

Women Work and Poverty: SEWA/UNIFEM Policy Conference on Home Based Workers of South Asia

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The ILO Home Work Convention - Ten Years Later

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In June last year, it has been ten years since the ILO Home Work Convention (C. 177) was adopted by the 83d International Labour Conference in Geneva.

Some of us who were there at the time to celebrate this memorable occasion are here again today: I am happy to see Elaben and Renanaben. SEWA was the prime mover in getting the Convention adopted. It took some six years of lobbying and coalition building by SEWA, together with the international federations of food workers and of textile, leather and garment workers to which it was - and still is - affiliated, with some national trade union centres, like the Dutch FNV, and with the international network of home workers' organisations which SEWA had built up.

When it came to the vote, the Convention passed by a small margin. The employers' group had chosen to be obstructive. As the Director General of the ILO observed, it was "... the first time in the history of the Organisation that a group had decided not to participate in the drafting text of an instrument which, by unanimous agreement of the groups, had been placed on the agenda of the conference." (1)

Most governments, however, supported the Convention. The government representative of India, Mr. Laxmi Dhar Mishra, made a strong case for ratifying the Convention on social and economic grounds. He said:

"It (the Convention) would help to bring them (the home workers) into the mainstream of the labour market (...) If the poverty of the home worker is alleviated and the position of women is improved along with their wages, home workers would have the means to send their children to school and should no longer need to be assisted by their children in order to earn a living. By implication, this could put an end to the pernicious existence of child labour in several forms. Improvement in the conditions of work leads to improvement of productivity and overall performance. By setting a floor for basic standards, the Convention would protect reputable employers from the destructive competition of home work which does not meet those standards. Better wages would improve purchasing power, which in turn will help in expanding markets, stimulating investment and increasing employment." (2)

There lies indeed the heart of the matter. It is difficult to conceive of a meaningful strategy to fight poverty without substantially improving the living and working conditions of home workers. Home work is where the poor are, millions of them. Those who want to "make poverty history" would be well advised to use as a point of leverage those standards, like the Home Work Convention, which are specifically designed to address the problems of the poor, and particularly of poor women, who make up the vast majority of home workers.

It is also difficult to understand how the ILO can make it one of its priorities to fight child labour, and has included a Convention against child labour in its eight core conventions, when the convention that would do most to protect millions of their mothers does not appear to be one of its priorities. It stands to reason that if one wants to protect children, and to take them out of the labour market where they do not belong, the starting point should be to improve the living and working conditions of their parents, and in particular their mothers.

The government representative of India, in 1996, also rightly pointed out the dangers of unfair competition from disreputable employers who take advantage of the fact that in many countries no regulations apply to home work and there are no legal limits to the exploitation of home workers.

To oppose standard setting in the informal economy, of which home work is a very large part, means promoting conditions of life and work which are an affront to human dignity and undercut any attempt to promote decent work. It is a significant sign of our times that organisations claiming to be representative, such as the International Organisation of Employers, which opposed the adoption of the Convention in 1996 and which still oppose its ratification, appear to have thrown in their lot with the most short-sighted and backward of employers, even while a large group of their constituents appear to accept a measure of social responsibility and some broader obligations to society.

The attitude of the international employers' organisations to home work is in stark contrast with the current international consensus shared by most governments and civil society that inhuman working and living conditions are not acceptable as a comparative advantage in international economic and commercial competition.

The government representative of South Africa strongly advocated the adoption of the Convention because, as he said, "Our home workers live in the real world. These are people who are barely surviving; these are people who barely have clothes on their backs; these are people who are ripped off by some of these employers; these are people who can hardly feed and educate their children; these are people who hardly have any education themselves. (...) We are talking about life and death issues for people in our part of the region. (...) It is for this reason we are saying that this is not just a legal issue, it is not just a matter of principle, it is a basic matter of humanity." (3)

To date, ratification of the Home Work Convention has been a slow process. Finland ratified first in 1998, Ireland followed in 1999 and the Convention, having been ratified by the statutory minimum of two countries, became effective in 2000. Albania and the Netherlands then followed in 2002. Last year Argentina became the fifth country to ratify.

Yet, the need for regulating home work has, if anything, become more urgent. Home work appears to be on the rise around the world, because of shrinking formal employment opportunities, competitive pressures in the global economy leading to more outsourcing and subcontracting and, on the high-tech end of home work, the spread of information technology enabling workers to provide commercial or technical services from home.

Home work has therefore been described as "a vital and growing part of economic modernisation, its growth exponentially linked to the globalisation of industry and the

never-ending search for less costly sources of labour and more efficient means of production.” (4) In this sense, the Home Work Convention is among the most “modern” and relevant of ILO conventions, inasmuch as it addresses a major and ongoing change in the world labour force.

What all the different varieties of home work have in common is the lack of employment-based benefits or social protection. Women are overrepresented among home workers, especially among home workers engaged in manual work, and women home workers in manual jobs are among the lowest paid workers in the world, very often far under the existing minimum wage or the official poverty rate. Because they work in isolation from other workers, they face greater difficulties in organising and in achieving collective power to defend their interests.

The Home Work Convention seeks to level the proverbial playing field. It calls for national policies promoting the equality of treatment between home workers and other wage earners, and it specifies the areas where such equality of treatment shall be promoted. These include:

- the right to establish or join organisations of their own choosing and to participate in the activities of such organisations;
- protection against discrimination in employment or occupation;
- protection in the field of occupational safety and health: national laws and regulations on safety and health at work shall apply to home work and certain types of work or the use of certain substances may be prohibited in home work for reasons of safety and health;
- remuneration;
- statutory social security protection;
- access to training;
- minimum age for admission to employment or work, thereby preventing the use of child labour in home work; and finally:
- maternity protection - a basic need for a category of workers where the great majority are women.

ILO instruments, and in particular conventions, are internationally accepted guidelines for national policies and for national legislation supporting such policies. Governments that ratify the Home Work Convention are therefore expected to “adopt, implement and periodically review a national policy on home work aimed at improving the situation of home workers.” They should do so in consultation with the most representative organisations of employers and workers and, where they exist, organisations of the home workers themselves, and those of their employers.

The Convention says that such a “national policy on home work shall be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.”

A system of inspection shall ensure compliance with the laws and regulations applicable to home work, and adequate remedies, including penalties, in case of violation of these laws and regulations shall be provided for and effectively applied.

The respective responsibilities of employers and intermediaries shall be determined by laws and regulations or by court decisions.

The Convention also calls for the inclusion of home work in labour statistics. This is important because historically statistics regarding employment in the informal economy in general, and home work in particular, have been notoriously inadequate. This has led to the underestimation of the number of home workers and of their real weight in the national economy even in countries where they represent a substantial portion of the labour force, and has therefore retarded policies and measures that could have addressed their needs and remedied their most pressing problems.

Finally, an article of the Convention states that it shall not affect more favourable provisions applicable to home workers under other international labour Conventions. This would also apply to national legislation in the few exceptional cases, all of them in Europe, where such legislation goes beyond the provisions of the Home Work Convention.

As several government speakers in the 1996 debate pointed out, the Home Work Convention is actually modest and simple. It does not introduce any new or revolutionary concepts into labour legislation. The only thing new about it, is that it extends the protection of existing and recognised international labour standards to a category of workers who had been previously ignored and excluded. In this sense, it complements other ILO conventions. What it does provide, is a guarantee that core labour standards are applicable to millions of home workers, most of them women.

Trade unions should remember that the adoption of the Home Work Convention in 1996 was an achievement of the labour movement, but that such an achievement can only be of lasting significance if it is translated into ratifications and into national legislation. As we have seen, ten years on, the battle for ratification has barely begun.

At a time when formal employment and trade union membership is shrinking while the informal economy is growing, all over the world, and where the future of the labour movement therefore largely depends on its ability to organise the informal economy of which home workers are such an important part, unions cannot afford to neglect the valuable instrument that their representatives put into their hands ten years ago. Ratification of the Home Work Convention should be a priority on top of the agenda of trade unions everywhere.

Governments that ratify the Home Work Convention commit themselves to policies which include:

- the recognition of the social and economic value of home work;
- an effective anti-poverty strategy, based on gradually raising the living standards of the lowest tier of society, through higher incomes and social protection;
- a progressive and sustainable development strategy, based on strengthening the internal demand by increasing the purchasing power of the masses of the people;
- an affirmative human rights policy, by enabling a sizeable part of its working class to exercise its rights;

- last but not least, a positive policy on gender equality, by empowering millions of women and enabling them to achieve, through their organisations, lives with independence, dignity and security.

Let us hope there will be many more: many more governments committing themselves to such policies of justice and progress.

I thank you for your attention.

Notes

(1) Mr. Michel Hansenne, Director General, International Labour Conference, 83d Session (1996), Record of Proceedings, p. 221

(2) Mr. Laxmi Dhar Mishra, Government Delegate, India, International Labour Conference, 83d Session (1996), Record of Proceedings, p. 229

(3) Mr. Johannes, Government Delegate, South Africa, International Labour Conference, 83d Session (1996), Record of Proceedings, p. 230 - 231

(4) Renana Jhabvala and Jane Tate: Out of the Shadows: Homebased Workers Organize for International Recognition, SEEDS, No. 18, 1996