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## **Why did Czech government refuse to ratify ILO Convention on Decent Work for Domestic Workers?**

**Pavla Redlová, Marie Heřmanová**

### **Abstract:**

This commentary has been written in reaction to the recent decision by the Czech government not to ratify the International Labour Organization's *Convention Concerning Decent Work for Domestic Workers*. First, we will introduce the convention and the government's reaction to it. Then we will go on to argue that paid domestic work in the context of Czech labour market is not a marginal topic, and that current social, demographic and economic trends suggest the number of people – Czechs or migrants – employed as nannies and carers, is likely to keep growing.

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On 8 August, the Commission for Health Care and Social Policy of the Senate of the Czech Republic has decided, that the country shall *not* ratify the *Convention Concerning Decent Work for Domestic Workers*, adopted by the International Labour Organization (ILO) at its 100th annual session on 11 June 2011.<sup>1</sup> The convention recognizes *inter alia* the right to decent working conditions and privacy of those working in other people's households, and provides means for their enforcement and possibility of control.

Having analyzed the data from 117 countries the ILO estimates that worldwide there are 53 million people employed in someone else's household – but since domestic work is hard to register and is often performed hidden, in reality it could be anything up to 100 million

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<sup>1</sup> *ILO Convention No. 189*, together with *Recommendation No. 201*, containing instructions on its implementation, can be found [here](#).

people.<sup>2</sup> The majority of them are the most vulnerable – up to 92 % of domestic workers are women.<sup>3</sup>

Explaining its recommendation not to ratify the convention, the Czech government said on 9 May 2012<sup>4</sup> in its resolution, that “within the Czech Republic, in effect, the question of work in someone else’s household is not of such importance, so as to justify the changes in labour law legislation, that would be required in the event of ratification of the Convention.”<sup>5</sup> The explanatory notes go on to claim, that domestic workers are only a marginal group in the Czech labour market, and that the focus of the convention are really rather developing countries. This statement is backed up by the statistics of the Ministry of Labour and Social Affairs, according to which there were only 49 such workers in 2011, 15 from the EU, 34 from other countries.<sup>6</sup>

Government numbers, however, differ wildly from real-world experience. Recent research, conducted by one of the authors of this text at the Faculty of Humanities of Charles University in Prague<sup>7</sup>, shows that there are at least 50 Filipinas, whose domestic work in Czech households has been arranged through private employment agencies – although nominally, their contract would often state their position as teachers or governesses of the family’s children. And Czech NGOs which provide long-term assistance to migrants corroborate this. Magda Faltová of the Association for Integration and Migration (Sdružení pro integraci a migraci – SIMI) points out, that practically all women foreigners go through one form or another of domestic work, especially immediately after their arrival in the Czech Republic. And since Czech citizens also often work as domestics, the total numbers seem to run into tens of thousands. Precarious situation of such a big group is most definitely not a marginal problem.

The Czech Republic is already in compliance with *some* of the convention’s provisions, as its labour legislation does apply to domestic workers. Disregarded are, on the other hand, those rights, that need to be provided specifically for this kind of employment. Czech legislation is

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<sup>2</sup> See [Domestic work is no longer a “domestic issue”](#).

<sup>3</sup> This number quoted by Manuela Tomei, Director of the ILO’s Conditions of Work and Employment Programme, in [The Domestic Workers Convention: Interview with ILO’s Manuela Tomei](#).

<sup>4</sup> See *Chamber of Deputies Print No. 708* ([sněmovní tisk č. 708](#) – in Czech)

<sup>5</sup> See *Standpoint of the Czech government on instruments adopted at the 100th Session of the International Labour Conference* ([Stanovisko vlády k instrumentům přijatým na 100. Mezinárodní konferenci práce v roce 2011](#) – in Czech) This standpoint with explanatory notes has been published as *Deputies Print No. 708* ([sněmovní tisk č. 708](#) – in Czech).

<sup>6</sup> See government’s *Submission Report* ([Předkládací zpráva](#) – in Czech).

<sup>7</sup> *Ethnicity, Gender and Care: Commodification of Care and Analysis of Working Conditions of Filipino Nannies in the Czech Republic* (*Etnicita, gender a péče: komodifikace péče a analýza pracovních podmínek filipínských chův v ČR*), financed by Grant Agency of Charles University (project no. 618912).

lacking namely in respect of articles 9, 10 and 17 of the convention, that demand decent living conditions respecting domestic worker's privacy, regulate their hours of work, and enable labour inspection and enforcement of rights. In general terms, dignity of working conditions is guaranteed to all workers through current Czech legal order and the right to privacy enshrines directly from the Charter of Fundamental Rights and Basic Freedoms. What, however, remains unresolved, is how to implement those rights in the specific conditions of live-in employment when an employee lives directly in the employer's family.

In particular, article 10 of the convention would require substantial changes to Czech legislation. It stipulates that whenever a domestic worker is on standby in the household of the employer, this must count as normal hours of work, as during this period workers are not free to dispose of their time as they please. The Labour Code currently in force treats such standby time as work on-call and does not count this time as standard working hours, again, disregarding a specific situation when a household is someone's workplace, and in some cases also a dwelling.

And finally, probably the most problematic turns out to be article 17, regarding enforceability of rights, control of their observance and sanctions for their breaches. The difficulty with this is that in case of domestic workers, their workplace is a private household. Current Czech legislation prioritizes the inviolability of a home over inspection of a workplace, thus making it nearly impossible to control, whether the rights of such employees are being observed, in particular in cases of live-in domestic work.

The convention will come into force in September 2013, a year since ratification by the first two countries, Philippines and Uruguay.<sup>8</sup> In its statement of 9 May 2012, the Czech government said, that it did not rule out reconsidering the ratification in the event of major changes in the number or status of domestic workers in the country. But, as experts from NGOs and academia point out, the incompleteness of government's data means the situation *is* different. Unfortunately, not even a personal appearance of Magda Faltová of SIMI at the Senate committee meeting on 8 August was sufficient to overturn the final decision.

It is reasonable to expect, that in future the numbers of women working in other people's households will be on the increase, as it is the case in western European countries. The demand for paid domestic help and nannies grows in step with greater involvement of women in the labour market, longer working hours, and more scarce and less appealing public services (day nurseries, preschools, care homes for the elderly) – and indeed, such tendencies can be observed in the Czech society. With the ageing population, the need will arise for carers to look after the elderly.

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<sup>8</sup> Ratifications of C189 are listed on [this ILO webpage](#).

Together with other experts from universities and NGOs who joined the *Equal opportunities on the doorstep of Czech homes* project, we see the refusal to ratify the convention as myopic. It leaves a large group of workers in a precarious situation. And it is a group, whose services are very valuable to the society, and of growing importance in future.

*Translation Pavel Sláma*

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