



'Gaps and loopholes in existing laws and policies needs to address for ensuring rights of local and outbound domestic workers'

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POLICY BRIEF

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BACKGROUND

The present condition of female domestic workers¹ in Bangladesh can be characterized as difficult and frequently marked by exploitation and insufficient legal protection. This situation, in fact, is not exclusive to local domestic workers; it also applies to migrant domestic workers. Numerous domestic workers in Bangladesh face discrimination and exploitation, including low wages, extended working hours, and inhumane working conditions. They often lack legal contracts and become susceptible to verbal, physical, and sexual abuse. In 2022, a total of 33 domestic workers were subjected to various forms of torture in Bangladesh, of them, 15 were killed, and 18 were seriously injured (BILS 2022). Apart from this, every year hundreds of Bangladeshi female migrant workers experience physical, mental and sexual torture by their employers in abroad and forced to return Bangladesh with injuries and without any wages. In 2023, around 3,000 female migrants returned home after being deceived in the destination countries; while 35% of them were victims of sexual and physical abuse and 43% received irregular wages (RMMRU, HELVETAS SIMS Project, 2023).

Among the primary issues encountered by local domestic workers (whether contractual, partially,

or fully engaged), there exists a significant lack of specific legislation in Bangladesh that guarantees their rights and protection. Consequently, they are not entitled to standard labor rights and are excluded from labor law²s designed to safeguard the rights of other workers. Additionally, domestic workers are often excluded from social safety nets (SSNs) and other welfare services, resulting in immense hardship during the COVID-19 pandemic period. Many of them lost their jobs and were compelled to relocate to other areas for survival.

Over the past few years, the government has made some encouraging advancements, such as the legislating the 'Domestic Workers Protection and Welfare Policy' in 2015. Nevertheless, executing these policies and regulatory frameworks continues to be a considerable hurdle. To effectively safeguard the rights and enhance the circumstances of domestic workers in Bangladesh, more extensive initiatives such as incorporation of domestic work in 'Bangladesh Labour law 2006', and effective enforcement of the 'Domestic Servants' Registration Ordinance 1961' (Ordinance No. XLIV of 1961) are required.

Hence, to identify the gaps and loopholes in current legislation and policies, and addressing the pressing needs of local and outbound domestic workers in terms of access to legal aids, justice and skill enhancement opportunities, Bangladeshi Ovibashi Mohila Sramik Association

¹ Convention No. 189 (ILO) defines domestic workers as "any person engaged in domestic work within an employment relationship." Domestic work is defined as "work performed in or for a household or households."

² Bangladesh Labour Law 2006, section 1 (4 no).



(BOMSA) with the support of Oxfam Bangladesh and European Union (EU) organized a national level workshop on 25 February 2024 at CIRDA Auditorium, Dhaka with experts, CSOs and policy makers. This Policy Brief endeavors to consolidate the recommendations and suggestions from domestic workers, service providers and think tanks, while presenting key aspects for policymakers to contemplate. These considerations may potentially guide the relevant ministries and law makers in revising or amending existing policies and laws, and implementing new initiatives to safeguard the rights of domestic workers.

WORKSHOP APPROACH

The workshop consists of four sessions. In the first session, BOMSA briefly presented their learning and good practices from the project, '*Promoting a Safe Workplace for Local Female Domestic Workers and Outbound Migrants by Enhancing Technical, Rights-Based, and Bargaining Skills.*' This was followed by a presentation of the 'Situation Analysis' study findings. In the second session, domestic workers, experts, NGO representatives, and service providers engaged in a thematic open floor discussion on '*Identifying Gaps and Loopholes within Existing Laws and Policies that Hinders Protection of Rights of Domestic Workers Nationally and Internationally.*' They provided specific recommendations, suggestions, and comments. The third session focused on the theme '*Identifying Challenges for Skill Enhancement of Domestic Workers,*' and participants offered specific recommendations as well. In the final session, domestic workers, employers, and service providers participated in an open discussion and expressed their demands for their well beings.

SITUATION ANALYSIS OF LOCAL AND OUTBOUND DOMESTIC WORKERS

The domestic work sector has yet to be acknowledged as a primary labor force by the government, despite women's unpaid domestic and care work contributing 14.8% to

Bangladesh's GDP in 2021 (Bangladesh Institute of Development Studies-BIDS, 2023). Consequently, a series of advocacy efforts by human rights activists led to the implementation of the "Domestic Worker Protection and Welfare Policy 2015" by the Ministry of Labour and Employment. However, this policy has not adequately addressed the needs of domestic workers, resulting in insufficient efforts to safeguard their rights. Furthermore, the government has yet to ratify the '*Domestic Workers Convention, 2011 (C-189)*', which would hold them accountable for protecting the rights of both local and overseas domestic workers.

The main objective for 'Situation Analysis of local and Outbound Domestic Workers' study was to figure out the domestic workers (both local and outbound migrant workers) protection pathways to know their current status within families, society they belong and migration system regarding their skills, social respect and protection as per existing laws and policies. By analysis of these key issues, the study intended to place recommendations for Domestic Workers Protection and Welfare policy 2015 review and include domestic workers issues in Labor Law 2006.

The study utilizes a mixed method approach, combining both qualitative and quantitative techniques, for this situation analysis. To gather primary data, the research conducted a survey using a semi-structured questionnaire, with a total sample size of 129 participants; 48% were local domestic workers, and 52% were outbound female domestic workers awaiting overseas employment³. Additionally, two Focus Group Discussions (FGDs) and three Key Informant Interviews (KIIs) were carried out with service providers, activists, and experts to comprehend the disparities in accessing services and justice.

KEY FINDINGS FROM SITUATION ANALYSIS STUDY

³ The study carried covering the Ward no. 10 and 11 of Dhaka North City Corporation i.e. Kallyanpur, Darussalam, Mazar Road, Mirpur 1 Colony etc. and Fazilatunnessa Mujib Mohila Technical Training Center.



Target beneficiaries: The study covered 129 beneficiaries among whom 30% are part-time domestic worker, 18% are full time domestic workers, and 51% are outbound migrant domestic workers (who were Housekeeping training participants at Mohila TTC).

1. Socio-economic status of local domestic workers:

The survey revealed that the majority of local domestic workers under the age of 40 have lower literacy levels. Specifically, 82.09% possess only the ability to sign their name, and none of these workers can read Bangla or English. Additionally, 44.78% of these families rely on only one earning member, who is typically the domestic worker herself. As a result, these workers are the primary breadwinners for their families. However, 32.84% earn between taka 4,000 and 5,000 (\$45 to \$46 USD) per month, which is below the poverty line. Additionally, approximately 23% of the families earn between 11,000 and 15,000 taka (\$136 to \$140 USD) per month, indicating that they are in the lower middle-income class poverty line.

Recommendations: Needs to take actions for primary education for local and outbound domestic workers, and recognition of profession, contribution of female domestic workers in families and country.

2. Experience and Skills recognition of local domestic workers:

Based on the results of the survey, more than 55% of female domestic workers are proficient in using basic and commonly-used devices such as rice cookers and pressure cookers, while 40% are capable of using juicers and blenders. However, the majority of these workers lack knowledge on how to operate other machines and appliances such as *air conditioners, coffee makers, carpet cleaners, electric ovens, and geysers*. Therefore, it is imperative for domestic workers to acquire the skills and expertise to operate modern household equipment and tools. This will generate more possibilities for increased demand and higher wages within the community.

Recommendations: Initiatives needs to carry by TTC to offer Housekeeping or care giver training for local domestic workers, and train them on

operating modern household tools and equipment.

3. Employment status and Job contract of local domestic workers:

Based on the survey results, it was found that a vast majority (95.52%) of domestic workers do not possess a written job contract. As a result, most respondents (89.55%) relied solely on verbal commitments from their employers upon joining the job. A small percentage (1.49%) relied on other types of written documents, such as notes written by the employer. In addition, a fraction (8.96%) secured their job through a broker or agency. Among those surveyed, 18% revealed that they often experience delays in receiving their wages, while 19% reported that they occasionally receive their salaries on time.

Recommendations: Ensure effective enforcement of The Domestic Servants' Registration Ordinance, 1961, and job contract.

4. Work Environment, Health safety and Personal Protection system of local domestic workers:

The study discovered that almost 41.79% of respondents lacked the means to maintain personal hygiene, indicating that it may not be a priority or understood as significant by many domestic workers. Of those surveyed, 25% claimed knowledge of personal hygiene practices, while 75% were unable to describe them. Additionally, 74.63% reported a lack of understanding of STDs/STIs. This highlights a need for education and training on personal hygiene and Sexual and Reproductive (menstrual hygiene) Health Rights for local domestic workers. The study also examined illness or disease records before and after joining work, revealing a slight increase in some common seasonal and lifestyle diseases. Domestic workers providing services for 3 to 5 member families (in 52% of cases) spent more time cleaning and washing, especially in households with children under 6 years old. Nutrition-wise, 39% knew about a nutritious and balanced diet, while 49% had only partial knowledge and 82% faced limited access to healthy food. Only 5.97% received adequate rest time and 2.99% had time for personal entertainment. The study showed that 61.19% of



workers did not receive leave during pregnancy, which negatively impacted their health, well-being, and productivity. Furthermore, 97.01% of workers remained without financial aid or medical support for workplace injuries or accidents.

Recommendations: Job contract should have the provision to provide medical assistance to domestic workers, and educate them on personal hygiene and SRHR issues.

5. Access to justice and Welfare services of local domestic workers:

According to the study, the majority (59.70%) of domestic workers lack knowledge about the minimum age and educational requirements for employment according to national standards (Policy 2015). Additionally, only small percentages (16.42%) of domestic workers are aware of their rights to be involved with workers associations or trade unions. Surprisingly, none of the participants were able to describe the potential benefits of joining such organizations or even the activities of the Labor Welfare Board.

Recommendations: Initiatives should take to educate domestic workers on how to access justice or legal aids, and give opportunity to join trade or workers union/ association and raise their voice against injustice.

6. Knowledge on laws, policies and self-defense of local domestic workers:

According to the study, only a small percentage (16.42%) of domestic workers has knowledge of laws or policies that protect them. Surprisingly, none of these workers were able to mention the Domestic Workers Protection and Welfare Policy of 2015, highlighting a significant lack of awareness about their rights. In terms of conflicts with their employers, 13.43% of workers reported experiencing disputes. The most commonly cited reason for these disputes was wage deduction (56.72%), followed by irregular payment (17.91%). While verbal or physical abuse was reported in a smaller percentage of cases (7.46%), it is still concerning and highlights the vulnerability of domestic workers. In only 2.99% of cases were issues related to the nature of work and overload cited. Unfortunately, only

13.43% of workers were able to successfully negotiate and reach a resolution with their employers regarding these conflicts.

Recommendations: Mass community awareness program or campaign needs to carry to educate community and domestic workers on existing policies and laws.

7. Women Empowerment and Gender equality of local domestic workers:

The research discovered that out of the domestic workers surveyed, 22.39% believed that earning more money would increase their social and familial acceptance, while 25.37% disagreed. This suggests that while some domestic workers think that a higher income may lead to more acceptances in their family, many are not convinced. Additionally, only 43.28% of domestic workers interviewed believed that their work and financial contribution in their family allowed them a say in decision-making, while 56.72% reported having minimal or no input. This lack of access to decision-making further disempowers these women in both their personal and professional lives. Furthermore, only 34.33% of domestic workers interviewed claimed to have full freedom to spend their earnings, whereas 65.67% had limited scope. The study revealed that 50.75% of domestic workers were able to bargain for a wage increase, and many may not feel empowered to negotiate for better pay, which could indicate a power imbalance between domestic workers and their employers. The research also sought to address the statement that "Women will be independent if they earn more", with only 13.43% of domestic workers agreeing with the statement. Many cited education, and the freedom to join a trade union, as other factors that contribute to women's independence. This partial agreement may point to the complex societal, economic, and cultural factors that affect women's independence in their respective contexts.

Recommendations: Inter ministerial coordination is required to address the challenges of women empowerment among domestic workers, and carry social campaign to recognize their economic and social contribution. Leadership and life skill training will also need to conduct.



8. Socio-economic status of outbound (female) domestic worker:

The study found that, majority (54.79%) of domestic workers fall into the age range of 31-40 years, whereas 76.71% of them are married. Regarding their educational level, most of the outbound migrant domestic workers (54.79%) found having signature knowledge, which means they can write their own name and maybe a few other words in their local language, and unable to read or understand international languages like English or Arabic. The spouses or parents of outbound female workers are the sole earning member in their family. This suggests that their spouses are the primary breadwinners, responsible for supporting their entire family financially. It also found that, 36.99% families are living with earnings between 5,000 tk. and 7,000 tk. (\$60-\$70 USD) per month, while 28.77% have earning between 7,100 tk. and 10,000 tk. (\$80-\$95 USD) per month, which are under poverty line and below standard. However, the study found, majority of outbound migrant workers (69.86%) have lived in Dhaka for less than a year, indicating that they are living Dhaka for migration purpose only. Among them, a significant portion are moving from nearby districts and staying in Dhaka for participating in two months long Housekeeping Training, and waiting for BMET manpower clearance. Regarding owning bank account, the study found only 12.33% of outbound migrant domestic workers have a bank account, while the majority 87.67% are still out from institutional financial services.

Recommendations: Housekeeping training needs to update, and educational qualification of outbound workers needs to monitor. The PDO curriculum should give more focus on safe migration process, and importance of skill training.

9. Experience and Skills recognition of outbound (female) domestic worker:

The study revealed that, majority of these outbound workers (83.56%) are migrating for economic solvency, suggesting that they are moving to seek better economic opportunities, higher wages, and a chance to improve their financial situation. Only a small proportion (5.48%) is migrating due to

social pressure, which indicates that they may have been compelled to leave their homes because of social or cultural reasons. Regarding destination countries, majority of workers (82.19%) are migrating to Saudi Arabia (KSA), followed by Hong Kong (6.85%) for overseas employment. However, out of the total sample, 69.86% of outbound migrant domestic workers have knowledge about the requirements for manpower clearance, while 30.14% does not have knowledge about the requirements. The study also attempts to measure outbound workers knowledge on medical and physical fitness required for outbound female workers, it found 27.40% of them do not know the criteria or requirements from government or employers.

Recommendations: Potential migrants needs to educate on skill migration, and requirements for overseas employment.

10. Employment status and Job contract of outbound (female) domestic worker:

The study discovered that only 2.74% of outgoing workers were given job contracts before migrating, while the remainder (97.26%) was not. However, the majority of these individuals received their job contracts at the airport just prior to their departure. As for migration expenses, 64.38% of workers spend more than 31,000 tk. (\$300-\$400 USD), even though KSA has zero migration costs for domestic workers. Nonetheless, middlemen or local brokers demand money from them. Furthermore, 31.51% of outgoing workers still do not possess the necessary knowledge regarding migration requirements. Thus, the data implies that the majority of outgoing migrant domestic workers have some understanding of the minimum prerequisites of being an overseas worker.

Recommendations: Initiatives to take to handover job contract in Bangla and make migrant more aware on their duties and responsibilities.

11. Work Environment, Health safety and Personal Protection system of outbound (female) domestic worker:

Out of 72 female outbound workers surveyed, 53.42% confirmed their awareness of STDs and relevant



reproductive health rights, while 28.77% lacked knowledge on the subject. The results indicate a clear necessity for education and awareness campaigns on reproductive health and STDs for migrant workers.

Recommendations: Housekeeping and Pre-departure Orientation for female workers needs special session on Reproductive Health rights, SRHR and menstrual hygiene.

12. Access to justice and Welfare services of outbound (female) domestic worker: The study revealed that only 16.44% of workers are aware of the process to file complaints with the government regarding irregularities, exploitation, or abuse. This suggests that a substantial portion of migrant domestic workers lack knowledge of the BMET Arbitration system and complaint mechanism, which are used to address employment-related issues and grievances. Furthermore, the majority of outbound migrant workers do not believe in the existence of social security or welfare provisions, as only 16.44% of them are aware of the services offered by wage earners welfare board.

Recommendations: Migrants should educate on use of mobile application and government system on lodging complaints, and how to access welfare services from WEWB or reintegration services from RAISE project, PKB.

13. Knowledge on laws, policies and self-defense of outbound (female) domestic worker: The government implemented two laws, namely the 'Prevention and Suppression of Human Trafficking Act 2012' and the 'Overseas Employment and Migration Act 2013,' to safeguard the rights of migrants. However, only 19.18% of outbound workers are aware of these laws' existence for migrant rights protection, while 68.49% lack any knowledge about them. This underscores the necessity for the government and other stakeholders to educate and inform outbound female domestic workers about their legal entitlements and safeguards.

Recommendations: Outbound and potential migrants needs to educate on Migration law 2013 and PSHT act 2012.

14. Women Empowerment and Gender equality of outbound (female) domestic worker: The study aimed to gauge the perceptions of outbound migrants on women empowerment through overseas employment and earning money. To do this, the statement 'Earning money increases more acceptances in family' was presented to the participants. The study found that while 31.51% of the respondents agreed with the statement, 17.81% refused. This implies that while earning money may be a factor that increases acceptance in the family for some outbound workers, it may not hold true for others. Moreover, the study revealed that 39.73% of the respondents believed that they can contribute to family decision-making processes if they can provide financially. This suggests that these migrants have a significant level of empowerment within their families and actively participate in important decisions. However, the study also highlighted that outbound female workers face challenges in this regard, potentially due to socioeconomic status or societal and cultural barriers, leading to their dis-empowerment.

Recommendations: Contribution of female migrant workers needs to highlight and there should be scope for migrant domestic worker to form and join in trade unions.

RECOMMENDATIONS

- More social security or safety net (SSNP) program including skill development program needs to deploy for local domestic workers to enable them to increase their family income, uplifting from poverty and involve with other income generating activities. SEIP project should step forward to offer special program for domestic workers.
- Skill development program including Housekeeping and Care Giver training courses at TTC should make available for local domestic workers in cheap cost or in free of cost.
- Effective measures be taken to ensure that a job contract is obligatory when employing a domestic worker, and ensure registration of domestic worker



under The Domestic Servants' Registration Ordinance, 1961. The contract should contain details such as job classification, job description, salary, payment method, hygienic accommodation, foods, leave during pregnancy, aids for workplace injury and an estimated timeline, as well as safety measures and other provisions that ensure the well-being of the domestic worker.

- Education related to lifestyle diseases, consumption of nutritious foods, personal hygiene, and reproductive health rights (SRHR) and sexually transmitted diseases (STDs) and STIs are essential for domestic workers.
- Leadership and life skill training is also required for domestic workers to encourage them to organize and claim rights.
- Education and capacity building program on Legal protection and grievance management is essential for domestic workers. Educate workers on Domestic Workers Protection and Welfare Policy 2015.
- More community sensitization program or campaign needs to carry on domestic workers contribution in family and economy, and recognizing their profession.
- Financial literacy and access to institutional financial services is also essential to carry among outbound migrants.
- Pre-decision orientation or training become much essential for outbound or aspirant migrants to provide information regarding safe migration process, government and employers requirements, and documents processing to reduce their vulnerability towards exploitation, abuse and trafficking.
- Advocacy needs to carry with relevant authority, ministries and policy makers to ensure providing or supplying job contract/ job agreement to outbound

migrants before departure, and in language they understand.

- Outbound migrants should build capacity on complaint mechanism and self-defense, access to justice and legal aids. Special campaign could organize at community level.
- To educate migrants on the 'Overseas Employment and Migration Act 2013' and the 'Prevention and Suppression of Human Trafficking Act 2012', a special campaign should be carried out at the grassroots level.

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This Policy Brief presents key findings of "Situation Analysis of local and outbound domestic workers" study undertaken by Bangladeshi Ovivashi Mohila Sramik Association (BOMSA) in 2023.

About the Writer: *Mr. Aminul Hoque Tushar*, is the team leader of the study and currently working as freelance consultant and labor migration analyst. *Mr. Aminul* also serves as Advisor of BOMSA and possess 15 years of professional experience in NGO sector. Valuable inputs also given by Adv. Farida Yeasmin (Advisor, BOMSA), Ms. Lily Jahan (Chairman, BOMSA), Sheikh Rumana (General Secretary, BOMSA), and Mr. Prabir Kumar Biswas (Deputy Director, BOMSA).