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**CONFERENCE ON THE PROFESSIONAL LEGALISATION
AND TRAINING OF DOMESTIC WORKERS
IN EAST AFRICA AND THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

Bujumbura, 22nd-23rd November 2010

REPORT



SUMMARY & CONCLUSIONS

The conference was opened in presence of Mr. Gérard Nirigira, President of the Economic and Social Council, Mr. Denis Manirakiza, Administrative and Financial Assistant of the African Union in Burundi, Mr. Edouard Minani, Public Prosecutor in Bujumbura, the representative of the Regional Conference of the Great Lake of Countries, and the Ambassador of Belgium to Burundi, His Excellency Jozef Smets. It was closed in presence of Mr. Jean-Jacques Nyenimigabo, Minister of Youth of Burundi. Among the speakers were Mrs. Lucia Soreti, Child Protection Officer, UNICEF-Burundi, M. Evans Luanga, of the International Labour Organisation in Lusaka, M. Emmanuel NIXOMWUNGERE, lawyer with the national agency for the defense of human rights (ITEKA) and the delegations of IDAY in DRC, Burundi, Rwanda, Uganda, Kenya and Zambia, Action Développement Parrainages Mondiaux (ADPM) and IDAY-International. About 100 persons of which several from the IDAY-Burundi coalition participated in the discussions on the basis of a text prepared by IDAY-International, IDAY-Kenya and IDAY-Burundi.

The conference included a visit of the training center of Convergence pour l'Autodéveloppement des Domestiques (CAD), a model in the sector. The success of the center is due to: (1) the recognition of the importance of domestic work as a full fledged profession, which translates into a certain pride in the acquired competencies and into greater rigour and mutual respect in the relationship employee and employer; (2) the adaptation of the training hours to the work schedule of the domestic workers; (3) a training programme that integrated literacy and practical professional training (foreign languages, sowing, cooking, mechanics, bakery, ...) according to personal preferences and market demand; (4) workers' contribution to the cost of their training; (5) limited number of pupils per class so as to maintain quality.

The conference was also the opportunity for the Kenyan and Rwanda delegations to present their experience in producing and utilizing *Artemisia annua* against malaria. Their successful findings are presented in a separate report.

The recommendations on domestic workers were presented under 8 headings that form a basis for a regional programme on domestic work and against child and girl abuses that it generates.

1. IDENTIFICATION

Domestic workers are identified more by the nature of their work than by their origins, often very diverse – Children rejected by their families for lack of subsistence, young girls from rural areas called to work in the capital city by a family member, orphans, migrants, etc. Domestic work is usually the result of chronic poverty that forces youngsters to accept a job they have not really chosen. It is also diversified - babysitter, ward, gardener, cleaning, cooking, etc - but all functions have in common their hardship, long working hours, often unrewarding (donkey work), weak or no pay. In urban environments, they become « invisible », in so far that high walls hide them from the neighbours' scrutiny. The ILO identifies domestic work as one of the worst forms of child labour.

Recommendations:

- Employers and society should recognize the value of domestic work : they allow other workers to carry out their own work and only decent work contributes to the economic growth of a country. Domestic workers are usually hard working and giving them appropriate skills would greatly contribute to economic development.
- Add value to domestic work by literacy and professional technical training
- Governments must take appropriate measures to school domestic children aged less than 14¹ and impose working conditions that allow young workers to live their youth.

¹ Age to be adjusted according to national law provided it exceeds the age of 14.

2. VISIBILITY

One of the key problem of domestic workers, is their « invisibility » : they are ignored by the authorities, because, so far at least, they do not cause political clout, like for instance street children and abuses remain hidden behind the right of property imposed by employers for work in their home.

Recommendations:

- Employers must accept that persons in their home that do not belong to the direct family and carry out a continuous domestic service over a prolonged period fall under the labour laws.
- Ensure that domestic workers participate visibly in the commemorations of national or international workers' days.
- Create an international day of the domestic worker in line with the decision by Indian domestic workers to use January 9th as a domestic workers' holiday and day for public demonstrations.

3. SURVEYS

Participants adopted the proposed survey forms as a basis for the surveys to be implemented in participating countries (see annex) and wish to participate in the discussions that will determine locally their implementation and exploitation. These surveys must, in a first phase remain neutral to ensure governments', employers' and employees' acceptance. This is the best way to collect data that will give a first image of the extent of child labour and gender exploitation. In a second stage, once the principle of surveying domestic work has been accepted, these particular issues and abuses can be surveyed in greater detail.

Recommendations:

- First, test the survey forms on a small number of cases to verify the validity and interpretation of questions ;
- Identify one or two trainers who will train all surveyors to ensure uniformity in the methods used & interpretation of results. Item to be included explicitly in the budget.
- The surveyors must interview domestic workers and employers separately and remain particularly vigilant to questions relative to children harassment, particularly young girls, without endangering the neutrality of the survey.
- Citizens must be globally informed about the survey.
- Respect research ethic
- Results must receive broad dissemination.

4. TRAINING

Recommendations:

- Identify the existing level of education of domestic workers before engaging in new forms of training and capacity building ;
- Choose the type of professional training in function of the personal dispositions of the worker and of market opportunities;
- Raise awareness among employers and governments to the advantages of professional training of their domestic workers. Organise training along several levels allowing a structuring of domestic workers according to the skills acquired.
- Governments must integrate literacy training of their domestic workers in their national education programme targeting education for all (EFA).

- Certificates awarded after completion must be officially recognized.
- Training must include human rights and dignity and the mutual respect between employer and employee.
- There should be a written contract of agreement spelling out the rights and obligations of the two parties before, during and after the training period
- The training schedule must be compatible with the working hours of the domestic worker
- Disseminate a typical contract to inform employers and employees of the rules that will regulate their professional relationship.
- Unions and employment agencies must focus on the well being of domestic workers
- Invite domestic workers to participate financially in their training, even if only to make employers aware of the need to pay them decently.

5. REGULARIZATION THROUGH NATIONAL LAWS

Participants are aware that few domestic workers have a contract and deplore the absence of information on the rights of domestic workers and the recommendations of the ILO. They also deplore that domestic workers are considered at the lower end of the social scale.

Recommendations:

- Ensure that each domestic worker has a written contract
- Spread around existing national workers laws and the text of the ILO Convention especially in the local languages understood by the domestic workers ;
- Establish specific legal instruments (law, working code) for domestic workers in conformity with international law. These instruments would include specific provisions regarding housing, health care, free time and education.
- Approve a code of conduct for employers and employees that explicitly forbids work of children and mentions the right of workers to an appropriate training.

6. THE ROLE OF THE INTERNATIONAL CONVENTION

Integrate in the national laws the precept of the ILO convention and especially see to it that they are applied

7. THE ROLE OF CIVIL SOCIETY

In general, the African civil society asks that it be integrated in all official discussions about domestic workers together with the three pillars already involved : the governments and employers and employees representatives, especially that union representation of domestic workers remains globally weak among participating countries in the region (except Zambia).

Recommendations:

- Establish an inventory of all the associations of civil society involved with domestic workers and make them aware of the need to incorporate in their objectives and plans of action the defence of their rights and dispositions regarding children labour
- Exercise pressure on their governments so that they would accept quickly to pass laws for the improvement of the situation of domestic workers and to prevent child labour.
- Ensure that governments integrate domestic workers in their literacy and professional training programmes for all working-age persons.

- Call upon the domestic workers so that they create and belong to associations or unions to defend their basic human rights.
- Conduct advocacy campaigns to:
 - o Recognise the value of domestic work,
 - o Legalize it and impose written contracts
 - o Forbid work of children aged less than 14².
 - o Plead with the governments so that they approve the ILO convention on domestic work in June 2011.
- In the absence of a global action from the part of governments, organize literacy and professional training of domestic workers.
- Publish documents regarding all questions related to domestic and child labour.
- Appeal to public and private media to reserve space to raise awareness among the population about domestic and child labour
- Ensure that official authorities apply international labour conventions.

8. LEGAL ACTION

- Request competent public authorities to regularly verify the application of international labour conventions about child and domestic work.
- Penalize employers who employ children aged less than 14³ and take appropriate compensatory measures
- Penalize violations of the terms of contract between domestic workers and their employers especially in cases of sexual abuses.
- Reinforce the repression by police and/or justice of bad treatment inflicted on domestic workers and children at work.

² Norm admitted by ILO to be adjusted upward only according to local decisions.