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# Securing the rights and health of domestic workers: the importance of ratifying the ILO's C189

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## Abstract

This commentary highlights the critical importance of ratifying the International Labour Organization's (ILO) Domestic Workers Convention No. 189–2011 (C189) to secure the rights and health of domestic workers (DWs) worldwide, particularly in light of the World Health Organization's World Health Day 2024 theme 'My Health, My Right'. The ILO's C189 represents a significant advancement in labour rights, offering protection to a highly feminised sector where women make up 80% of the estimated 50–100 million DWs worldwide. The ILO's C189 aims to address the marginalisation and exploitation that DWs have historically faced by ensuring that they receive the same protections as other workers. This encompasses measures against abuse, harassment and violence, and the establishment of a secure and healthy working environment, as outlined in Article 13. The commentary emphasises the urgent need for the enactment of legal frameworks in countries such as Indonesia, where many of the approximately 10 million DWs encounter shocking abuses both within the country and abroad. The ratification of the C189 and the enactment of national laws, such as Indonesia's Draft Law on the Protection of Domestic Workers (RUU PPRT), are essential for the safeguarding of the rights and health of DWs. The commentary compares Indonesia with the Philippines, as the latter has been a signatory to the C189 since 2012 and has enacted its National Domestic Workers Act in 2013. The ratification of the C189, therefore, is imperative for igniting the protection and advancement of labour rights for DWs globally. This ILO's C189 represents a significant first step in addressing the long-standing and complex issues of marginalisation and exploitation prevalent in this predominantly female sector. It is also essential that the potential obstacles and concerns related to the ratification and implementation of the ILO's C189 are addressed collaboratively by stakeholders and not viewed as justifications for inaction.

**Keywords** Health equity, Social justice, Migrant workers, Health services, Global health

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## Introduction

The World Health Day 2024, organised by the World Health Organization (WHO) and themed 'My Health, My Right', underscores the importance of universal health coverage and aligns with the objectives of the Domestic Workers Convention No. 189 (C189). The ILO's C189, adopted by the International Labour Organization (ILO) on the 16th of June 2011, is an international treaty that extends basic labour rights and protections to domestic workers (DWs) worldwide [1]. The Convention has created a significant opportunity for the improvement of the status of DWs, ensuring that they are entitled to the same rights and protections as other workers and reducing the marginalisation they face. Domestic work is a highly feminised sector, with women comprising 80% of the estimated 50–100 million DWs globally [2]. Prior to the Convention, DWs were often excluded from national labour laws and faced deplorable working conditions, exploitation, and human rights abuses.

Ratifying the ILO's C189 by both sending and receiving countries (e.g., Gulf Cooperation Council countries, Malaysia, Hong Kong, Taiwan, etc.) is essential for improving the health and access to healthcare services for DWs, especially migrant DWs. Their vulnerability is undeniable as governments still do not recognise domestic work as a critical sector worth protecting as much as "formal economy jobs" and, in turn, DWs often work in isolation with little monitoring of their working conditions. Physical, verbal, and sexual abuses, lack of rest, and non-payment of wages are frequent experiences that can severely impact the physical and mental health of migrant DWs [2, 3]. Existing studies have shown that DWs including migrant DWs are commonly subject to constant muscle pain, weakness, and depression among other health issues [3, 4]. The global pandemic serves as a reminder that healthy and safe households necessitate all household members to remain healthy and safe.

Therefore, not only countries that send migrant DWs but also countries that receive migrant DWs need to ratify the ILO's C189 to provide a nationwide legal framework for safeguarding the health and rights of DWs as a vulnerable population working in these countries [2]. For example, Italy and Germany were among the first European Union member states to ratify the ILO's C189. While both countries had some existing legal protections for domestic workers, the ratification process led to further improvements [1]. In Italy, ratification resulted in expanded social security coverage and clearer terms of employment for domestic workers. In Germany, it led to enhanced labour inspection mechanisms and stronger protections against abuse and harassment. However, detailed information on the history and impact of the ratification of ILO's C189 by host countries is beyond the

scope of this commentary and will not be discussed further here.

## The C189 and the health of domestic workers

The ILO's C189 sets forth a number of obligations for countries that have ratified it, with the objective of enhancing the health and safety of DWs [5]. For instance, Article 13 explicitly states that DWs are entitled to a safe and healthy working environment. These obligations are designed to hold governments accountable for their international commitment to guaranteeing DWs receive the same protections as other workers, particularly regarding working conditions and access to healthcare [1]. The principal legal obligations set out in the ILO's C189 detail matters of occupational health and safety conditions such as decent living conditions for live-in DWs and prohibition of confinement (Article 6, 9), the limit of working hours (Article 7, 10), the regulation of social security protection (Article 14), the protection of employees from abuse and harassment (Article 5, 15), and the availability of effective remedies such as accessible complaint mechanisms (Article 16, 17).

Firstly, the C189 stipulates that DWs must be provided with a safe and healthy working environment. This encompasses the protection of DWs from hazards and risks associated with their work. It is incumbent upon states to implement measures to ensure that domestic work is performed in conditions that respect the worker's safety and health, with a view to minimising work-related hazards.

Secondly, the C189 emphasises the regulation of working hours to ensure that DWs have reasonable work schedules, periods of daily and weekly rest, and annual paid leave. These measures are essential for preventing overwork and ensuring that DWs have adequate rest, which is vital for their physical and mental health.

Thirdly, the Convention stipulates that DWs should be afforded conditions that are not less favourable than those applicable to workers in general, including social security protection. This encompasses maternity protection, which is of particular importance for the health and well-being of female DWs, who constitute a significant proportion of this workforce.

Fourth, the Convention includes provisions to protect DWs from all forms of abuse, harassment, and violence. This protection is crucial for the mental health of DWs, as they often work in isolated conditions which can make them vulnerable to exploitation and abuse.

Lastly, the Convention ensures that DWs have effective access to courts, tribunals, or other dispute resolution mechanisms in cases of occupational safety and health violations. This legal access is crucial for enforcing their rights and obtaining remedies for any injustices or injuries suffered in the workplace.

The ILO'S C189 is accompanied by Domestic Workers Recommendation No. 201 (R201). The ILO's R201 is not legally binding, but provides governments with further guidance on the ways to improve DWs' health and rights to access healthcare [1, 5]. The R201 has been designed to complement the C189 and to ensure fair terms of employment, decent working conditions, and social protection, which are all crucial for the health and well-being of DWs. For example, the R201 suggests that terms and conditions of employment should include details such as sick leave and other personal leave entitlements. Clear stipulations about health-related leaves can improve access to healthcare by ensuring that DWs can seek medical care without fear of losing their jobs. Furthermore, it encourages the provision of clear information and training on occupational safety and health hazards specific to domestic work. This includes training on the safe use of chemicals and equipment and education about ergonomic risks to prevent occupational diseases and accidents.

The following sections will focus on Filipino and Indonesian DWs, given the significant roles these countries play in the global domestic work sector. The Philippines and Indonesia are among the largest sources of migrant domestic workers worldwide, with substantial populations working abroad. The Philippines was the first Asian country to ratify the ILO's C189, leading to the enactment of the Domestic Workers Act, which provides comprehensive legal protections for domestic workers [6]. In contrast, Indonesia has yet to ratify C189, highlighting different policy approaches and outcomes between these two countries. This comparison allows for a nuanced analysis of the impact of international labour standards on domestic workers' rights and protections. While the article focuses on these two countries as key examples, the issues and recommendations discussed are broadly relevant to domestic workers from other countries as well. This focus underscores the importance of legal frameworks in safeguarding the rights and well-being of domestic workers globally.

#### **The case of Indonesian domestic workers**

Indonesia, a significant country of origin for DWs, has not yet ratified C189, but there are ongoing efforts to do so. The country has developed a Draft Law on the Protection of Domestic Workers (*Rancangan Undang-Undang Perlindungan Pekerja Rumah Tangga*, RUU PPRT), which aligns with many C189 provisions. Approximately 60% of the estimated 9 million Indonesian migrant workers in total are DWs and at least 4 million women are DWs in Indonesia [7]. Ironically, the RUU PPRT was proposed in 2004 and is still awaiting enactment until now [8]. The RUU PPRT aims to provide comprehensive protection for DWs and their employers.

Ratification of the ILO's C189 would likely accelerate the passage of this draft law and provide a stronger international framework for protecting both local and migrant Indonesian domestic workers. While bilateral agreements currently provide some protections for Indonesian migrant domestic workers, ratification of C189 would create a more comprehensive and standardised approach to ensuring their rights both at home and abroad. Ratifying the C189 and passing the RUU PPRT would also provide critical safeguards for Indonesian DWs. It addresses issues such as working hours, rest periods, minimum wages, and access to healthcare. Furthermore, it establishes a regulatory framework for the recruitment and placement of DWs, implementing measures to prevent exploitation and abuse. Ratification of the C189 by the Indonesian government would strengthen the protections outlined in the RUU PPRT and ensure that DWs both in Indonesia and those migrating abroad have access to the full range of rights and protections provided by the international convention [9]. This would prevent tragedies experienced by Indonesian DWs, both at home and abroad, and empower them to assert their fundamental human and labour rights.

For example, Indonesian DWs in Taiwan have to pay for non-work-related medical expenses, such as chronic diseases, to which they are vulnerable due to the heavy workload [2]. This is because Taiwan does not include DWs in its Labour Standards Act [10]. The absence of DWs in the regulation is due to the fact that domestic work often involves a range of personal and household tasks performed within private homes, which differ significantly from tasks in more public or corporate environments and complicates the enforcement of standard labour laws (e.g., working hours and conditions). However, the earthquake that occurred in Taiwan in April 2024 has highlighted the crucial role of Indonesian DWs in caring for older adults in their local communities. It is, therefore, essential that these DWs should be fully protected and respected in the same manner as other workers [4, 10].

Without the strong legal protection provided by the Indonesian government's ratification of the C189, these migrant DWs remain vulnerable to exploitation and lack access to essential health services that should be regulated in their contract (Article 8). However, it must be noted that ratifying the ILO's C189 is a crucial first step, but it must be accompanied by a comprehensive and sustained approach to address the multifaceted challenges faced by DWs. The Convention provides a foundation for improving the conditions of DWs, but its true impact will depend on the collective efforts of governments, employers, workers' organisations, and civil society to ensure its effective implementation and enforcement. In short, the Indonesian government's ratification of the ILO's

C189—especially during the ongoing parliamentary stalemate of the RUU PPRT—would empower migrant DWs in Taiwan and other host countries to negotiate more favourable working conditions, including access to healthcare, and to seek redress for any violations of their rights.

#### **It is possible: case of domestic workers in the Philippines**

In contrast, the Philippines was the second country to ratify the ILO's C189, and to date, it is the only Asian country to have done so [6]. The Philippines ratified the C189 in 2012, which built upon existing protections for domestic workers. While the country already had some laws safeguarding domestic workers' rights, the ratification of C189 led to the enactment of the Domestic Workers Act (*Batas Kasambahay*) in 2013. This new law significantly expanded protections by mandating employment contracts, setting minimum wages, and requiring social security coverage for domestic workers. The ratification of C189 thus served as a catalyst for strengthening and broadening existing legal frameworks. It also ensures that the DWs, whether working within or beyond the Philippines, are entitled to daily and weekly rest periods—a crucial element for DWs' physical and mental health. The law also stipulates conditions for safe and humane sleeping arrangements and reasonable privacy, which contribute to the overall well-being of DWs.

One significant impact of the ratification and subsequent enactment of the Philippines' Domestic Workers Act has been the inclusion of DWs in the country's social security system, which provides them access to healthcare services. This inclusion is vital for improving their health outcomes, as well as ensuring financial protection against health-related expenses. Moreover, the legal framework established by the Act, underpinned by the ILO's C189, offers protection against physical, emotional, and sexual abuse. These protections are crucial for the health and safety of DWs, who are particularly vulnerable to abuse in the domestic setting [2]. The law provides mechanisms for DWs to report abuses and seek remedies, which is a critical and concrete form of protecting their health rights.

The Act also mandates that DWs be covered by the Philippine Health Insurance Corporation (PhilHealth). This coverage includes inpatient benefits for DWs and their qualified dependents, such as legal spouses, children below 21 years old, and parents 60 years old and above. The DWs are also entitled to full inpatient benefits when confined in any government or private hospitals in the Philippines accredited with PhilHealth. This ensures that DWs have access to necessary medical care without the burden of high out-of-pocket expenses [6].

This condition implies that the law has been implemented effectively, with mechanisms in place for DWs

to register and avail themselves of PhilHealth benefits. The DWs need to submit a completed PhilHealth Member Registration Form along with supporting documents for their dependents to the nearest PhilHealth Local Health Insurance Office. The annual contributions for PhilHealth are borne by employers for those earning a monthly salary below PHP 5,000 ( $\approx$ USD 85), making it financially accessible for DWs.

Nevertheless, despite the comprehensive nature of the coverage, there have been challenges related to the portability of health insurance benefits for Filipino migrant workers. The absence of bilateral labour agreements with some countries has hindered the seamless access to healthcare services abroad. However, efforts are being made to negotiate such agreements to ensure optimal protection. It should be noted that the effectiveness of these agreements can vary. Additionally, there is limited evidence to suggest that Filipino DWs in Taiwan have significantly different benefits compared to Indonesian DWs due to their respective countries' ratification of the ILO's C189. Also, the direct impact of the *Batas Kasambahay* on Filipino DWs in Taiwan is less clear due to the jurisdictional limitations of national laws.

Furthermore, the bilateral labour agreements between the Philippines and Taiwan are generally non-binding and focus more on facilitating labour migration rather than enforcing stringent protections for workers. This limits the extent to which Filipino DWs can claim rights and benefits similar to those provided under the *Batas Kasambahay*. Despite these challenges, the inclusion of DWs in the national health insurance system has significantly improved their access to healthcare services, as evidenced by the increased registration and utilisation rates [6].

#### **Potential concerns and solutions of sending countries regarding the ILO's C189 ratification**

It is important to note that the examples of Indonesia and the Philippines demonstrate that C189 ratification can work most effectively when combined with robust national legislation and bilateral agreements. The ILO's C189 provides an overarching international standard and framework, while national laws like the *Batas Kasambahay* in the Philippines offer detailed, country-specific protections. Bilateral agreements can then address the unique challenges faced by migrant domestic workers in specific destination countries. This multi-layered approach - international convention, national legislation, and bilateral agreements - offers the most comprehensive protection for domestic workers' rights. Furthermore, the Indonesian case shows an example of the ILO's C189 ratification's urgency in the state of lack of clear laws for protecting Indonesian DWs at home and abroad, while the Philippines' case presents an example of the ILO's C189

ratification's impact on better legal protection of the Philippines' DWs at their home country and overseas.

While ratifying the ILO's C189 is crucial for protecting the rights and health of DWs, some sending countries may have reservations about doing so. However, it is important to recognise that these potential obstacles and concerns should not be regarded as justifications for inaction. Rather, they should be addressed through constructive dialogue, capacity-building initiatives, and international cooperation to ensure the effective implementation of the ILO's C189 and the protection of migrant DWs' rights. The capacity-building initiatives should be directed at multiple stakeholders, including government officials, labour inspectors, employers' organisations, workers' organisations, and civil society groups. These initiatives aim to enhance understanding of the unique challenges faced by domestic workers and develop skills to effectively implement and enforce labor standards in this sector.

Furthermore, the effective implementation of the C189 necessitates a multifaceted approach, encompassing the following measures: the raising of awareness among DWs and employers; the strengthening of labour inspection mechanisms; and the provision of support for DW organisations to advocate for their rights. It is important to acknowledge the current limitations of labour inspection in the domestic work sector. In many countries, private households are not considered places of work and are thus exempt from labour inspection. This presents a significant challenge in enforcing labour standards for domestic workers. One alternative method to strengthen labour inspection is developing protocols for conducting inspections in private homes while respecting privacy rights.

Some sending countries may be concerned that the ratification of the C189 could have the unintended consequence of making their migrant DWs less competitive in destination countries. There is a perception that the enhanced rights and protections mandated by the C189 could increase the costs associated with employing their migrant DWs, potentially leading destination countries to favour DWs from other nations with fewer labour standards and lower costs. Moreover, for numerous countries that receive remittances from migrant DWs, these transfers represent a substantial proportion of their national income and foreign exchange reserves. There is a concern that ratifying the C189 could potentially disrupt or reduce these remittance flows if it results in changes to migration patterns or employment opportunities for their migrant DWs.

In certain instances, domestic political considerations, such as the influence of key stakeholders (e.g., recruitment agencies) or ideological opposition to expanding labour rights, may impede the ratification process.

Governments may be hesitant to implement measures that could be perceived as negatively affecting specific interest groups or contravening prevailing political narratives. In addition, countries with well-established legal and policy frameworks for protecting the rights of migrant workers may perceive the ratification of the C189 as redundant or unnecessary, particularly if they believe that their existing measures are sufficient or superior to the Convention's provisions.

Socially, the undervaluation of domestic work stems from its association with unpaid care work traditionally performed by women in the household. This gendered perception contributes to the lack of recognition of domestic work as 'real' work, despite its crucial role in supporting the formal economy. Governments may need to implement broader efforts to challenge these gender stereotypes and promote the recognition of care work. Some initiatives that could be undertaken include public awareness campaigns on the value of domestic work to the economy and society; gender-sensitive labour policies that recognise and value care work; and education initiatives to challenge traditional gender roles and promote shared responsibility for household work.

Furthermore, the ratification of the ILO's C189 necessitates that sending countries enter into bilateral or multilateral agreements with destination countries. This is to ensure that the rights and protections outlined in the Convention are upheld for their migrant workers abroad. This ratification process can be complex as it involves aligning domestic laws and regulations with those of the destination countries, which is often unfavourable to governments. Additionally, after ratification, some sending countries may be uncertain about their capacity to effectively enforce and implement the provisions of the ILO's C189, particularly with regard to their migrant DWs abroad. This may be due to a lack of resources, institutional capacity, or difficulties in monitoring and ensuring compliance in foreign jurisdictions.

Lastly, while ratification is an important step, realising the full potential of ILO's C189 requires ongoing efforts in implementation, monitoring, and enforcement. The role of civil society organisations and domestic workers' unions in holding governments to account and ensuring that legal protections translate into tangible improvements in the real world is of crucial importance. Future research should continue to assess the long-term impacts of ILO's C189 ratification on domestic workers' rights and working conditions both in ratifying countries and for migrant workers abroad.

## Conclusion

The ratification of the ILO's C189 by both sending and receiving countries is a significant first step towards recognising domestic work as legitimate labour and

extending basic labour rights and protections to DWs. This may improve the health and rights of DWs worldwide, particularly migrant DWs, by ensuring they receive the same workplace protection as other workers. However, ratification alone is not a panacea for addressing the deeply entrenched marginalisation and exploitation of DWs. Effective implementation requires a combination of international standards, robust national legislation, and bilateral agreements, as illustrated by the cases of Indonesia and the Philippines. While the Philippines' *Batas Kasambahay* provides comprehensive protections, Indonesia's ongoing efforts highlight the urgency of ratifying C189 to safeguard DWs both domestically and abroad. Urgent action is required from nations to ratify this significant treaty and enforce its provisions to protect this vulnerable population and improve their access to vital healthcare services. It is also important to address the potential obstacles and concerns related to the ratification and implementation of the ILO's C189 through constructive dialogue, capacity-building efforts, and international cooperation. These processes would ensure the effective implementation and the protection of migrant DWs' rights, rather than being viewed as justifications for inaction.

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Not applicable.

##### Consent for publication

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##### Competing interests

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