, which is informed by the belief that domestic workers are easily replaceable. While the Making C189 Real project is no panacea, the outcomes realized in Africa show us that there is hope that empowering domestic workers and their organizations to leverage their sources of power will equip them to navigate these challenges.

The project profoundly affected my thinking about the strategies that worker organizations can take with regard to international conventions and about what it means to be a movement lawyer supporting such efforts. Moreover, it has impacted how we as WIEGO’s Law Programme approach our work.

The conventional wisdom about international conventions is that they cannot have a significant impact in countries if they are not ratified. The progress that domestic worker organizations have made as a result of the project demonstrates the value of drawing on the principles and protections in a convention, even if their government has not ratified it. Organizations can participate in

law and policymaking processes and infuse their demands with the principles of the convention. They can negotiate for the rights and protections (e.g. employment contracts, weekends off) in the convention with employer organizations and individual employers. Examples from the continent demonstrate that ratification is not an end in itself, but is one avenue to strengthen worker power.

Speaking of power, my appreciation of its centrality evolved through the project. My brief was to engage workers about strategies “inside the law” on the assumption that my colleagues from ORP would focus on strategies “outside the law”. When it occurred to me that this was a false dichotomy, I recognized that I would need to build my capacity on understanding power, its sources, how it is exercised over workers and how workers can identify and leverage their sources of power. To this end, my Law Programme colleagues and I took a course in popular education and anticipate that it will be a key part of orienting new team members to the way that we work.

Finally, the project changed my understanding of what it means to be a movement lawyer, that is, a lawyer who supports grass-roots movements. I used to think that it was enough to be a lawyer who worked for the movement, which implied being a “friendly” lawyer who focused on legal issues and dispensed (pro-movement) technical advice on how to use the law, with the assumption that I was best placed to provide this advice. My perspective evolved as a result of the project, and I see myself as a lawyer with the movement. This means that we, as the Law Programme, seek to understand the organizations we work with, their strategies and priorities; engage with them as partners; and respect their autonomy and agency as decision makers who must determine the path they will take.

About Law & Informality Insights

Law & Informality Insights reflect on our work supporting informal worker organizations to know, use and shape the law, and analyze statutory developments, law-making processes and jurisprudence that impact informal workers and their advocacy strategies. In 2019 they replaced our legal briefs.

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Lucy Mokhele, a domestic worker in Johannesburg, South Africa. Photo: Jonathan Torgovnik/Getty Images Reportage

WIEGO's Law Programme strives to see a world in which:

- international instruments, national and local laws and regulations recognize, include and protect the rights and work of workers in informal employment; and
- workers in informal employment know, use and shape the law to realize secure livelihoods and labour rights. To advance these goals, we seek three mutually reinforcing outcomes at both global and national levels:

Outcome 1: Membership-based organizations of workers in informal employment workers are better able to use the law (including international legal instruments and administrative justice) in their advocacy strategies.

Outcome 2: Legal and civil society organizations support the recognition, inclusion and protection of informal employment in law and policy at local, international and global levels.

Outcome 3: Legal scholars and labour lawyers advocate for workers in informal employment in their scholarship and in policy contexts.

For more information, visit the Law programme page at <https://www.wiego.org/our-work-impact/core-programmes/law-programme>

