



POLICY BRIEF

REGULATORY IMPACT ASSESSMENT OF ILO C189 – DOMESTIC WORKERS CONVENTION



Photo: Nastasia Arabuli

Background

This policy brief summarizes the main findings of the Regulatory Impact Assessment (RIA) on the possible ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). The Convention aims to ensure decent work for all and provide domestic workers with fundamental protections and rights.

Convention No. 189 defines a domestic worker as a person who performs work in or for a household or households within an employment relationship. Domestic workers usually provide services such as cooking, cleaning, childcare, care for the elderly and disabled, gardening and driving, among others. These workers are usually invisible and isolated from others and largely depend on personal relationships, which makes them one of the most vulnerable groups among employees.

Even though domestic workers contribute significantly to the economy, they often do not enjoy decent working conditions. Moreover, ensuring decent working conditions for domestic workers has not been on the political agenda of the Government of Georgia thus far.

The ISET Policy Institute has explored the characteristics and conditions of domestic workers in Georgia and has

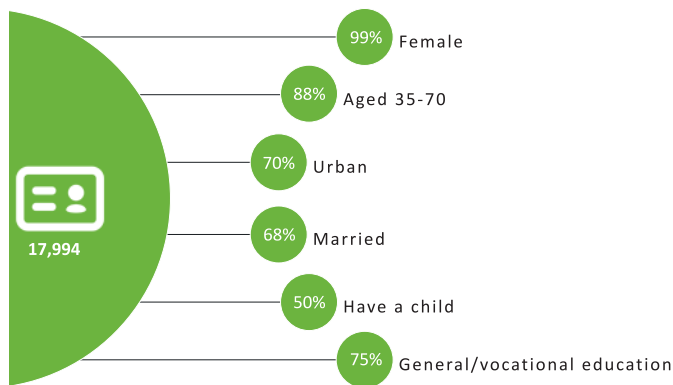
highlighted alternative options for the harmonization of the Georgian legislation with ILO Convention No. 189.

Problems faced by domestic workers in Georgia

A definition for domestic work does not exist in the Georgian legislation. There is no consensus among legal experts about whether domestic work satisfies the labour relation condition mentioned in the Labour Code or not. The only legal framework under which domestic workers can potentially enjoy some labour rights, albeit in a limited manner, is a service contract. However, even if domestic work was clearly defined as a labour relationship, such workers either work under service contracts or remain informal workers without paying taxes and do not have access to all of the guarantees provided by the Labour Code. Thus, these workers cannot enjoy similar working conditions as workers covered by the Labour Code.

Nevertheless, domestic workers can defend their rights when their working conditions are poor or unsafe by appealing to certain institutions, namely the Labour Inspection Service, the Public Defender's Office and the judicial system, albeit in a very restricted way.

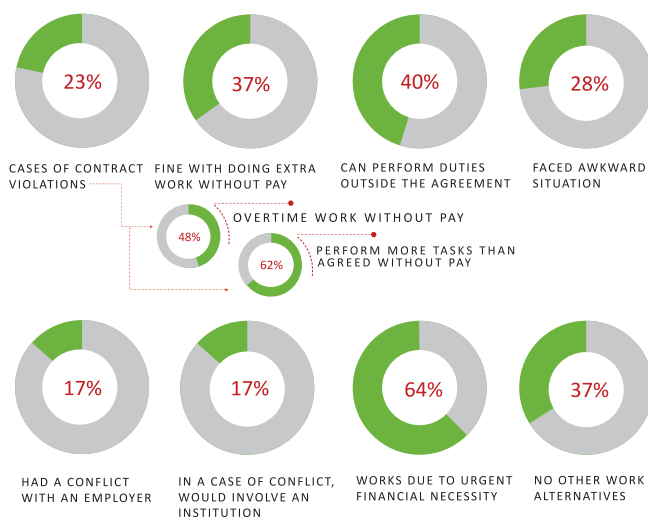
Domestic workers represented 1.1 per cent of employed people in 2019. The profile of domestic workers is represented in the following infographic:



These outcomes may reflect different facts: (a) families in Georgia prefer to hire usually middle-aged and older domestic workers who have previous domestic work experience, since most of them have been married before; and/or (b) middle- and older-aged women are the ones who prefer (and/or have a greater need) to become domestic workers.

As for the working conditions of domestic workers, the majority (96 per cent) of contracts are verbal agreements, and 82 per cent of domestic workers attest to working more than 40 hours a week. In addition, domestic workers show a high propensity to work on weekends and evenings. The percentage of the respondents stating that they have earnings lower than the subsistence minimum wage seems to be decreasing over time, from 13 per cent in 2017 to 7 per cent in 2019. In addition, domestic workers reporting earnings below the average wage are also apparently following a declining trend over time, going from 67 per cent (2017) to 61 per cent (2019).

The results of a complementary online survey conducted by the RIA team show the perceptions of workers towards their working conditions and attitudes towards their employers, as seen below:



The analysis shows that domestic workers indeed suffer poor and/or unsafe working conditions in Georgia.

Our solutions

It is crucial to address the problem of domestic workers' working conditions now, in consideration of the ongoing socioeconomic changes in Georgia that can be expected to lead to an increase in the demand for domestic workers and, consequently, in the scale of the problem. The RIA exercise revealed that, in order to ensure decent working conditions for domestic workers, there is the need to do the following:

- Increase the bargaining power of domestic workers.
- Reduce the risk of abuse and exploitation of domestic workers.
- Ensure that domestic workers enjoy social benefits and social security.
- Increase the awareness level of domestic workers regarding their rights.

These targets can be achieved by increasing the awareness of domestic workers and, afterwards, gradually introducing regulatory solutions, which means making sure that domestic workers are covered by the Labour Code of Georgia. These amendments to the law will provide domestic workers with more opportunities to protect themselves when their working terms, conditions and/or safety are violated. Domestic workers will be able to have improved access to the Labour Inspectorate, the judiciary system and the Public Defender on the basis of the labour relation.

In this process, the Government should consider the following policy recommendations:

- Remove barriers for sector formalization.
- Foster the culture of a safe and healthy working environment in private households.
- Organize community-based consultations with local representatives and stakeholders before setting new standards.
- Provide relevant trainings for domestic workers and responsible entities for law enforcement.
- Guarantee workers' rights for collective bargaining.
- Initiate social dialogues at the legislative and policy level.
- Ensure access to quality prenatal, childbirth and postnatal care as well as adequate maternity cash benefits.
- Ensure effective law enforcement.